



Jersey

DWELLING-HOUSES (RENT CONTROL) (JERSEY) LAW 1946

Official Consolidated Version

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Showing the law from 27 February 2024 to Current



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DWELLING-HOUSES (RENT CONTROL) (JERSEY) LAW 1946¹

A **LAW** to make provision with regard to the rent of certain dwelling-houses²

Commencement [[see endnotes](#)]

1 Interpretation

- (1) In this Law, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say –
- “contract to which this Law applies”, “lessor” and “lessee” have the meanings respectively assigned to them by Article 2 of this Law;
 - “Minister” means the Minister for Housing;
 - “prescribed” means prescribed by Regulations made under Article 7;
 - “register” means the register kept in pursuance of Article 5;
 - “services” includes attendance, the provision of heating or lighting, the supply of hot water and any other privilege or facility connected with the occupancy of a house or part of a house;
 - “tribunal” means the tribunal appointed in pursuance of Article 3.³
- (2) Where separate sums are payable by the lessee of any premises to the lessor for any 2 or more of the following, namely –
- (a) occupation of the premises;
 - (b) use of furniture; and
 - (c) services,
- the expression “rent” shall, in relation to those premises, mean the aggregate of those sums and, where such sums are payable under separate contracts, those contracts shall be deemed to be one contract.

2 Application

This Law shall apply to any contract, whether parol or in writing, and in the case of a contract in writing whether or not passed before the Royal Court, whereby one person (in this Law referred to as the “lessor”) grants to another person (in this Law referred to as the “lessee”) the right to occupy as a residence a house or part of a house in consideration of a rent whether or not such rent includes payment for the use of furniture or for services and, in the case of a contract with regard to part of a house, whether or not the lessee is entitled, in addition to exclusive occupation thereof, to the use in common with any other person of other rooms or accommodation in the house:

Provided that nothing in this Law shall apply to a house or part of a house –

- (a) let in conjunction with land exceeding 2 vergées in area;
- (b) forming part of premises used for commercial or industrial purposes and let in conjunction therewith;
- (c) let at a rent which includes payment in respect of board unless the value of the board to the lessee does not form a substantial proportion of the whole rent;
- (d) let for a term of less than 9 years on a written contract which is expressed as conforming and conforms to a standard form of written contract prescribed by Regulations made under Article 7; or
- (e) in respect of which the States or any administration of the States is either the lessor or the lessee.⁴

3 Rent control tribunal

- (1) For the purposes of this Law, the States shall appoint a tribunal, to be called the Rent Control Tribunal, consisting of a chairman and not fewer than 3 nor more than 4 other members.⁵
- (2) The chairman and 2 other members of the tribunal shall constitute a quorum at any sitting of the tribunal.⁶
- (3) The members of the tribunal shall receive such travelling expenses and other allowances as the Minister may determine.⁷
- (4) The Minister may appoint a clerk and such other officers and servants as the Minister thinks fit of the tribunal, and there shall be paid to them such salaries and allowances as the Minister thinks fit.
- (5) ⁸

4 Reference to tribunal of contracts for letting⁹

- (1) Where a contract to which this Law applies has been entered into, it shall be lawful for the lessor or the lessee or the Minister to refer the contract to the tribunal, and, where any such contract is so referred to it, the tribunal may, by a notice in writing served on the lessor, require the lessor to give to the tribunal, within such period (which shall not be less than 7 days from the date of the service of the notice) as may be specified in the notice, such information as the tribunal may reasonably require regarding such of the prescribed particulars relating to the contract as are specified in the notice.

- (2) Where any contract to which this Law applies is referred to the tribunal, the tribunal shall consider it, and, after making such enquiry as the tribunal thinks fit and giving to each party an opportunity of being heard, or, in the party's option, of submitting representations in writing, shall approve the rent payable under the contract or reduce or increase it to such a sum as the tribunal may, in all the circumstances think reasonable, and shall notify the parties and the Minister of its decision in each case:

Provided that where the contract has been referred to the tribunal by the Minister, the Minister may withdraw the reference at any time before the contract is considered by the tribunal.

- (3) Where the rent payable for any premises has been entered in the register in accordance with the provisions hereafter contained, it shall be lawful for the lessor or the lessee or the Minister to refer the case to the tribunal for reconsideration of the rent so entered on the ground of change of circumstances, and the provisions of paragraph (2) shall apply on any such reference as they apply on a reference under paragraph (1).

5 Register of rents

- (1) The Minister shall prepare and keep up to date a register for the purposes of this Law and shall make the register available for inspection in such place and in such manner as the Minister may determine.
- (2) The register shall be so prepared and kept up to date as to contain with regard to any contract referred to the tribunal in pursuance of Article 4, and for a period of 3 years from the date of the decision of the tribunal in relation to that contract, entries of –
- (a) the prescribed particulars with regard to the contract;
 - (b) a specification of the premises to which the contract relates; and
 - (c) the rent as approved, reduced or increased by the tribunal.¹⁰
- (3) It shall be the duty of the tribunal, when notifying the Minister under Article 4(2) of its decision in a case, to furnish such particulars as are requisite for enabling the Minister to discharge the Minister's functions under this Article.

6 Rents in excess of registered rents and premiums illegal

- (1) Where the rent payable for any premises is entered in the register under the provisions of this Law, it shall not be lawful to require or receive –
- (a) on account of rent for those premises in respect of any period subsequent to the date of such entry, payment of any sum in excess of the rent so entered; or
 - (b) as a condition of the grant, renewal or continuance of a contract to which this Law applies relating to the premises, payment of any fine, premium or other like sum, or any consideration, in addition to the rent.
- (2) Where any payment or consideration has been made or received in contravention of paragraph (1), the amount or value thereof shall be recoverable by the person by whom it was made or given.

7 Regulations

- (1) The States may make Regulations –
 - (a) with regard to the tenure of office of the chairman and other members of the tribunal;
 - (b) with regard to proceedings before the tribunal under this Law;
 - (c) for prescribing anything which is required or authorized by this Law to be prescribed; and
 - (d) generally for carrying the provisions of this Law into effect.¹¹
- (2) Regulations made by the States under this Article may be amended by subsequent Regulations and shall remain in force until repealed.

8 Offences

- (1) A person who requires or receives any payment or any consideration in contravention of Article 6 shall be guilty of an offence and be liable to imprisonment for a term of 6 months and to a fine, and, without prejudice to any other method of recovery, the Court by which the person is found guilty may order the amount paid or the value of the consideration given to be repaid to the person by whom the payment was made or the consideration given.¹²
- (2) If the lessor under a contract to which this Law applies fails without reasonable cause, within the time limited in that behalf, to comply with the provisions of any notice served under Article 4(1), the lessor shall be guilty of an offence and be liable to imprisonment for a term of 3 months and to a fine of level 3 on the standard scale.¹³

9 Evidence

- (1) A copy of an entry in the register certified under the hand of an officer duly authorized in that behalf by the Minister shall be receivable in evidence of that entry in all courts and in any proceedings.
- (2) Any person requiring such a certified copy as aforesaid shall be entitled to obtain it on payment of the prescribed fee.

10 Citation

This Law may be cited as the Dwelling-Houses (Rent Control) (Jersey) Law 1946.

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement	°Projet No (where applicable)
Dwelling-Houses (Rent Control) (Jersey) Law 1946	L.4/1946	19 October 1946	
Housing (Jersey) Law 1949	L.2/1949	5 April 1949	
Dwelling-Houses (Rent Control) (Amendment) (Jersey) Law 1951	L.20/1951	5 December 1951	
Dwelling-Houses (Rent Control) (Amendment No. 2) (Jersey) Law 1965	L.25/1965	1 June 1965	
Dwelling-Houses (Rent Control) (Amendment No. 3) (Jersey) Law 1979	L.23/1979	7 September 1979	
Dwelling-Houses (Rent Control) (Amendment No. 4) (Jersey) Law 1988	L.15/1988	9 December 1988	
Dwelling-Houses (Rent Control) (Amendment No. 5) (Jersey) Law 1989	L.13/1989	12 April 1990 (R&O.8039)	
Dwelling-Houses (Rent Control) (Amendment No. 6) (Jersey) Law 1993	L.1/1993	8 January 1993	
States of Jersey (Amendments and Construction Provisions No. 9) (Jersey) Regulations 2005	R&O.49/2005	9 December 2005	P.63/2005
Public Finances (Consequential Amendments) (Jersey) Regulations 2005	R&O.126/2005	9 December 2005	P.203/2005
Criminal Justice (Miscellaneous Provisions) (Jersey) Law 2016	L.1/2016	20 September 2016 (R&O.98/2016)	P.87/2015
States of Jersey (Minister for International Development and Minister for Children and Housing) (Jersey) Order 2018	R&O.82/2018	21 July 2018	
States of Jersey (Minister for Children and Education, Minister for Housing and Communities and Minister for External Relations and Financial Services) (Jersey) Order 2021	R&O.29/2021	2 March 2021	
Changes to Ministerial Offices (Jersey) Amendment Order 2024	R&O.10/2024	9.30 a.m. on 27 February 2024	

°Projets available at statesassembly.gov.je

Table of Renumbered Provisions

Original	Current
2(ca)	2(d)
(d)	(e)
10	spent, omitted from this revised edition
11	10

Table of Endnote References

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- ¹ *This Law has 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*
- ² *Long title*
amended by L.1/1993
- ³ *Article 1(1)*
amended by R&O.82/2018, R&O.29/2021, R&O.10/2024
- ⁴ *Article 2*
amended by L.25/1965, L.1/1993
- ⁵ *Article 3(1)*
substituted by L.13/1989
- ⁶ *Article 3(2)*
substituted by 13/1989; former paragraph (2) substituted by L.20/1951
- ⁷ *Article 3(3)*
amended by L.13/1989
- ⁸ *Article 3(5)*
deleted by R&O.126/2005; previously amended by L.13/1989
- ⁹ *Article 4*
substituted by L.20/1951
- ¹⁰ *Article 5(2)*
amended by L.23/1979
- ¹¹ *Article 7(1)*
amended by L.1/1993
- ¹² *Article 8(1)*
amended by L.15/1988, L.1/2016
- ¹³ *Article 8(2)*
amended by L.15/1988, L.1/2016