



Jersey

# **PUBLIC HEALTH AND SAFETY (RENTED DWELLINGS) (LICENSING) (JERSEY) REGULATIONS 201-**

## **Report**

---

## **Explanatory Note**

---

These Regulations would establish a scheme in connection with the health and safety of rented dwellings and provide for the issuing of licences in respect of dwellings to be used as rented dwellings.

*Regulation 1* defines the terms used in the Regulations.

*Regulation 2* establishes the scheme and prohibits a dwelling being used as a rented dwelling unless licensed by the Minister for the Environment in accordance with the scheme and the Regulations. It also lists the matters that the scheme may provide for.

*Regulation 3* empowers the Minister to licence rented dwellings for one year, commencing on 1st December (unless the Minister directs otherwise) and to inspect and be satisfied that a dwelling meets the health and safety standards required under the Law. It creates a power for the Minister to impose charges for the issue of a licence and if so imposes a requirement to publish those charges. There is also power for the Minister to withdraw a licence if the Minister considers that a dwelling does not meet those standards.

*Regulation 4* provides an appeal to the Royal Court against a decision of the Minister not to grant a licence or to withdraw a licence.

*Regulation 5* makes it an offence to contravene the prohibition on using an unlicensed dwelling as a rented dwelling or any requirement of a licence, punishable by a fine of up to £10,000.

*Regulation 6* requires the Minister to issue a licence where a dwelling is a rented dwelling on commencement of the Regulations and a licence application is received by 31st January 2020. In this case the Minister does not need to inspect the dwelling under *Regulation 3(3)*.

*Regulation 7* gives the title by which the Regulations are to be cited and provides for them to come into force on 1st November 2019.







Jersey

**PUBLIC HEALTH AND SAFETY (RENTED  
DWELLINGS) (LICENSING) (JERSEY)  
REGULATIONS 201-**

**Arrangement**

---

**Regulation**

1	Interpretation .....	5
2	Establishment of Scheme .....	5
3	Licences.....	6
4	Appeals.....	6
5	Offences .....	6
6	Transitional provisions .....	6
7	Citation and commencement .....	7





Jersey

## **PUBLIC HEALTH AND SAFETY (RENTED DWELLINGS) (LICENSING) (JERSEY) REGULATIONS 201-**

*Made* [date to be inserted]  
*Coming into force* [date to be inserted]

**THE STATES**, in pursuance of Article 5 of the Public Health and Safety (Rented Dwellings) (Jersey) Law 2018, have made the following Regulations –

### **1 Interpretation**

In these Regulations –

“applicant” means an applicant for a licence;

“licence” means a licence granted under Regulation 3;

“Law” means the Public Health and Safety (Rented Dwellings) (Jersey) Law 2018;

“new licence” means the first licence granted in respect of the dwelling to which it relates.

### **2 Establishment of Scheme**

- (1) A scheme is established for the purpose of further ensuring the safety of rented dwellings and the health and safety of persons occupying such dwellings.
- (2) A person must not allow a dwelling to be used as a rented dwelling unless the dwelling is licensed for such use by the Minister in accordance with the scheme and these Regulations.
- (3) Without limiting paragraph (1) the scheme may provide for the following matters –
  - (a) the manner and form of an application for a licence;
  - (b) the information to be contained in such an application; and
  - (c) for the Minister to require further information in relation to the application.

---

**3 Licences**

- (1) The Minister may license dwellings to be used as rented dwellings.
- (2) A licence commences on 1st December following the date on which it is granted, unless the Minister specifies another date of commencement in the licence, and expires on the anniversary of the date of commencement.
- (3) Before issuing a new licence the Minister must –
  - (a) inspect the dwelling and
  - (b) be satisfied that the dwelling meets the standards in respect of health and safety required under the Law.
- (4) A licence may contain such requirements as the Minister thinks fit.
- (5) The Minister may impose charges for the issue of a licence and if such charges are imposed they must be published.
- (6) The Minister may withdraw a licence if the Minister considers that the dwelling does not meet the standards set out in paragraph (3).

**4 Appeals**

- (1) A person aggrieved by a decision of the Minister not to grant a licence or to withdraw a licence may appeal to the Royal Court within 28 days of that decision.
- (2) On hearing the appeal, the Court may –
  - (a) confirm, reverse or vary the decision against which the appeal is brought; and
  - (b) make such other order as it thinks fit, including any order with respect to the payment of the costs of the appeal.

**5 Offences**

- (1) A person who contravenes Regulation 2(2) or any requirement of a licence commits an offence and is liable to a fine of level 3 on the standard scale.
- (2) Articles 15(2), 16(1) and (2) and 17 of the Law apply to an offence under paragraph (1) as they apply to offences under Article 15(1) of the Law.

**6 Transitional provisions**

- (1) The Minister must issue a new licence in respect of any dwelling that, on the day that these Regulations come into force, is a rented dwelling, if the application for the licence in respect of that dwelling is received by 31st January 2020.
- (2) Regulation 3(3) does not apply in respect of a licence issued under paragraph (1).
- (3) Nothing in this Regulation limits the Minister's powers under Regulation 3(6).



**7 Citation and commencement**

These Regulations may be cited as the Public Health and Safety (Rented Dwellings) (Licensing) (Jersey) Regulations 201- and come into force on 1st November 2019.

