



Royal Court of Jersey
Judicial Greffe

Scrutiny Office
States Greffe
Morier House
St Helier
Jersey
JE1 1DD

15th May 2025

Dear Deputy Coles

Response to Environment, Housing and Infrastructure Scrutiny Panel on letter of 17th April 2025 seeking feedback on the Draft Residential Tenancy (Jersey) Amendment Law 202-

Thank you for your letter dated 17th April 2025, seeking my input into the Scrutiny Panel's review of this draft law.

I have set out some background information for you in sections A to D of this letter. I will then answer the specific questions you ask me to address at 1 to 6 below.

A. Context

One of my responsibilities is to run the Court Service as a whole. This includes but is by no means limited to the Petty Debts Court and the Tribunal Service.

Any proposal for a new tribunal must be seen in the context of how it would operate within the Tribunal Service/ Court Service as a whole.

B. Scope of the Tribunal Service

At present, the Tribunal Service administers the following tribunals:

- Jersey Employment and Discrimination Tribunal
- Mental Health Tribunal
- Tax Tribunal
- Social Security Tribunals
- Planning Appeal Tribunal
- Health and Safety Tribunal
- Charities Tribunal

Each tribunal is set up by a different piece of legislation. Each tribunal only has the powers given to it by the particular piece of legislation. It does not have inherent jurisdiction in the same way that the Royal Court does. This is an important fact because it means that the legislation behind each tribunal needs to be well thought out and carefully consulted upon.

C. Management of the Tribunal Service

We have a team of three full-time and one part-time members of staff who deal with the administrative function of the service, one of whom operates as manager and all of whom are overseen by the Judicial Greffier.

Since I have been in post in September 2023, I have been striving to continue to streamline the service provided by the tribunals and to ensure that there is consistency between the tribunals.

- The Chairs/Deputy Chairs are all legally qualified;
- The panel members are now paid for the most part;
- The panel members are paid the same where possible;
- The recruitment process is the same or similar in relation to each tribunal;

We are working towards:

- Ensuring that each tribunal has a set of formal procedural rules and procedures;
- Ensuring that there is information about each tribunal on the courts.je website;
- Ensuring that judgments are published where appropriate on the Jersey Legal Information Board website;

This push for consistency has already been beneficial to the Tribunal service as a whole. One of the reasons for this is to offer greater value to the taxpayer through benefits of scale. It is much more efficient and effective to have a number of Tribunals working together than it would be to have multiple single tribunals, working separately. Resources can be pooled- both in terms of staff and facilities. This enables resilience and expertise to be developed. The desire for greater cohesion and consistency is designed to enhance these benefits. There remain many differences because each tribunal is set up by a different piece of legislation at different times, however we are working hard to ensure that the best practice is adopted by learning lessons from each tribunal.

D. Proposed changes relating to other tribunals

At present the tribunal service is being consulted on proposed amendments in relation to four of the tribunals and some of the proposals are significant, in that they may lead to an additional caseload and/or an increased level of involvement in decision making relating to the tribunals by the Judicial Greffier and her team and an increased administrative burden. There have already been increases in the workload of some of the tribunals that we manage.

Whilst as always, we are trying to manage these changes within our existing budget, it should be remembered that our budget is finite and it is a truism that the more work we need to do, the more the risk of needing additional funding. The Judicial Greffe is committed to delivering value for money and to do more within existing budgets. Accordingly, where at all possible, we seek to absorb the cost of new responsibilities, by making efficiencies and drawing on synergies. However, significant changes can bring

new responsibilities- an increased remit can lead to greater resource commitments that it is not possible to simply absorb.

Tribunals fall under the remit of different Ministers. Quite understandably, each Minister is only fully apprised of the changes that they wish to make in relation to “their” tribunal. They are not able to see the impact of what appear to be multiple “small changes” to the whole tribunal service. It is only the tribunal service that sees the impact that changes in one tribunal have on the tribunal as a whole.

E. Background to the consultation process

I have found the approach to this project to be very positive so far. There has been a great deal of early engagement with the policy officers and the Minister, who have responded flexibly and helpfully to concerns raised by me and my team.

The process has given me the opportunity to carefully consider how the Rent Stabilisation Tribunal might work in practice. As a result, I think we are in the best possible shape to take this forward should the States members vote in favour of it.

I will now set out the responses to the particular questions referred to in your letter:

1. How the Rent Tribunal will operate within the existing Judicial Greffe structures and processes?

The Rent Tribunal would be situated at International House as part of the existing Tribunal Service. We think we would need one additional member of staff to administer the Rent Tribunal. That member of staff would also need to be able to administer the other tribunals – this ensures resilience and consistency, as set out above.

There are two tribunal hearing rooms which are set up as court rooms. The two tribunal rooms can be combined into one, should the need arise for a greater number of members of the public to observe the hearing.

In order to consider how the Rent Stabilisation Tribunal will operate, we have selected a notional minimum number of hearings per year together with a notional maximum number of hearings per year (40 to 120). It has been difficult to estimate this number with any degree of accuracy.

We propose to set aside one day per month to deal with hearings and that 3 cases will be heard in one day (36 per year in the first instance). That approach will be beneficial for the panel members and it will also ensure that a day a month is set aside for these hearings.

We will keep this under review. If the numbers need to increase, we have two proposals to mitigate this risk:

- i. Each additional case will need to be slotted into the tribunal diary on an ad hoc basis. How quickly that can happen will depend on the extent to which the tribunal rooms are already being used. There is a risk of delay in hearing any tribunal case, however we anticipate that this would not become disproportionate.
- ii. A room will be available in the Royal Court building on an ad hoc basis. It is used for other purposes and therefore it will not be able to be used continuously. This room is currently being refurbished as an additional tribunal/court room. The technology required is being purchased out of our existing budget without any additional cost to the public purse.

2. Are there particular considerations or challenges that you anticipate ?

It has been very difficult to estimate the number of hearings with any degree of accuracy and this needs to be kept under careful review. If the demand is excessive, then further consideration will need to be given to budget/staff/space.

3. Do I have initial views or observations on the Tribunal's proposed remit, especially its focus on rent increase appeals only ?

My answer to this has to be seen in the context of my role, which is to administer the operation of the tribunal, rather than to comment on a policy. The Minister has identified the remit of the Rent Stabilisation Tribunal. Having considered matters from the perspective of my role, I think it is sensible to limit the Tribunal's function in this way. The legislation already provides for other matters concerning landlord/tenant law to be dealt with in court. The Tribunal's remit needs to be every clear, which it now is.

Consideration was given to making the remit of the Tribunal broader, to enable it to deal with all Housing matters. I highlighted that this could have much more significant impact on the required resource and budget for the existing tribunal service to the extent that more staff would be required in addition to more office and tribunal space.

Consideration was given to whether the Petty Debts Court should continue to retain some jurisdiction in relation to rental appeals. It was determined that this possibility was unworkable. It would lead to confusion and overlap between the roles of the Tribunal and the Petty Debts Court, which would have been both inappropriate and undesirable. Any legal process needs to be clear and transparent, rather than confused. It also had the potential to increase the workload of the Petty Debts Court to an extent that it would be unworkable, without significant ongoing investment.

From the point of view of managing the Tribunal Service, I am content that the remit as drafted should be workable, provided that we keep the number of claims under review and provided that we are assured that further funding would be available as necessary have the ability to apply for any further funding that may be needed to service the tribunal.

4. Are there any areas you believe that the Panel should pay particular attention to during this review in relation to the Tribunal and its remit ?

My main concern is that the Panel understands the risk that the numbers of cases provided for cannot be guaranteed. If the number of cases exceed the predictions, then it is possible that the tribunal function may have to pause or slow down whilst the level of resource is reevaluated. This is not an unusual risk. A similar risk applies to each new tribunal.

5. What preparations, such as resourcing, training or procedural design will be required by the JG to ensure that the Tribunal functions effectively once established ?

The tribunal office will need to be modified to create space for a new member of staff, who will need to be recruited.

Panel members will also need to be recruited.

Internal processes/forms/ rules and procedures will need to be created.

A limited amount of training would be given to new panel members. This would cover procedure in relation to the workings of the tribunal service, but not matters of substantive law.

6. What budget requirements have been identified to date ?

We are presently applying for a total of £149,189.90 for 2026 and a similar, slightly decreased amount for 2027-2029 and going forward. The total budget required includes provision for a staff member. In so far as that part of the budget is concerned, £90,000 is already available in another department. The proposal is that the £90,000 would be transferred from that department to the cabinet office and then to the Judicial Greffe. For 2026, the new budget sought would be £59,189.90.

This tribunal will be a new service and the proposed budget includes the cost of the staff member, the cost of the hearings for panel members, interpreters and any technological requirements.

We would manage any costs incurred in 2025 from our existing budget. We anticipate that those costs would include the changes to the office, and the cost of the work involved in drafting internal processes/forms/rules.

Yours sincerely



Advocate R Morley-Kirk

Judicial Greffier