



Jersey

**HOUSING (GENERAL PROVISIONS)  
(JERSEY) REGULATIONS 1970**

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Jersey

## HOUSING (GENERAL PROVISIONS) (JERSEY) REGULATIONS 1970

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Jersey

## HOUSING (GENERAL PROVISIONS) (JERSEY) REGULATIONS 1970<sup>1</sup>

**THE STATES** in pursuance of Articles 14 and 21 of the Housing (Jersey) Law 1949,<sup>2</sup> have made the following Regulations –

Commencement [[see endnotes](#)]

### 1 Consent conditions

- (1) Subject to the provisions of this Regulation, for the purposes of Article 14 of the Housing (Jersey) Law 1949<sup>3</sup> (hereafter called the “Law”), consent to the sales or transfers of land or registered contracts of lease shall be granted by the Minister in any case where –
  - (a) the intending purchaser, transferee or lessee is of full age and was born in Jersey and has been ordinarily resident in Jersey for a period of at least 10 years;<sup>4</sup>
  - (b) the intending purchaser, transferee or lessee purchased, took a transfer of, or leased dwelling accommodation prior to 5 April 1949 and has ordinarily resided in such accommodation during the whole of the period since the person so purchased, took a transfer of, or leased such accommodation;
  - (c) the intending purchaser, transferee or lessee purchased, took a transfer of, or leased on a registered contract of lease, dwelling accommodation and the Law did not apply to such transaction by virtue of the provisions of Article 10 thereof and the person concerned has ordinarily resided in such accommodation during the whole of the period since the person so purchased, took a transfer of, or leased such accommodation;
  - (d) the intending purchaser, transferee or lessee has previously been granted a consent under the Law to purchase, to take a transfer of, or to lease on a registered contract of lease, dwelling accommodation and has actually purchased, taken the transfer of, or leased, the accommodation and has been ordinarily resident therein for the whole of the period from a date not later than 6

months after the grant of such consent, or such later date as the Minister may, in any particular case, allow:

Provided that this sub-paragraph shall not apply where the consent was previously granted by virtue of sub-paragraph (g), (j), (k) or clause (i) or (ii) of sub-paragraph (n);<sup>5</sup>

- (e) the intending purchaser, transferee or lessee has previously been granted consent under the Law to lease dwelling accommodation and has actually leased the accommodation, or has leased dwelling accommodation as a person exempt from the provisions of Part 4 of the Law or has previously been granted consent to lease or occupy property pursuant to sub-paragraph (j), and has been ordinarily resident therein for the whole of the 10 years immediately preceding the person's application for consent;<sup>6</sup>
- (f) the Minister is satisfied that the intending purchaser, transferee or lessee has been ordinarily resident in Jersey for a continuous period of at least 14 years immediately preceding the person's application;<sup>7</sup>
- (g) the Minister is satisfied that the hardship (other than financial hardship) which would be caused to the purchaser, transferee or lessee or to persons ordinarily resident in Jersey if consent were not to be granted outweighs the fact that the person does not fall within any sub-paragraph of this paragraph;<sup>8</sup>
- (h) the Minister is satisfied that the intending purchaser, transferee or lessee is a child of a person who falls within any sub-paragraph of this paragraph, is of full age and for a total period of at least 10 years commencing prior to the person's 20th birthday has been ordinarily resident in Jersey;<sup>9</sup>
- (j) the Minister is satisfied that the intending purchaser, transferee or lessee either is, or will be, essentially employed in Jersey and that consent can, in the best interests of the community, be justified;<sup>10</sup>
- (k) the Minister is satisfied that consent can be justified on social or economic grounds;
- (l) the intending purchaser, transferee or lessee is an association incorporated by virtue of an Order in Council or by virtue of the Loi (1862) sur les teneures en fidéicommis et l'incorporation d'associations;<sup>11</sup>
- (m) the Minister is satisfied that the intending purchaser, transferee or lessee is a recognized religious body; or
- (n) the intending purchaser, transferee or lessee –
  - (i) is the spouse of the vendor, transferor or lessor,
  - (ii) is being joined in the purchase, transfer or lease with his or her spouse who is a person to whom the provisions of any of sub-paragraph (a), (b), (c), (d), (e), (f), (g), (h), (j) or (k) apply, or
  - (iii) is the spouse of a person in respect of whom consent would be granted by virtue of any sub-paragraph of this paragraph, with the exception of sub-paragraph (k), is ordinarily resident in Jersey at the time of the application and has been

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so resident for a period of at least 10 years in a shared unit of dwelling accommodation with that same spouse.<sup>12</sup>

- (2) The provisions of paragraphs (1), (3) and (4) shall apply to the granting of consent to leases, other than registered contracts of lease, as they apply to the granting of consent to registered contracts of lease, subject to the following exceptions, modifications and additions –
- (a) sub-paragraph (c) shall apply with the addition after the word “accommodation”, in the third place where it appears, of the words “and the Minister is satisfied that consent can, in the best interests of the community, be justified”;
  - (b) sub-paragraph (d) shall apply with the addition after the word “allow” of the words “and the Minister is satisfied that consent can, in the best interests of the community, be justified”;
  - (c) sub-paragraph (h) shall apply with the substitution of the words “is 16 years of age or over” for the words “is of full age”;
  - (d) after sub-paragraph (n) there shall be inserted the following sub-paragraph –
    - “(o) the Minister is satisfied that –
      - (i) the lessee is 16 years of age or over,
      - (ii) the lessee has been resident continuously in Jersey, in accommodation which the lessee has occupied lawfully for a period of at least 10 years immediately preceding the date of the grant of the lease, such period of residence beginning on or before the first day of January 1980, and
      - (iii) the dwelling, part of a dwelling, or flat is to be occupied by the lessee and the lessee’s immediate family as the lessee’s sole or principal place of residence.”;
  - (e) sub-paragraph (n) shall not apply;<sup>13</sup>
  - (f) paragraph (3) shall apply with the substitution of the words “16 years of age or over” for the words “of full age”.<sup>14</sup>
- (3) In a case where an intending purchaser, transferee or lessee satisfies the Minister –
- (a) that the person is –
    - (i) of full age,
    - (ii) ordinarily resident in Jersey at the time of the person’s application and has been so resident for a total period of at least 10 years commencing prior to the person’s 20th birthday, and
    - (iii) the child of a person who during any part of the 10 year period referred to in clause (ii) of this sub-paragraph fell within any sub-paragraph of paragraph (1) of this Regulation, with the exception of sub-paragraph (j) or (k); and

- (b) that the person's ordinary residence in Jersey has been continuous from the time the person referred to in sub-paragraph (a)(iii) of this paragraph ceased to fall within the sub-paragraphs of paragraph (1) of this Regulation referred to in that clause,
- consent shall be granted under paragraph (1)(h).<sup>15</sup>
- (4) For the purposes of paragraph (1)(j), the Minister shall not be required to grant consent in any case where he or she is satisfied that the intending purchaser, transferee or lessee should more properly occupy accommodation provided for the person by his or her employer or prospective employer.
- (5) Subject to paragraph (7), for the purposes of those sub-paragraphs contained in paragraph (1) to which this paragraph applies, a single period of ordinary residence outside Jersey commencing after the first day of February 1993 of not more than 5 years' duration shall not affect the eligibility for consent of an intending purchaser, transferee or lessee in a case where the requisite period of ordinary residence within Jersey has been established prior to the period of residence outside Jersey.<sup>16</sup>
- (6) Paragraph (5) applies to –
- (a) paragraph (1)(b), (c), (d), (e), (f), (g) and (n)(iii) of this Regulation; and
- (b) paragraph (1)(h) of this Regulation, where a consent is granted under it by virtue of paragraph (3) of this Regulation.<sup>17</sup>
- (7) Where a period of ordinary residence outside Jersey occurs in the case of a person previously exempt from the requirement to apply for consent by virtue of Regulation 7(1)(b)(ii) immediately prior to 12 October 1995 and where such residence interrupts the period of residence within Jersey required by paragraph (1)(f), a further period of ordinary residence within Jersey shall be required to bring the period of actual residence within Jersey to no less than 14 years if eligibility for consent under that sub-paragraph is to be acquired.<sup>18</sup>
- (8) This Regulation shall not apply in any case where the intending purchaser, transferee or lessee is a limited liability company (hereinafter referred to as "a company").<sup>19</sup>
- (9) For the purposes of this Regulation, "child" includes a child –
- (a) adopted in pursuance of an adoption order made by a court of competent jurisdiction in the British Islands or elsewhere;
- (b) by a former marriage where a parent becomes the spouse of a person who qualifies under any sub-paragraph of paragraph (1) of this Regulation, provided that child has resided in Jersey with that parent and that parent's spouse, such period of residence having commenced prior to the child's 20th birthday, which birthday occurs after the marriage of the child's parent to the qualified spouse.<sup>20</sup>

**2 Further consent conditions**

For the purposes of Article 14 of the Law, consent to the sale, transfer or lease of any land shall be granted by the Minister in any case where the intending purchaser, transferee or lessee is –

- (a) the public or a parish; or
- (b) a company and the Minister is satisfied that consent can, in the best interests of the community, be justified.<sup>21</sup>

**3 Application of Article 14(2)**

The condition set out in Article 14(2) of the Law shall refer to persons who would be permitted to purchase, take on transfer or lease, on a registered contract of lease, any land under Regulation 1(1)(a), (b), (c), (d), (e), (f), (g), (h) or (n)(iii) of these Regulations or who would be permitted to lease, other than on a registered contract of lease, any land under these sub-paragraphs as applied by paragraph (2) of that Regulation or under sub-paragraph (o) as introduced by that paragraph.<sup>22</sup>

**4 Application of Article 5**

The condition referred to in Article 5 of the Law shall refer to persons who would be permitted to purchase, take on transfer or lease, on a registered contract of lease any land under Regulation 1(1)(a), (b), (c), (d), (e), (f), (g), (h) or (n)(iii) of these Regulations or under sub-paragraph (o) as introduced by paragraph (2) of that Regulation.<sup>23</sup>

**5 Application of Article 7<sup>24</sup>**

The restriction referred to in Article 7 of the Law shall refer to persons who would be permitted to purchase, take on transfer, or lease on a registered contract of lease, land under Regulation 1(1)(a), (b), (c), (d), (e), (f), (g), (h), or (n)(iii) of these Regulations or who would be permitted to lease, other than on a registered contract of lease, any land under those sub-paragraphs as applied by Regulation 1(2).

**6 Local housing**

Notwithstanding the provisions of Regulations 1 and 2 of these Regulations, the Minister shall not be required to grant consent to the sale or transfer of land or to a registered contract of lease where, in the opinion of the Minister, the land concerned is suitable for the making of a loan under the Building Loans (Jersey) Law 1950,<sup>25</sup> or should be acquired on behalf of the public to provide for the housing of the inhabitants of Jersey:

Provided that the provisions of this Regulation shall not apply in any case where the Minister, having refused to grant consent for the reasons aforesaid, has not made a loan under the said Law in respect of the land concerned, nor purchased the land, nor served a preliminary notice in respect of the land in accordance with Article 4 of the Compulsory Purchase of Land (Procedure) (Jersey)

Law 1961,<sup>26</sup> and a subsequent application for consent as aforesaid is received by the Minister at a date at least 6 months later than the date of the original refusal.<sup>27</sup>

## **7 Exempted transactions**

- (1) The provisions of Part 4 of the Law shall not apply –
- (a) to the lease, not being a registered contract of lease, of a dwelling, or part of a dwelling, or a flat, where the lessee is 16 years of age or over, and was born in Jersey and has been ordinarily resident in Jersey for a period of at least 10 years and where the dwelling, part of a dwelling, or flat is to be occupied by the lessee and the lessee's immediate family as the lessee's sole or principal place of residence;<sup>28</sup>
  - (b) to the lease, not being a registered contract of lease, of a dwelling, or part of a dwelling, or a flat, where the lessee has, prior to such transaction, been granted consent under Regulation 1(1)(h) to purchase, take on transfer or lease land, whether or not under a registered contract of lease;<sup>29</sup>
  - (c) to the lease by an individual ordinarily resident in Jersey of a furnished dwelling, being the person's principal place of residence, on a single occasion in the course of a calendar year for a term certain not exceeding 3 months,

and accordingly, any such transaction, as aforesaid, shall be deemed to be a transaction exempted from the provisions of Part 4 of the Law under Article 10(3) thereof:

Provided that such a transaction shall be deemed to be exempted as aforesaid only if, not later than 14 days after the transaction has been entered into, both parties thereto submit such particulars of the transaction, and in such form, as the Minister may from time to time require.<sup>30</sup>

- (2) In this Regulation –
- “dwelling” means premises used wholly or mainly for the purposes of a private dwelling;
- “flat” means a part of a building designed or adapted for use as a self-contained dwelling.

## **8 Unlawful occupation**

For the purposes of these Regulations, a person shall not be deemed to be ordinarily resident in Jersey in respect of any period during which the person has occupied accommodation unlawfully.<sup>31</sup>

## **9 Transitional<sup>32</sup>**

- (1) A spouse to whom, prior to 12 October 1995, consent was granted pursuant to Regulation 1(1)(n), remains eligible, if able to comply with its provisions, for consent under Regulation 1(1)(d) in any purchase,

transfer or lease subsequent to 12 October 1995 as though the amendment made to sub-paragraph (d) by the Housing (General Provisions) (Amendment No. 11) (Jersey) Regulations 1995<sup>33</sup> had not been made.

- (2) A condition regarding occupancy attached, pursuant to Article 14 of the Law, to a consent granted by the Housing Committee prior to 12 October 1995 –
- (a) which refers to a class which, by virtue of the Housing (General Provisions) (Amendment No. 11) (Jersey) Regulations 1995, describes a class which is altered; or
  - (b) from which a class which the Housing (General Provisions) (Amendment No. 11) (Jersey) Regulations 1995 introduced is omitted,

shall be deemed, where appropriate, to refer to a class altered or introduced by the Housing (General Provisions) (Amendment No. 11) (Jersey) Regulations 1995, as though the consent were granted subsequent to 12 October 1995.

- (3) A person who would, before 12 October 2005, have become eligible for consent under Regulation 1(1)(h) of these Regulations prior to its amendment by the Housing (General Provisions) (Amendment No. 11) (Jersey) Regulations 1995, remains eligible for consent under that sub-paragraph as though that amendment had not been made, so long as the person –
- (a) completes a total of 10 years' ordinary residence in Jersey; and
  - (b) is ordinarily resident in Jersey at the time of –
    - (i) 12 October 1995, and
    - (ii) the person's application for consent.

## **10 Citation**

These Regulations may be cited as the Housing (General Provisions) (Jersey) Regulations 1970.

**ENDNOTES****Table of Legislation History**

<b>Legislation</b>	<b>Year and Number</b>	<b>Commencement</b>
Housing (General Provisions) (Jersey) Regulations 1970	R&O.5444	18 November 1970
Housing (General Provisions) (Amendment) (Jersey) Regulations 1974	R&O.5981	regs. 1(b) and 3 in force 20 May 1974; remainder in force 12 June 1974
Housing (General Provisions) (Amendment No. 2) (Jersey) Regulations 1976	R&O.6284	10 May 1976
Housing (General Provisions) (Amendment No. 3) (Jersey) Regulations 1977	R&O.6420	3 May 1977
Housing (General Provisions) (Amendment No. 4) (Jersey) Regulations 1979	R&O.6651	7 May 1979
Housing (General Provisions) (Amendment No. 5) (Jersey) Regulations 1979	R&O.6720	27 October 1979
Housing (General Provisions) (Amendment No. 6) (Jersey) Regulations 1981	R&O.6903	9 Feb 1981
Housing (General Provisions) (Amendment No. 7) (Jersey) Regulations 1983	R&O.7167	8 Feb 1983
Housing (General Provisions) (Amendment No. 8) (Jersey) Regulations 1986	R&O.7572	5 November 1986
Housing (General Provisions) (Amendment No. 9) (Jersey) Regulations 1991	R&O.8170	30 January 1991
Housing (Amendment No. 10) (Jersey) Regulations 1993	R&O.8592	29 September 1993
Housing (General Provisions) (Amendment No. 11) (Jersey) Regulations 1995	R&O.8866	12 October 1995
Housing (General Provisions) (Amendment No. 12) (Jersey) Regulations 1996	R&O.8919	1 April 1996
Housing (General Provisions) (Amendment No. 13) (Jersey) Regulations 1999	R&O.9446	1 November 1999
Housing (General Provisions) (Amendment No. 14) (Jersey) Regulations 2001	R&O.16/2001	18 January 2001

<b>Legislation</b>	<b>Year and Number</b>	<b>Commencement</b>
Housing (General Provisions) (Amendment No. 15) (Jersey) Regulations 2001	R&O.54/2001	4 April 2001
Housing (General Provisions) (Amendment No. 16) (Jersey) Regulations 2002	R&O.14/2002	14 February 2002
Housing (General Provisions) (Amendment No. 17) (Jersey) Regulations 2002	R&O.135/2002	19 November 2002
Housing (General Provisions) (Amendment No. 18) (Jersey) Regulations 2003	R&O.14/2003	11 March 2003
Housing (General Provisions) (Amendment No. 19) (Jersey) Regulations 2003	R&O.52/2003	1 July 2003
Housing (General Provisions) (Amendment No. 20) (Jersey) Regulations 2003	R&O.148/2003	16 December 2003
Housing (General Provisions) (Amendment No. 21) (Jersey) Regulations 2005	R&O.7/2005	8 February 2005
Housing (General Provisions) (Amendment No. 22) (Jersey) Regulations 2005	R&O.39/2005	24 May 2005
States of Jersey (Amendments and Construction Provisions No. 9) (Jersey) Regulations 2005	R&O.49/2005	9 December 2005

### Table of Renumbered Provisions

<b>Original</b>	<b>Current</b>
1(1A)	1(2)
(c)	repealed by R&O.8866
(d)	(c)
(da)	(d)
1(1B)	1(3)
1(2)	1(4)
1(2A)	1(5)
1(2B)	1(6)
1(2C)	1(7)
1(3)	1(8)
1(4)	1(9)
1(5)	inserted by R&O.8866; spent and omitted from this revised edition
2	2
2A	3

Original	Current
2B	4
2C	5
3	6
4	repealed by R&O.8170
5	7
(1)(a)	repealed by R&O.6651
(b)	7(1)(a), original 5(1)(b) substituted by R&O.8866
(c)	7(1)(b), original 5(1)(c) amended by R&O.5981, repealed by implication by R&O. 6284
(d)	7(1)(c)
(2)	repealed by R&O.6651
(3)	7(2)
(4)	spent, omitted
6	8
6A	9
7	10

### Table of Endnote References

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- <sup>1</sup> *These Regulations have been amended by the States of Jersey (Amendments and Construction Provisions No. 9) (Jersey) Regulations 2005. The amendments replace all references to a Committee of the States of Jersey with a reference to a Minister of the States of Jersey, and remove and add defined terms appropriately, consequentially upon the move from a committee system of government to a ministerial system of government*
- <sup>2</sup> *chapter 18.315*
- <sup>3</sup> *chapter 18.315*
- <sup>4</sup> *Regulation 1(1) sub-paragraph (a) amended by R&O.5981, R&O.9446*
- <sup>5</sup> *Regulation 1(1) proviso to sub-paragraph (d) substituted by R&O.6651, amended by R&O.6903, R&O.8866; former sub-paragraph amended by R&O.6420*
- <sup>6</sup> *Regulation 1(1) sub-paragraph (e) amended by R&O.5981, R&O.8866*
- <sup>7</sup> *Regulation 1(1) sub-paragraph (f) substituted by R&O.8866, amended by R&O.16/2001, R&O.14/2002, R&O.135/2002, R&O.52/2003, R&O.148/2003, R&O.39/2005*
- <sup>8</sup> *Regulation 1(1) sub-paragraph (g) amended by R&O.8866*
- <sup>9</sup> *Regulation 1(1) sub-paragraph (h) substituted by R&O.8866, amended by R&O.9446*
- <sup>10</sup> *Regulation 1(1) sub-paragraph (j) amended by R&O.5981*

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- <sup>11</sup> Regulation 1(1) *chapter 04.120*  
*sub-paragraph (l) amended by R&O.8866*
- <sup>12</sup> Regulation 1(1) *sub-paragraph (n) substituted by R&O.8866; formerly substituted by R&O.6903*
- <sup>13</sup> Regulation 1(2) *sub-paragraph (e) amended by R&O.7/2005*
- <sup>14</sup> Regulation 1(2) *inserted by R&O.5981, amended by R&O.8866, R&O.9446, R&O.14/2003*
- <sup>15</sup> Regulation 1(3) *inserted by R&O.8866, amended by R&O.9446*
- <sup>16</sup> Regulation 1(5) *inserted by R&O.8866, amended by R&O.54/2001 (by R&O.54/2001 the period of 5 years' duration was substituted for the former period of 3 years' duration, and paragraph (2) of R&O.54/2001 provided further that that change "shall apply to any single period of ordinary residence outside Jersey that has commenced after 1st February 1993")*
- <sup>17</sup> Regulation 1(6) *inserted by R&O.8866*
- <sup>18</sup> Regulation 1(7) *inserted by R&O.8866, amended by R&O.16/2001, R&O.14/2002, R&O.135/2002, R&O.52/2003, R&O.148/2003, R&O.39/2005 immediately before R&O.8866 came into force on 12 October 1995, Regulation 5 (1)(b)(ii) said — "(ii) has been resident continuously in Jersey, in accommodation which he has occupied lawfully for a period of at least ten years immediately preceding the date of the grant of the lease, such period of residence beginning on or before the first day of January, 1980;"*
- <sup>19</sup> Regulation 1(8) *amended by R&O.5981, R&O.6284*
- <sup>20</sup> Regulation 1(9) *inserted by R&O.8866*
- <sup>21</sup> Regulation 2 *substituted by R&O.5981, amended by R&O.8919*
- <sup>22</sup> Regulation 3 *inserted by R&O.5981, amended by R&O.8866, R&O.14/2003*
- <sup>23</sup> Regulation 4 *inserted by R&O.8592, amended by R&O.8866, R&O.14/2003*
- <sup>24</sup> Regulation 5 *inserted by R&O.14/2003*
- <sup>25</sup> *chapter 24.090*
- <sup>26</sup> *chapter 18.135*
- <sup>27</sup> Regulation 6 *amended by R&O.8866*
- <sup>28</sup> Regulation 7(1) *sub-paragraph (a) substituted by R&O.8866; formerly substituted by R&O.6284, amended by R&O.6720, R&O.7167, R&O.7572*
- <sup>29</sup> Regulation 7(1) *sub-paragraph (b) substituted by R&O.8866*
- <sup>30</sup> Regulation 7(1) *sub-paragraph (c) amended by R&O.6284*
- <sup>31</sup> Regulation 8 *amended by R&O.7572*
- <sup>32</sup> Regulation 9 *inserted by R&O.8866*
- <sup>33</sup> *R&O.8866*