

Health and Social Services Department
Health Protection, Public Health Department

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30 December 2010

Our ref: /DCS

Dear

Statutory Nuisances (Jersey) Law 1999
Alleged Nuisance:

I write with reference to your complaint concerning the above-mentioned matter. In order to progress this matter further, I need you to provide this Department with information on the extent, frequency and persistence of the alleged nuisance. I enclose a diary sheet and guidance on how to record events. If the matter cannot be resolved these records may be used as evidence to support legal action. Please be assured that your details will be kept confidential. I also enclose a leaflet describing the Statutory Nuisances (Jersey) Law 1999.

Other possible options to resolve the matter include:

1. Private Nuisance action through an Advocate to resolve the matter. This can be costly and time consuming.
2. If there are more than three complainants the matter may be a Public Nuisance, which can be dealt with by the uniformed Police or your local Centenier.
3. The Community Mediation service provided by the Citizens Advice Bureau Tel 08007 350249
http://www.cab.org.je/index.php?option=com_content&task=view&id=154&Itemid=50

It is important I am able to establish that a Statutory Nuisance exists prior to further action being taken. This can take some time to achieve as I will need to witness the nuisance.

If a Statutory Nuisance is found to exist and the matter cannot be resolved informally then an abatement notice would be served on the person / company causing the nuisance. If the notice is not complied with an offence has been committed resulting in a fine and/or the necessary work being carried out by this Department and recovering the costs from the person/company causing the nuisance. The abatement notice can be appealed against and if this occurs the court would decide whether to uphold the notice.

I would be grateful if you would complete the diary sheet and return it to this office within 28 days. If I do not receive your completed sheet within this time, I will assume the complaint has been withdrawn.

Once your completed diary sheet has been returned, an Officer will review your complaint and they will contact you to discuss the way forward. This will involve a visit by the Officer at an appropriate time to witness the alleged nuisance.

I trust the procedure which you should follow regarding your complaint is clear and I look forward to receiving your completed diary sheet.

Please do not hesitate to contact me if you have any queries.

Yours sincerely

Enc: Standard Nuisance pack