Jersey

FIRE PRECAUTIONS (DESIGNATED PREMISES) (JERSEY) REGULATIONS 2012

Official Consolidated Version

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FIRE PRECAUTIONS (DESIGNATED PREMISES) (JERSEY) REGULATIONS 2012

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FIRE PRECAUTIONS (DESIGNATED PREMISES) (JERSEY) REGULATIONS 2012

THE STATES, in pursuance of Article 2 of the Fire Precautions (Jersey) Law 1977, have made the following Regulations –

Commencement [see endnotes]

1 Interpretation

(1) In these Regulations unless the context otherwise requires –

"basic amenities" means –

(a) a toilet;

(b) personal washing facilities; or

(c) cooking facilities;

"care home" means a home consisting of –

(a) a care home service within the meaning of paragraph 4 of Schedule 1 to the Regulation of Care (Jersey) Law 2014 (the "2014 Law"); or

(b) a children's home service or residential family centre service within the meaning given to each of those expressions in Part 3 of Schedule 1 to the 2014 Law;

"converted building" means a building or part of a building consisting of living accommodation in which one or more units of such accommodation have been created since the building or part was constructed;

"first floor" means the floor above the ground floor;

"ground floor" means the floor which is situated at such level or levels that any given point on its perimeter is at or about, or not more than 1.2 metres below, the level of the finished surface of the ground adjoining the building in the vicinity of that point, or, if there are 2 or more such floors, means the highest of these;

"hospital" means any premises, other than a care home, used for the reception of, and the provision of nursing for, persons suffering from any sickness, injury or infirmity, whether physical or mental, or for the reception of pregnant women or of women immediately after childbirth;

"hostel" means any premises, other than a care home, lodging house or tourist accommodation, wherein is provided, for persons generally or for any class or classes of persons, residential accommodation (otherwise than in separate and self-contained sets of premises) and either board or facilities for the preparation of food adequate to the needs of those persons, or both;

"lodging house" means any premises on which is conducted the business of providing lodging with or without board, for reward, whether or not those premises are tourist accommodation;

"Law" means the Fire Precautions (Jersey) Law 1977;

"residential school" means a school which provides both education and board;

"self-contained flat" means a separate dwelling (whether or not on the same floor) –

(a) which forms part of a building;

(b) either the whole or a material part of which lies above or below some other part of the building; and

(c) in which all three basic amenities are available in that part for the exclusive use of its occupiers;

"tourist accommodation" means premises registered under the Tourism (Jersey) Law 1948.[1]

(2) For the purposes of these Regulations, premises are used as a house in multiple occupation if –

(a) the premises comprise a building or part of a building in which –

(i) the living accommodation is occupied by persons who do not form a single household,

(ii) the living accommodation is occupied by those persons as their only or main residence or they are to be treated as so occupying it,

(iii) their occupation of the living accommodation constitutes the only use of that accommodation, and

(iv) two or more of the households who occupy the living accommodation share one or more basic amenities or the living accommodation is lacking in one or more basic amenities;

(b) the premises consist of a converted building which contains one or more units of living accommodation that do not consist of a self-contained flat or flats (whether or not it also contains any such flat or flats), and –

(i) the living accommodation is occupied by persons who do not form a single household,

(ii) the living accommodation is occupied by those persons as their only or main residence or they are to be treated as so occupying it, and

their occupation of the living accommodation constitutes the only use of that accommodation; or

(c) the premises, being a converted building, comprise a block of self-contained flats in respect of which –

(i) the building work undertaken in connection with the conversion does not comply with the requirements of the Building Bye-laws (Jersey) 2007, and

(ii) less than two-thirds of the flats are owner-occupied.[2]

(3) For the purpose of Article 2(5) of the Law and of paragraph (2) –

(a) persons are to be regarded as not forming a single household unless they are all members of the same family or there exists any of the circumstances set out in Regulation 2;

(b) a person is a member of the same family as another person if –

(i) those persons are married to each other or in a civil partnership with each other, or live together as though spouses or civil partners,

(ii) one of them is a relative of the other, or

(iii) one of them is, or is a relative of, one member of a couple and the other is a relative of the other member of the couple;

(c) a "couple" means 2 persons who are married to each other or in a civil partnership with each other, or live together as though spouses or civil partners;

(d) "relative" means parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew, niece or cousin;

(e) a relationship of the half-blood shall be treated as a relationship of the whole blood; and

(f) the stepchild of a person shall be treated as his or her child.[3]

(4) A flat is "owner-occupied" for the purpose of paragraph (2)(c)(ii) if it is occupied by a person who is the owner, including –

(a) any co-owner;

(b) the owner of shares that confer entitlement to occupy the dwelling;

(c) the occupier of the dwelling under a contract lease for which a premium has been paid and any rent that is paid is substantially less than a market rent for the dwelling; and

(d) any usufruitier.

(5) A person is to be treated as occupying a building or part of a building as his or her only or main residence for the purposes of paragraph (2) if he or she is provided with that accommodation by his or her employer or an agent or employee of his or her employer, and where occupation of the building or part of a building is made partly in consideration of his or her employment within Jersey, whether or not other charges are payable in respect of that occupation.

2 Circumstances where persons to be regarded as forming single household

(1) Where –

(a) a person ("person A") occupies living accommodation in a building or part of a building; and

(b) another person ("person B") and any member of person B's family living with him or her occupies living accommodation in the same building or part,

those persons are only to be regarded as forming a single household for the purposes of Regulation 1(3)(a) or Article 2(5) of the Law if their circumstances are those described in paragraph (2).

(2) The circumstances are that –

(a) person A carries out work or performs a service of an exclusively domestic nature for person B or a member of person B's family;

(b) person A's living accommodation is supplied to him by person B or by a member of person B's family as part of the consideration for carrying out the work or performing the service; and

(c) person A does not pay any rent or other consideration in respect of his or her living accommodation (other than carrying out the work or performance of the service).

(3) Work or a service usually carried out or performed by any of the following is to be regarded as work or service of a domestic nature for the purpose of paragraph (2)(a) –

(a) au pair;

(b) nanny;

(c) nurse;

(d) carer;

(e) governess;

(f) servant, including maid, butler, cook or cleaner;

(g) chauffeur;

(h) gardener;

(i) secretary; or

(j) personal assistant.

(4) Where person A and person B are to be regarded as forming a single household under paragraph (1) any member of person A's family occupying the living accommodation with him or her is to be regarded as forming a single household with person A, person B and any member of person B's family living with him or her for the purpose of Regulation 1(3)(a).

(5) Where a person and his or her foster parent occupy living accommodation in the same building or part of a building, they are to be regarded as forming a single household for the purposes of Regulation 1(3)(a) if that person is placed with the foster parent under the provisions of the Children (Placement) (Jersey) Regulations 2005.

3 Premises requiring fire certificate

(1) The use of premises as –

(a) a hospital; or

(b) a care home,

is designated for the purposes of Article 2 of the Law.[4]

(2) The use of premises as a building that is part of a port or airport, including any area (not being part of a private club) used for the embarkation or disembarkation of passengers from any ship or aircraft, is designated for the purposes of Article 2 of the Law.

(3) Subject to paragraph (4) the use of premises as –

(a) a house in multiple occupation;

(b) a lodging house;

(c) a hostel;

(d) a residential school; or

(e) tourist accommodation,

is designated for the purposes of Article 2 of the Law.

(4) The use of any premises for a purpose described in paragraph (3) is not a designated use unless –

(a) the premises contain, or are used, or are capable of being used, as sleeping accommodation for more than 5 persons, and some or all of that sleeping accommodation is above the first floor or below the ground floor; or

(b) the premises contain sleeping accommodation for more than 40 persons in those premises.

4 Exemption

Premises that are put to a use that is designated in Regulation 3 of these Regulations but which is a use that was not designated in Regulation 2 of the Fire Precautions (Designated Premises) (Jersey) Regulations 1979 shall be exempt from Article 5(1) of the Law for the period beginning with the coming into force of these Regulations and ending on 1st April 2013.

5 Citation

These Regulations may be cited as the Fire Precautions (Designated Premises) (Jersey) Regulations 2012.

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement	◦Projet No (where applicable)
Fire Precautions (Designated Premises) (Jersey) Regulations 2012	R&O.156/2012	1 January 2013	P.115/2012
Marriage and Civil Status (Amendment No. 4) (Jersey) Law 2018	L.19/2018	1 July 2018 (R&O.68/2018)	P.91/2017
Regulation of Care (Regulated Activities) (Jersey) Regulations 2018	R&O.118/2018	1 January 2019	P.126/2018
Regulation of Care (Regulated Activities) (Amendment of Law) (Jersey) Regulations 2022	R&O.55/2022	1 January 2023 (R&O.117/2022)	P.45/2022
Regulation of Care (Jersey) Amendment Law 2026	L.4/2026	6 April 2026 (R&O.37/2026)	P.57/2025

◦Projets available at statesassembly.gov.je

Table of Renumbered Provisions

Original	Current
5	Spent, omitted
6	5

Table of Endnote References

[1] *Regulation 1(1)* *amended by R&O.118/2018, R&O.55/2022, L.4/2026*
[2] *Regulation 1(2)* *editorial change, "does not does not" deleted, "does not" inserted instead*
[3] *Regulation 1(3)* *amended by L.19/2018*
[4] *Regulation 3(1)* *amended by L.4/2026*