



Jersey

CONTROL OF HOUSING AND WORK (TRANSITIONAL AND CONSEQUENTIAL PROVISIONS) (JERSEY) REGULATIONS 2013

Official Consolidated Version

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CONTROL OF HOUSING AND WORK (TRANSITIONAL AND CONSEQUENTIAL PROVISIONS) (JERSEY) REGULATIONS 2013

THE STATES, in pursuance of Articles 44 and 52 of the [Control of Housing and Work \(Jersey\) Law 2012](#), have made the following Regulations –

Commencement [[see endnotes](#)]

1 Transitional and saving provisions

The Schedule shall have effect.

2 Citation

These Regulations may be cited as the Control of Housing and Work (Transitional and Consequential Provisions) (Jersey) Regulations 2013.

SCHEDULE

(Regulation 1)

TRANSITIONAL AND SAVINGS PROVISIONS

PART 1: APPLICATION OF LEGISLATION

1 Interpretation

- (1) In this Schedule, unless the context otherwise requires –
 - “CHW Law” means the [Control of Housing and Work \(Jersey\) Law 2012](#);
 - “CHW Regulations” means the [Control of Housing and Work \(Residential and Employment Status\) \(Jersey\) Regulations 2013](#);
 - “former Housing Regulations” means the Housing (General Provisions) (Jersey) Regulations 1970;
 - “former RUD Regulations” means the Regulation of Undertakings and Development (Jersey) Regulations 1978;
 - “Hawkers Law” means the Hawkets and Non-Resident Traders (Jersey) Law 1965;
 - “Housing Law” means the Housing (Jersey) Law 1949;
 - “RUD Law” means the Regulation of Undertakings and Development (Jersey) Law 1973.
- (2) For the purposes of this Schedule, a person is a Regulation 1(1)(j) person if, immediately before the date that these Regulations come into force –
 - (a) the person is working in a post (or has been appointed to work in a post) in respect of which the Minister for Housing has notified the person carrying on the undertaking concerned that the person occupying the post satisfies the requirements for consent under Regulation 1(1)(j) of the former Housing Regulations; and
 - (b) the person does not satisfy the requirements for consent granted by the Minister for Housing under any of sub-paragraphs (a) to (h) or (k) to (n) of Regulation 1(1) of the former Housing Regulations.
- (3) References to “property” in this Schedule include, where relevant, units of dwelling accommodation.

2 Residential and employment status – Regulation 1(1) (g) and (k) of the former Housing Regulations

- (1) A person who, immediately before 1st July 2013, was subject to a condition attached to a consent under Regulation 1(1)(k) of the former Housing Regulations shall be deemed to have been granted Entitled status under Regulation 2(1)(e) of the CHW Regulations on 1st July 2013.
- (2) A person who, immediately before 1st July 2013, was subject to a condition attached to a consent under Regulation 1(1)(g) of the former Housing Regulations shall be deemed to have been granted Entitled status under Regulation 2(1)(f) of the CHW Regulations on 1st July 2013.

3 Conditions attached to a housing consent granted under the former housing Regulations

- (1) This paragraph applies to a condition attached to a consent to the sale or transfer of land or a registered contract of lease granted by the Minister under Regulation 1 of the former Housing Regulations.
- (2) Subject to sub-paragraphs (3) and (9), a condition described in sub-paragraph (1) shall be deemed to be a condition that falls within Article 13(7) of the CHW Law.
- (3) Sub-paragraph (2) does not apply to –
 - (a) a condition attached to a consent granted under Regulation 1(1)(g), (j) or (k) of the former Housing Regulations that refers by name to an individual occupier of property; or
 - (b) a condition attached to a consent granted under Regulation 1(1) of the former Housing Regulations that gives effect to a condition of a licence granted under the RUD Law requiring staff of an undertaking to occupy specified property.
- (4) A condition attached to a consent granted under Regulation 1(1) (g) or (k) of the former Housing Regulations that refers by name to an individual occupier of property shall be deemed to be a condition under Regulation 2(2) of the CHW Regulations subject to which the person has deemed Entitled status by virtue of Regulation 2 of these Regulations.
- (5) A condition attached to consent granted under Regulation 1(1) (j) of the former Housing Regulations that refers to an individual occupier of the property by name shall be deemed to be a condition to which the Licensed status of that individual is subject under Regulation 3(2) of the CHW Regulations.
- (6) A condition that refers to a person (whether or not expressly) –
 - (a) as being essentially employed, or
 - (b) of a category specified in Regulation 1(1)(j) of the former Housing Regulations,shall be deemed to refer to a person with Licensed status.
- (7) A condition that refers to a person other than a person described in sub-paragraph (6), shall be deemed to refer to a person with Entitled status.
- (8) A condition that refers to a Particulars of Exempted Transaction form shall be deemed to exclude a reference to that form.

4 Particular provisions relating to conditions attached to consents under Regulation 1(1)(j) of the former Housing Regulations

- (1) Notwithstanding anything to the contrary in any condition attached to a consent granted under Regulation 1(1)(j) of the former Housing Regulations, conditions attached to such a consent shall be deemed –
 - (a) to allow a person who has Licensed status to transfer property in respect of which such consent was granted into his or her own name and, if applicable, the name of the person's spouse or civil partner, at any time on or after 1st July 2013; and
 - (b) to require the person to transfer the property into his or her own name, and if applicable, the name of the person's spouse or civil partner, as soon as

reasonably practicable after the person acquires Entitled status in accordance with the CHW Regulations.

- (2) For the avoidance of doubt, any transfer of property that is made by virtue of paragraph (1)(a) and is a transaction described in Article 18(1)(a) of the CHW Law is subject to Article 19(7) of that Law.

5 Residential and employment status – former category 1(1)(h)s

A person who, immediately before 1st July 2013, satisfied the requirements for consent granted by the Minister to a sale, transfer of land or registered contract of lease under Regulation 1(1)(h) of the former Housing Regulations (regardless of whether or not the individual at that time was intending to enter into a sale, transfer of land or a registered contract of lease) shall be deemed to have Entitled status under Regulation 2(1)(c) of the CHW Regulations regardless of whether or not the person satisfies all the conditions set out in Regulation 2(1)(c).

6 Deemed licence conditions

- (1) A licence deemed under Article 50 of the CHW Law to be a business licence shall be deemed to include the following conditions on 1st July 2013 as if they were specified by the Minister under Article 27(1) of that Law –
- (a) the maximum number of individuals with Licensed status who are permitted to work in or for the undertaking shall be the same number of individuals permitted to work in or for the undertaking who are Regulation 1(1)(j) persons;
 - (b) the maximum number of individuals with Registered status who are permitted to work in or for the undertaking shall be the same number of individuals permitted to work in or for the undertaking immediately before 1st July 2013 who were not locally qualified for a position in an undertaking within the meaning of Regulation 2(2) of the former RUD Regulations;
 - (c) any work of a general description comprised in a post to which a Regulation 1(1)(j) person has been appointed by an undertaking shall be work of a description that may be done by Licensed persons in or for that undertaking.
- (2) Without prejudice to any other provision in a licence or CHW Law that may cause the expiry of the licence on an earlier date, a licence shall expire on the date that any application following a significant change of ownership, as referred to in Article 25(3) of the CHW Law, is determined by the Minister.
- (3) Any condition deemed under Article 50(1) of the CHW Law to be a condition subject to which a licence is granted under Article 26 of that Law referring to –
- (a) a person who is locally qualified for a position in an undertaking within the meaning of Regulation 2(2) of the former RUD Regulations, other than by virtue of Regulation 1(1)(j) of the former Housing Regulations, shall be deemed to refer to both an Entitled person and an Entitled for Work Only person;
 - (b) a person who is essentially employed, or a person to whom Regulation 1(1)(j) of the former Housing Regulations applies (or similar expressions), shall be deemed to refer to a Licensed person;

- (c) a person who is not locally qualified within the meaning of Regulation 2(2) of the former RUD Regulations shall be deemed to refer to a Registered person.
- (4) Where an undertaking is deemed under Article 50 of the CHW Law to have a licence granted under that Law, the nature of the undertaking authorized by the licence shall be deemed to be a condition of the licence as if specified by the Minister under Article 26(5) of that Law.

7 Further provision relating to Regulation 1(1)(j) persons

A condition which has been notified to a Regulation 1(1)(j) person by the Minister as being a condition of that person being granted consent under Regulation 1(1)(j) of the former Housing Regulations shall, if no provision is made elsewhere in this Schedule concerning that condition, be deemed to be a condition to which the Licensed status of that person is subject under Regulation 3(2) of the CHW Regulations.

8 Disapplication of CHW Law

- (1) Notwithstanding Article 21(1) of the CHW Law, a person who is a party to a specified transaction that takes place on or after 1st July 2013 shall not be guilty of an offence for contravention of Article 19(1)(a) of that Law provided that –
 - (a) an application to the Minister for consent to that transaction under Regulation 1(1) of the former Housing Regulations was made before that date; and
 - (b) the Minister has given consent to the specified transaction under the former Housing Regulations.
- (2) Where an application is made to the Minister for consent as referred to in subparagraph (1)(a), the Minister may give consent for the purposes of subparagraph (1)(b) on or after 1st July 2013, notwithstanding that Article's repeal of the Housing Law.
- (3) The provisions of this Schedule shall apply to any consent granted under subparagraph (2) as if the consent had been granted immediately before 1st July 2013.
- (4) Notwithstanding Article 24(11) of the CHW Law, a person who starts new work without a registration card shall not be guilty of an offence in contravention of Article 24(1) of that Law provided that the person applies for a registration card no later than 21 days after 1st July 2013.
- (5) Notwithstanding Article 50 of the CHW Law, if –
 - (a) immediately before 1st July 2013, an undertaking held a licence granted under Part 2 of the RUD Law or Article 2 of the Hawkers Law; and
 - (b) on 1st July 2013 no licence is required to be held by the undertaking under that Law,a licence shall not be deemed to have been granted under Article 50 of the CHW Law in respect of the undertaking.

PART 2: HOUSING CONSENT CONDITIONS REVOKED

9 Housing consent conditions revoked

There is revoked any condition attached to a consent under the former Housing Regulations, such condition being the same or substantially similar to a condition set out in any of sub-paragraphs (a) to (n) –

- (a) That the dwelling accommodation on the land shall be used exclusively or mainly for residential purposes, and there shall be no diminution of such existing area of private dwelling accommodation.
- (b) That the dwelling accommodation on the land shall be used exclusively or mainly for residential purposes, and there shall be no diminution of the existing area or number of units of such existing private dwelling accommodation.
- (c) That the dwelling accommodation on the land, comprising [*name or description*] shall be used exclusively or mainly for residential purposes, and there shall be no diminution of such existing area of private dwelling accommodation.
- (d) That the property shall be occupied by the purchaser/s as his/their/her sole or principal place of residence, or by persons specifically approved by the Minister as being persons qualifying under Paragraph 1 of Regulation 1 of the Housing (General Provisions) (Jersey) Regulations 1970, as amended, or by persons who have submitted a Particulars of Exempted Transaction form in accordance with Regulation 7(1) of the above Regulations, and who will occupy the accommodation as their sole or principal place of residence.
- (e) That the property shall be occupied by the purchaser/s as his/their/her sole or principal place of residence, or shall be let unfurnished to, or be otherwise occupied by, persons approved by the Minister as being persons of a category specified in Regulation 1(1)(a), (b), (c), (d), (e), (f), (g) or (h) of the Housing (General Provisions) (Jersey) Regulations 1970, as amended, or by persons who have submitted a Particulars of Exempted Transaction form in accordance with Regulation 7(1) of the above Regulations, and who will occupy the accommodation as their sole or principal place of residence.
- (f) That the property shall be occupied by the purchaser/s as his/their/her sole or principal place of residence or shall be let unfurnished to, or be otherwise occupied by, persons approved by the Minister as being persons of a category specified in Regulation 1(1)(a), (b), (c), (d), (e), (f), (g), (h) or (j) of the Housing (General Provisions) (Jersey) Regulations 1970, as amended, or by persons who have submitted a Particulars of Exempted Transaction form in accordance with Regulation 7(1) of the above Regulations, and who will occupy the accommodation as their sole or principal place of residence.
- (g) That the lessee/s shall occupy the property/accommodation as his/their/her sole or principal place of residence, or such accommodation shall not, without the consent of the Minister, be let unfurnished to, or be occupied by any persons other than those approved by the Minister as being persons of a category specified in Regulation 1(1)(a), (b), (c), (d), (e), (f), (g) or (h) of the Housing (General Provisions) (Jersey) Regulations 1970, as amended, or by persons who have submitted a Particulars of Exempted Transaction form in accordance with Regulation 7(1) of the above Regulations, and who will occupy the accommodation as their sole or principal place of residence.

- (h) That the lessee/s shall occupy the property/accommodation as his/their/her sole or principal place of residence, or such accommodation shall not, without the consent of the Minister, be let unfurnished to, or be occupied by any persons other than those approved by the Minister as being persons of a category specified in Regulation 1(1)(a), (b), (c), (d), (e), (f), (g), (h) or (j) of the Housing (General Provisions) (Jersey) Regulations 1970, as amended, or by persons who have submitted a Particulars of Exempted Transaction form in accordance with Regulation 7(1) of the above Regulations, and who will occupy the accommodation as their sole or principal place of residence.
- (i) That the dwelling accommodation at the property shall be occupied by [name] as his/their/her sole or principal place of residence, or, shall not, without the consent of the Minister, be let unfurnished to, or be occupied by any persons, other than those approved by the Minister as being persons of a category specified in Regulation 1(1)(a), (b), (c), (d), (e), (f), (g) or (h) of the Housing (General Provisions) (Jersey) Regulations 1970, as amended, or by persons who have submitted a Particulars of Exempted Transaction form in accordance with Regulation 7(1) of the above Regulations, and who will occupy the accommodation as their sole or principal place of residence.
- (j) That the property shall be occupied by [name], as his/their/her sole or principal place of residence, or, shall not, without the consent of the Minister, be let unfurnished to or be occupied by any persons, other than those approved by the Minister as being persons of a category specified in Regulation 1(1)(a), (b), (c), (d), (e), (f), (g) or (h) of the Housing (General Provisions) (Jersey) Regulations 1970, as amended, or by persons who have submitted a Particulars of Exempted Transaction form in accordance with Regulation 7(1) of the above Regulations, and who will occupy the accommodation as their sole or principal place of residence.
- (k) That the existing units of dwelling accommodation upon the land, and any further units of dwelling accommodation that may be created upon the land, shall be let unfurnished to, or be otherwise occupied by, persons approved by the Minister as being persons of a category specified in Regulation 1(1)(a), (b), (c), (d), (e), (f), (g) or (h) of the Housing (General Provisions) (Jersey) Regulations 1970, as amended, or by persons who have submitted a Particulars of Exempted Transaction form in accordance with Regulation 7(1) of the above Regulations, and who will occupy the accommodation as their sole or principal place of residence.
- (l) That the existing units of dwelling accommodation at the property shall not, without the consent of the Minister, be let unfurnished to, or be occupied by any persons other than those approved by the Minister as being persons of a category specified in Regulation 1(1)(a), (b), (c), (d), (e), (f), (g), (h) or (j) of the Housing (General Provisions) (Jersey) Regulations 1970, as amended, or by persons who have submitted a Particulars of Exempted Transaction form in accordance with Regulation 7(1) of the above Regulations, and who will occupy the accommodation as their sole or principal place of residence.
- (m) That the dwelling/s proposed to be constructed upon the land in question shall not, without the consent of the Minister, be occupied other than by persons approved by the Minister as being persons of a category specified in Regulation 1(1)(a), (b), (c), (d), (e), (f), (g) or (h) of the Housing (General Provisions) (Jersey) Regulations 1970, as amended, or by persons who have submitted a Particulars of Exempted Transaction form in accordance with Regulation 7(1) of the above Regulations, and who will occupy the accommodation as their sole or principal place of residence.

- (n) That the existing unit/s of dwelling accommodation comprising the [*name or description*] at the property shall not, without the consent of the Minister, be let unfurnished to, or be occupied by any persons other than those approved by the Minister as being persons of a category specified in Regulation 1(1)(a), (b), (c), (d), (e), (f), (g) or (h) of the Housing (General Provisions) (Jersey) Regulations 1970, as amended, or by persons who have submitted a Particulars of Exempted Transaction form in accordance with Regulation 7(1) of the above Regulations, and who will occupy the accommodation as their sole or principal place of residence.

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement
Control of Housing and Work (Transitional and Consequential Provisions) (Jersey) Regulations 2013	R&O.30/2013	1 July 2013

Table of Renumbered Provisions

Original	Current
2	spent, omitted
3	2
Schedule 1	the Schedule
Schedule 2	spent, omitted

Table of Endnote References

There are currently no endnote references