

STATES OF JERSEY



DRAFT HOUSING (GENERAL PROVISIONS) (AMENDMENT No. 23) (JERSEY) REGULATIONS 200-

**Lodged au Greffe on 13th September 2006
by the Housing Minister**

STATES GREFFE



Jersey

DRAFT HOUSING (GENERAL PROVISIONS) (AMENDMENT No. 23) (JERSEY) REGULATIONS 200-

REPORT

1. The purpose of this amendment to the Regulations is to put into effect the provision of the new Article 7A of the Housing (Jersey) Law 1949 as amended.
2. The effect of this amendment is to impose occupancy conditions on any residential unit of accommodation that has been acquired by way of inheritance. The amendment to the Law specified that persons inheriting the land, or any unit of residential accommodation constructed at the time, or in the future, may be occupied by the inheritor. If such property is not occupied by the inheritor, the Law specifically states that the only other occupier must be a person specified in the Regulations.
3. This amendment has been drawn up referring to such persons as qualifying under Regulation 1, which encompasses all categories under which an applicant is able qualify. This is entirely consistent with the Migration Policy, P.25/2005 approved by the States in June 2005, and treats all categories of controlled persons equally.
4. The amendment also provides protection for an occupant currently in legal occupation of an inherited property where the property is subject to a change of ownership by further inheritance after this amendment comes into effect.
5. There are no additional financial or manpower costs involved for the States as a consequence of this amendment.

Explanatory Note

The Housing (Amendment No. 12) (Jersey) Law 2006 amended the Housing (Jersey) Law 1949 so as to insert a new Article 7A into that Law. That Article states that land acquired by inheritance (other than by a body corporate) can only be occupied by the inheritor or by a member of a class of persons, specified in the Regulations, to which the condition inserted by Article 7A is specifically stated to apply.

These Regulations specify that the condition inserted by Article 7A applies to that class of persons consisting of –

- (a) any person to whom consent shall be granted by the Minister in accordance with Regulation 1; and
- (b) any person who –
 - (i) occupies land under a licence granted to him or her by a person who inherited the land before this Regulation came into force, or
 - (ii) continues, after the death of the person who granted the licence, to occupy the land under a licence granted by a subsequent inheritor of the land.



Jersey

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Made [date to be inserted]

Coming into force [date to be inserted]

THE STATES, in pursuance of Articles 14 and 21 of the Housing (Jersey) Law 1949¹, have made the following Regulations –

1 Regulation 5A inserted

After Regulation 5 of the Housing (General Provisions) (Jersey) Regulations 1970² there shall be inserted the following Regulation –

“5A Condition on occupation of land after inheritance

The condition referred to in Article 7A of the Law shall refer to –

- (a) a person to whom consent shall be granted by the Minister in accordance with Regulation 1;
- (b) a person who occupies land under a licence granted to him or her by a person who inherited the land before this Regulation came into force; and
- (c) a person who –
 - (i) occupied the land, before this Regulation came into force, under a licence granted to him or her by a person (‘the first inheritor’) who inherited the land, and
 - (ii) occupies the land under a licence granted to him or her by a person who, after this Regulation came into force, inherited the land from the first inheritor or from a person who inherited the land from the first inheritor.”.

2 Citation and commencement

- (1) These Regulations may be cited as the Housing (General Provisions) (Amendment No. 23) (Jersey) Regulations 200-.

- (2) These Regulations shall come into force 7 days after they are made.

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- ¹ *chapter 18.315*
² *chapter 18.315.50*