



Jersey

CONTROL OF HOUSING AND WORK (AMENDMENT) (JERSEY) LAW 2022

Contents

Article

1	Interpretation	3
2	Long title substituted	3
3	Article 1 (interpretation) amended	3
4	Article 2 (residential and employment status) substituted	4
5	Article 3 (application for a registration card) substituted	5
6	Articles 4 (registration card), 5 (duration of a registration card) and 6 (offences concerning registration cards) substituted	7
7	Article 7 (requirement for registration card) etc. amended	9
8	Article 8 (registration requirements for children not born in Jersey) amended	10
9	Article 9 (requirement to give information to the Minister upon change of address) amended	10
10	Article 10 (power to obtain information from other departments) substituted	10
11	Article 15 (conditions and changes to housing categories) amended	11
12	Article 17 (occupation of Qualified housing) amended	11
13	Article 19 (prohibition on specified transactions etc.) substituted	12
14	Article 20 (specified transactions concerning companies etc) amended	12
15	Articles 22 (interpretation) and 23 (meaning of "undertaking") substituted	12
16	Article 24 (requirement to have a registration card for work) substituted .	14
17	Article 25 (requirement for undertakings to have a licence) amended	15
18	Article 26 (grant and duration of a licence) substituted	16
19	Article 27 (specific provisions relating to a business licence) substituted ...	18
20	Article 28 (specific provisions relating to a hawker's licence etc.) deleted .	19
21	Article 29 (variation of licences) amended	19
22	Article 30 (revocation of a licence) amended and Article 30A (right to review, etc.) inserted	20
23	Article 31 (annual charges in respect of business licences) substituted	22
24	Article 32 (undertakings with business licences to provide statements) amended	22
25	Article 37 (notices requiring cessation of unauthorized activity) amended	23
26	Article 38 (register) substituted	23

27 Article 40A (reviews by the Panel) inserted and Article 41 (appeals) amended 24

28 Article 42A (guidance) inserted 26

29 Article 43 (persons authorized to act for other persons) amended 26

30 Article 44 (Regulations and Orders: general provisions) amended 27

31 Article 45 (providing false or misleading information) amended 27

32 Article 48 (Housing and Work Advisory Group) substituted 27

33 Article 48A (Population Advisory Council) inserted 28

34 Article 50 (licences granted under the RUD Law 1973 etc.) amended 29

35 Citation and commencement 29



Jersey

CONTROL OF HOUSING AND WORK (AMENDMENT) (JERSEY) LAW 2022

A **LAW** to amend the [Control of Housing and Work \(Jersey\) Law 2012](#), and for connected purposes.

<i>Adopted by the States</i>	<i>30th March 2022</i>
<i>Sanctioned by Order of Her Majesty in Council</i>	<i>8th June 2022</i>
<i>Registered by the Royal Court</i>	<i>17th June 2022</i>
<i>Coming into force</i>	<i>in accordance with Article 35</i>

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law –

1 Interpretation

In this Law, a reference to an Article by number is, unless otherwise indicated, a reference to the Article of the same number in the [Control of Housing and Work \(Jersey\) Law 2012](#).

2 Long title substituted

For the long title to the [Control of Housing and Work \(Jersey\) Law 2012](#) there is substituted –

“A **LAW** to make provision for the control and regulation of housing and work in Jersey, and for connected purposes.”.

3 Article 1 (interpretation) amended

In Article 1(1) –

- (a) after the definition “Court” there is inserted –
“ “determining officer” means a person who is appointed by the Minister to carry out determinations of applications and related matters under this Law;”;
- (b) after the definition “Minister” there is inserted –

“ordinary residence” for the purposes of this Law is to be determined in accordance with guidance issued by the Minister under Article 42A;

“Panel” means the Housing and Work Control Panel established under Article 48;”;

- (c) after the definition “specified transaction” there is inserted –
“staffing licence” is to be construed in accordance with Article 27(1);”;
- (d) after the definition “States body” there is inserted –
“status” means a status under this Law within the meaning given by Article 2;”;
- (e) in the definition “work”, in sub-paragraph (d) for “Article 23(1)(c)” there is substituted “sub-paragraph (c) in the definition “business” in Article 23(1)”;
- (f) the definitions “Hawkers Law 1965”, “registration card”, “residential and employment status” and “valid registration card” are deleted.

4 Article 2 (residential and employment status) substituted

For Article 2(1) to (9) there is substituted –

- (1) For the purposes of residence and work in Jersey, a person must, unless they are exempted from this requirement by provision under paragraph (6), have an appropriate status under this Law.
- (2) A person has an appropriate status if –
 - (a) they fulfil the conditions specified in relation to that status;
 - (b) they have acquired the status in one of the ways set out in paragraph (3); and
 - (c) their status has not expired, or has not been otherwise lost or revoked.
- (3) A person’s status is acquired in one of the following ways –
 - (a) in the case of a person who, on the day immediately preceding the day on which Article 4 of the Control of Housing and Work (Amendment) (Jersey) Law 2022 comes into force, already possesses a residential or employment status under this Law as unamended by the Control of Housing and Work (Amendment) (Jersey) Law 2022, by the application of such transitional provisions as may be made by the States in Regulations;
 - (b) in the case of a person who is or is to be employed by a business with an appropriate staffing licence, by the allocation of the status to the person by that business in accordance with the terms of the licence;
 - (c) by a determination of the person’s status under Article 3; or
 - (d) in accordance with such further provision as may be made by the States in Regulations under paragraph (6).

- (4) A person must make an application for a determination of status in accordance with Article 3, if the person wishes –
 - (a) to acquire an appropriate status, where paragraph (3)(a) or (b) does not apply; or
 - (b) to vary or confirm a status already acquired under this Law (whether or not as amended by the Control of Housing and Work (Amendment) (Jersey) Law 2022).
- (5) Evidence of a person’s status under this Law is to be provided in accordance with Article 4, and no evidence or purported evidence of status is acceptable for the purposes of this Law unless it complies with the requirements of that Article.
- (6) The States may by Regulations make all such provision as is necessary to give full effect to this Article, and for this purpose may in particular –
 - (a) specify different types of status as appropriate in relation to different housing categories, specified transactions, businesses or types of work under this Law;
 - (b) specify conditions or circumstances in which a person will acquire, or lose, a particular status, or a status may be amended or revoked;
 - (c) make provision for a particular status to be subject to such conditions as may be prescribed, including conditions relating to the occupancy of housing of a specified category or of a specified unit of dwelling accommodation;
 - (d) make provision as to the treatment, in relation to housing and work in Jersey, of persons whose previous status under this Law has expired, has been revoked, or is otherwise indeterminate;
 - (e) make provision as to the circumstances in which an application for a determination of status need not be considered;
 - (f) provide that a person of a specified description is exempt from the requirement to have a status under this Law;
 - (g) confer a power, or impose a duty, on the Minister to make, by Order, any provision that may be made by Regulations.
- (7) In paragraph (1) “residence” means ordinary residence in Jersey for a period of 3 months or more.”.

5 Article 3 (application for a registration card) substituted

For Article 3 there is substituted –

“3 Determination of status, and application for determination

- (1) A person’s status is to be determined in accordance with this Article, and –
 - (a) if a person fulfils the specified conditions for a particular status, then subject to such exceptions as may also be

- specified, and to any exemptions in Regulations under Article 2(6), the determination must be that the person has that status; or
- (b) if a person fulfils the specified conditions for more than one status, the determining officer must determine, having regard to –
- (i) the population policy of the Council of Ministers as agreed under Article 2 of the [States of Jersey Law 2005](#),
 - (ii) any other relevant strategic objective of the States of Jersey,
 - (iii) any guidance issued by the Minister under Article 42A, and
 - (iv) such other factors as may be specified by the States in Regulations,
- that the person has one particular status.
- (2) A determining officer must, subject to paragraph (8), make a determination of status within a reasonable time following receipt of an application for such a determination.
- (3) A determination of status may be made –
- (a) in a case where Article 2(3)(a) applies and the person concerned –
 - (i) wishes to obtain evidence confirming their status, where such evidence is required by this Law, or
 - (ii) believes their status to have changed; or
 - (b) by a determining officer, whether or not an application has been made by the person concerned, in such circumstances and such manner as may be prescribed.
- (4) An application for determination of status –
- (a) may be made using such form as the Minister may prescribe and make available, including by electronic means, for that purpose;
 - (b) must contain such details as the Minister may prescribe; and
 - (c) must be accompanied by –
 - (i) such documents or other information as the Minister may reasonably require, and
 - (ii) such fee as the Minister may prescribe.
- (5) Before determining a person's status, a determining officer may require the person to provide such additional documents or information as the officer may consider necessary, or to attend in person at such place as the officer may specify, for the purposes of –
- (a) verifying the person's identity; or
 - (b) determining the person's status.
- (6) A determining officer may –

- (a) determine that a person has a particular status, whether or not that status is the same as the status applied for;
 - (b) refuse to determine an application, on such grounds as may be specified by the States in Regulations under Article 2(6), or in an Order under such Regulations; or
 - (c) refer the matter to the Panel under paragraph (8).
- (7) In granting a particular status, the determining officer may specify such conditions as may be specified by Regulations under Article 2(6), or by an Order under such Regulations, in relation to that status.
- (8) In any case where a determining officer is, despite applying any guidance issued under Article 42A, unable to make a determination, the determining officer must refer the matter to the Panel for consideration and in such a case the determining office must notify the person concerned, in writing, of the referral.
- (9) Having received a recommendation following the Panel's consideration, under Article 48, of a matter referred to the Panel under paragraph (8), the determining officer must give effect to the Panel's recommendation, unless the determining officer is satisfied that there are reasons (including, by way of example, the withdrawal of the application) why the recommendation cannot be given effect.
- (10) A person aggrieved by –
- (a) a determination of status under paragraph (3)(b) or (6)(a);
 - (b) a refusal to determine an application, under paragraph (6)(b): or
 - (c) a condition imposed under paragraph (7),
- may request, in accordance with Article 40A, a review of the determining officer's decision by the Panel.”.

6 Articles 4 (registration card), 5 (duration of a registration card) and 6 (offences concerning registration cards) substituted

For Articles 4 to 6 and there is substituted –

“4 Evidence of status

- (1) Following the determination of a person's status or a review of such a determination, the determining officer must provide –
 - (a) evidence of the person's status according to the determination or review; or
 - (b) where an application is refused, a statement of the decision and of the reasons for it.
- (2) Evidence of status must contain at least the information specified in this Article, but may be provided in such form and manner, whether digital or otherwise, as the Minister may consider expedient.

- (3) Evidence of status is not sufficient for the purposes of this Law unless it contains the following information in respect of the person whose status it evinces –
- (a) name and, in the case of an insured person, social security number;
 - (b) status;
 - (c) date of commencement of status;
 - (d) date of expiry of status, if any, in accordance with Regulations under Article 5;
 - (e) any condition to which the status is subject; and
 - (f) such other information as may be specified, whether generally or in respect of a particular status, by any Regulations or Order under this Part.
- (4) In sub-paragraph (3)(a) –
- “insured person” has the same meaning as given by Article 3 of the [Social Security \(Jersey\) Law 1974](#);
- “social security number” means the number referred to in Article 2 of the [Social Security \(Collection of Class 1 and Class 2 Contributions\) \(Jersey\) Order 2013](#).

5 Duration and validity of status

- (1) The States may by Regulations make provision as to –
- (a) the duration of status under this Law, whether generally or in relation to a particular status, employment or type of work, including limiting such duration by specifying a period of time, or by reference to any date or event;
 - (b) arrangements in the case of expiry of a status which is time-limited; and
 - (c) the circumstances in which a type of status or a particular status may be revoked.
- (2) If a person loses a document or other item (including an electronic item) which provides evidence of their status, the loss does not, by itself, have any effect on the person’s status as acquired in accordance with this Part and Regulations made under it.

6 Offences and penalties concerning evidence of status, etc.

- (1) A person who knowingly makes any false statement or withholds any material information for the purpose of –
- (a) obtaining any status, or evidence of status, for themselves or another person;
 - (b) preventing the acquisition of status or the issue of any evidence of status; or
 - (c) procuring the imposition of a condition in relation to a status or evidence of status,

is guilty of an offence and liable to imprisonment for a term of 2 years and to a fine.

(2) A person (the “representor”) who –

(a) with intent to deceive and for the purpose of undertaking work or obtaining either accommodation, or a status conferring a right to residence, under this Law; or

(b) obtaining any benefit under any other enactment,

for themselves or for another person (“A”), represents to any further person that the representor or A enjoys a status which they do not enjoy under this Law, is guilty of an offence and liable to imprisonment for a term of 2 years and to a fine.

(3) A person who, with intent to deceive –

(a) forges, alters or uses, or lends to or allows to be used by any other person, any evidence of status; or

(b) makes or has in their possession any document so closely resembling evidence of status as to be calculated to deceive,

is guilty of an offence and liable to imprisonment for a term of 2 years and to a fine.

(4) A person who –

(a) purports, or agrees, to assign, sell, or transfer any evidence of status; or

(b) wilfully defaces or destroys any evidence of status,

is guilty of an offence and liable to a fine of level 3 on the standard scale.

(5) A purported sale, transfer or assignment of any evidence of status is of no effect.

(6) Where a person is convicted of an offence under any of paragraphs (1)(a), (2) or (3), a status acquired in consequence of the act of deception constituting or forming part of the offence, is revoked.”.

7 Article 7 (requirement for registration card) etc. amended

(1) For the sub-heading to Part 3 there is substituted –

“DETERMINATION OF STATUS: INDIVIDUALS”.

(2) For the heading to Article 7 there is substituted –

“7 Requirement for initial determination”.

(3) For Article 7(1) there is substituted –

“(1) A person who comes to live in Jersey and who meets the conditions described in paragraph (4) must make an application, within the time limit specified in paragraph (5), for determination of their status.”.

(4) In Article 7(2) for “valid registration card” there is substituted “status”.

(5) Article 7(3) is deleted.

- (6) For Article 7(4)(b)(ii) there is substituted –
- “(ii) the date on which the person attains school leaving age.”.
- (7) In Article 7(5) –
- (a) “Subject to paragraph (6),” is deleted; and
 - (b) for “registration card” there is substituted “determination of status”.
- (8) Article 7(6) is deleted.

8 Article 8 (registration requirements for children not born in Jersey) amended

In Article 8(2)(a) for “applies for a registration card under Article 3” there is substituted “makes an application under Article 3 or otherwise acquires a status under Article 2(3)”.

9 Article 9 (requirement to give information to the Minister upon change of address) amended

- (1) In Article 9(2)(a) and (c) for “the date the person” in each place there is substituted “the date on which the person”.
- (2) For Article 9(11) there is substituted –
- “(11) The requirements of paragraph (1) or (3) do not apply to a person in respect of information –
 - (a) which has been notified to the Minister under Article 7 or under a provision of any other enactment; and
 - (b) which is the same, or substantially the same, information as the information required for the purposes of either of those paragraphs.”.
- (3) In Article 9(12) after “who” there is inserted “, without reasonable excuse,”.

10 Article 10 (power to obtain information from other departments) substituted

For Article 10 there is substituted –

“10 Power to share information

- (1) The Minister may, for the purposes of facilitating compliance with this Law, obtain from or disclose to a parish or any department or administration for which another Minister is assigned responsibility, any information held by the Minister or (as the case may be) by that parish, department or administration in relation to an individual, including in particular –
- (a) full name (including any title);
 - (b) date of birth;

- (c) current address;
 - (d) current status and, if any, date of expiration of status.
- (2) The Minister may, for the purpose of facilitating compliance with this Law, obtain from or disclose to the Comptroller relevant information held by the Minister or (as the case may be) by the Comptroller in relation to any person.
- (3) Information may be disclosed under this Article –
- (a) in such manner as the Minister may direct; and
 - (b) whether or not the disclosure is requested by or on behalf of the person to whom the disclosure is made.
- (4) A power conferred by this Article may be exercised notwithstanding anything in any enactment to the contrary.
- (5) In paragraph (2) –
- “Comptroller” means the Comptroller of Revenue under Article 2 of the [Revenue Administration \(Jersey\) Law 2019](#);
- “relevant information” means such information, and only such information, as may be reasonably required for the purpose mentioned in that paragraph.”.

11 Article 15 (conditions and changes to housing categories) amended

For Article 15(7) there is substituted –

- “(7) In making a determination under paragraph (3), the Minister must have regard to any relevant factors relating to the supply of and demand for housing, including the interests of persons having a particular status, and may have regard to any other factors the Minister considers relevant.”.

12 Article 17 (occupation of Qualified housing) amended

(1) For the heading to Article 17 there is substituted –

“17 Occupation of housing of a particular category”.

(2) For Article 17(1) there is substituted –

- “(1) A person must not occupy, as their ordinary residence, a unit of dwelling accommodation of a category mentioned in Article 11(1), unless –
- (a) the person has the appropriate status to do so, as may be specified by the States in relation to that category by Regulations;
 - (b) the person occupies the unit with the consent of another person who has such an appropriate status as mentioned in sub-paragraph (a), provided that the other person occupies the whole or a substantial part of that unit as their sole or principal place of residence in Jersey;

- (c) the person does not have such an appropriate status but has purchased the unit as a party to a specified transaction described in Article 18(1)(a), to which the person's spouse or civil partner, being a person having such an appropriate status, was also a party in the same capacity;
- (d) the person acquired the unit by inheritance; or
- (e) the person occupies the unit with the consent of the Minister under paragraph (2)."

13 Article 19 (prohibition on specified transactions etc.) substituted

For Article 19 there is substituted –

"19 Prohibitions in respect of parties to specified transactions

- (1) In this Article, "P" means an individual person who seeks to acquire land by means of a specified transaction relating to that land.
- (2) A person must not enter into a specified transaction unless P has the appropriate status enabling P to do so.
- (3) The States may by Regulations specify a particular type of status as appropriate in relation to one or more descriptions of specified transaction.
- (4) For the purposes of this Article references to the acquisition of land mean acquiring land as a purchaser, lessee or transferee."

14 Article 20 (specified transactions concerning companies etc) amended

In Article 20(4) for "Entitled status" there is substituted "the appropriate status".

15 Articles 22 (interpretation) and 23 (meaning of "undertaking") substituted

For Articles 22 and 23 there is substituted –

"22 Interpretation of Part 7

- (1) In this Part –
 - "authorized person" means the Minister or any individual authorized by the Minister under Article 33 to perform functions under this Part;
 - "business" has the meaning given by Article 23;
 - "business document" means a document that –
 - (a) relates to the carrying on of a business; or
 - (b) forms part of a record relating to a business and required to be kept under any enactment;
 - "business premises" means premises used for or in connection with the carrying on of a business, whether or not the premises also

comprise or are in a person's place of residence, or are the sole premises used for that purpose;

“non-resident business” means a business carried on by a person who –

- (a) is not ordinarily resident in Jersey; or
- (b) does not have any permanent business premises in Jersey, but who carries on business in Jersey;

“payment” refers to any form of remuneration, including –

- (a) commissions and benefits in kind; and
- (b) rents and receipts for the provision of accommodation;

“States trading operation” means a trading operation designated under the [Public Finances \(Jersey\) Law 2019](#) or taken to be designated as such under another enactment;

“subsidiary” has the same meaning as given by Article 2 of the [Companies \(Jersey\) Law 1991](#).

(2) A reference in this Part –

- (a) to a “licence”, without more, is to all or any of the types of licence which may be granted under this Part, as the context permits or requires;
- (b) to the conditions of a licence, includes reference to its duration;
- (c) to an appeal or a review being finally determined, is to the point at which all procedures for appeal or review under this Law have been exhausted, or the conclusion of a review has been accepted by all the parties to the review, whichever occurs first.

23 Meaning of “business”

(1) For the purposes of this Part “business” includes, subject to the further provisions of this Article, any –

- (a) trade;
- (b) business; or
- (c) activity involving work or services performed for, or offered to, members of the public, including a section of the public, carried on in Jersey, whether or not carried on for profit.

(2) A trade, business or activity is not a business for the purposes of this Part if no individual working for the trade, business or activity is paid for such work.

(3) Where a business is not carried on by a legal person, any individual having responsibility for the management, direction or control of the business is treated as carrying on that business.

(4) In determining whether a business is being carried on in Jersey –

- (a) if the business has a physical presence in Jersey, it is irrelevant whether the business or a subsidiary of that business has an address of any kind in Jersey; and
 - (b) in any case it is irrelevant whether activities carried on in Jersey and comprised in the business are ancillary to any trade or business carried on by the business outside Jersey.
- (5) In this Part, “physical presence” may refer to the physical presence in Jersey of –
- (a) any person working in or for the business; or
 - (b) any item in the custody or ownership of the business,
- but for the avoidance of doubt, the presence in Jersey of a person working in or for a business which carries on activities outside Jersey, for the purpose only of meeting staff of another business, does not of itself constitute physical presence of the business for which that person works.
- (6) Each parish, States trading operation and States body is a separate business for the purposes of this Part.”.

16 Article 24 (requirement to have a registration card for work) substituted

For Article 24 there is substituted –

“24 Appropriate status for work, and staffing licences

- (1) An individual must not work in Jersey unless they have the appropriate status to do so, or unless either –
 - (a) the individual is exempted, by provision under Article 2(6)(f), from the requirement to have such a status; or
 - (b) the business for which the individual works is a non-resident business.
- (2) A business, other than a non-resident business, must not employ an individual unless –
 - (a) the individual has the appropriate status; and
 - (b) the business, unless otherwise specified under paragraph (6)(b), has the appropriate staffing licence.
- (3) For the purposes of this Part the appropriate status is the status specified, in relation to the type of work or business in question, by Regulations under paragraph (6), or by an Order under such Regulations.
- (4) The appropriate staffing licence is a licence of a type which –
 - (a) is specified, in relation to the business and, where appropriate, the type of work in question, by Regulations under Article 27 or by an Order under such Regulations; and
 - (b) permits a person of the appropriate status to work for the business in question and, where a type of work is specified in the staffing licence, to carry out that type of work.

- (5) For the avoidance of doubt –
 - (a) the total number of persons specified in a staffing licence may consist of, or include, one or more named individuals; and
 - (b) neither a licence nor a status is appropriate if it has expired or has been revoked.
- (6) The States may by Regulations make all such provision as is necessary to give full effect to this Article, and for this purpose may in particular –
 - (a) specify different types of licence, or conditions of licences, as appropriate for different businesses;
 - (b) specify businesses, or types of business or work, which are not required to have a particular type of licence, or any licence under this Part;
 - (c) specify, and make all such provision as may be necessary for determination of, the appropriate status or appropriate staffing licence in relation to particular businesses or types of business or work, including (by way of example) part-time work or the supply of workers by one business to carry out work or services for other persons; and
 - (d) confer a power or impose a duty on the Minister to make, by Order, any provision that may be made by Regulations.
- (7) A person who, without reasonable excuse, contravenes paragraph (1) or (2) is guilty of an offence and liable to a fine.”

17 Article 25 (requirement for undertakings to have a licence) amended

- (1) For the heading to Article 25 there is substituted –

“25 Requirement for business to have appropriate licence”.

- (2) In Article 25(1) –
 - (a) for “an undertaking in Jersey” there is substituted “a business in Jersey, other than one exempted by Regulations under Article 24 or by an Order under such Regulations.”; and
 - (b) for “that undertaking” there is substituted “that business”.
- (3) For Article 25(2) there is substituted –
 - “(2) For the purpose of paragraph (1), an appropriate licence is a licence of the type which is specified, by Regulations under Article 24 or by an Order under such Regulations, in relation to the business or type of business in question.”.
- (4) For Article 25(3) to (7) there is substituted –
 - “(3) Subject to paragraphs (4) and (5), a business does not have an appropriate licence if –
 - (a) there is a significant change in the ownership of the business; and
 - (b) within the period of 60 days immediately following that change, the person who, following the change, is carrying on

the business did not make an application under Article 26 for the grant of a new licence (or, if such an application was made, it was withdrawn or treated under Article 26(4) as having been withdrawn).

- (4) The Minister may, in guidance under Article 42A, specify descriptions or numbers of change in ownership, in relation to particular businesses or types of business, which are to be regarded as significant for the purposes of paragraph (3).
- (5) Paragraph (3) does not apply to a business which is listed on a recognised stock exchange.”.
- (5) Article 25(9) is deleted.
- (6) For Article 25(10) to (11) there is substituted –
 - “(10) In paragraph (5), “recognised stock exchange” means –
 - (a) the Channel Islands Stock Exchange;
 - (b) any market for the buying and selling of securities which is situated in, and recognised as, a stock exchange within the meaning of the law relating to stock exchanges of any of the following –
 - (i) the United Kingdom or a member State of the European Union,
 - (ii) Australia, Canada, Hong Kong, Japan, Norway, Singapore, South Africa, Switzerland or the United States of America; or
 - (c) any other such exchange approved in writing by the Minister.”.

18 Article 26 (grant and duration of a licence) substituted

For Article 26 there is substituted –

“26 Application for licence

- (1) An application for a licence must be made, in accordance with this Article, by every person carrying on a business in Jersey.
- (2) The application must be made using the form which the Minister makes available for the purpose, including by electronic means.
- (3) The application must be accompanied by –
 - (a) such information or documents as the determining officer may reasonably require; and
 - (b) such fee as the Minister may prescribe.
- (4) If, without reasonable excuse, the applicant does not, within one month or such longer period as the determining officer may permit, provide any further material required under paragraph (3)(a), the determining officer –
 - (a) may treat the application as having been withdrawn; but

- (b) must notify the applicant in writing that the application has been so treated, and of the applicant's right to a review under Article 40A.

26A Grant and duration etc. of licence

- (1) A determination of an application must be made by a determining officer within a reasonable time following receipt of the application and any other items required to accompany the application under Article 26(3).
- (2) The determining officer, having regard to any guidance issued by the Minister under Article 42A and to the matters listed in paragraph (3), may –
 - (a) grant a licence, and in doing so the determining officer must specify –
 - (i) the nature of the business to which the licence relates,
 - (ii) the date on which the licence is granted and the duration (which may be indefinite) or expiry date of the licence,
 - (iii) such conditions as may be imposed under paragraph (4), and
 - (iv) such other particulars as the Minister may prescribe;
 - (b) refuse to grant a licence; or
 - (c) in a case where the determining officer is, despite having regard to the matters listed in paragraph (3) and applying any guidance issued under Article 42A, unable to make a determination, the determining officer must refer the application to the Panel for consideration, and in such a case must notify the applicant, in writing, of the referral.
- (3) In determining whether or not to grant a licence, and in imposing any limitation of time or other conditions, the determining officer must have regard to all relevant matters, including –
 - (a) the population policy of the Council of Ministers as agreed under Article 18 of the [States of Jersey Law 2005](#), and any other relevant policy of the States of Jersey;
 - (b) preserving and maximising the benefits of Jersey's resources, including Jersey's biodiversity and natural environment;
 - (c) promoting a balanced and prosperous economy;
 - (d) protecting the integrity and reputation of Jersey in commercial and financial matters; and
 - (e) whether such a grant or condition would be in the best interests of the public of Jersey.
- (4) In granting a licence the determining officer may impose, with reasons, such conditions as, subject to paragraph (6) in the case of a non-resident business licence or to Article 27 in the case of a staffing licence, the determining officer may think fit.
- (5) Where the determining officer –

- (a) refuses to grant a licence;
- (b) grants a licence, but imposes a condition; or
- (c) grants a licence, but in part only, or to an extent other than as requested by the applicant,

the determining officer must give the applicant a statement in writing of the reasons for the decision and of the applicant's right to a review under Article 40A.

- (6) Where the determining officer decides to grant a licence in respect of business carried on in Jersey by a non-resident business, the determining officer must specify –
 - (a) the period, not exceeding 12 months, for which the licence is to remain in force; and
 - (b) the type of business for which the licence is granted, including the details of any relevant contract.
- (7) Evidence of the grant of a licence must be provided to the applicant, and the provisions of Article 4(2) to (4) apply for this purpose, but as though references in those provisions to a status were references to a licence.
- (8) Activities which are incidental or ancillary to, or a necessary part of, the nature of the business specified under paragraph (2)(a)(i) are deemed also to be authorized by the licence.
- (9) Having received a recommendation following the Panel's consideration, under Article 48, of a matter referred to the Panel under paragraph (2)(c), the determining officer must give effect to the Panel's recommendation, unless the determining officer is satisfied that there are reasons (including, by way of example, the withdrawal of the application) why the recommended determination cannot be given effect.
- (10) A person who, without reasonable excuse, contravenes or procures the contravention of a condition of a licence, is guilty of an offence and liable to imprisonment for a term of 2 years and a fine.”.

19 Article 27 (specific provisions relating to a business licence) substituted

For Article 27 there is substituted –

“27 Specific conditions of a staffing licence

- (1) This Article applies where a licence (a “staffing licence”) is granted to a business involving work or services which are carried out in Jersey by persons who are paid by the business for such work or services.
- (2) In granting a staffing licence the determining officer may impose, as conditions of the licence –
 - (a) the nature of each type of work or activity of the business in relation to which the staffing licence is granted;

- (b) in relation to any status or type of work specified in the staffing licence, the maximum number of individuals of that status permitted to work in or for the business;
 - (c) the duration of the staffing licence (which may be no longer than such period as is specified by Regulations under paragraph (5) or by an Order under such Regulations, and may be expressed either as a period of time or by reference to any date or event).
- (3) Without prejudice to paragraph (2), in granting a staffing licence a determining officer may also specify other conditions, in particular such conditions as may be prescribed in relation to particular businesses or types of business, particular roles or types of role, or a particular status, including –
- (a) conditions as to duration, whether expressed as a period of time or by reference to any date or event, for which persons of a particular status may work in or for a business; and
 - (b) the identity and status of persons who may work in or for a business, including named individuals.
- (4) If a staffing licence is, by a condition of the licence, made subject to a periodic review, the Minister may prescribe fees for that review.
- (5) The States may by Regulations make all such further provision as is considered necessary in relation to staffing licences, including provision as to –
- (a) the withdrawal or termination of such licences;
 - (b) the imposition, review, variation or suspension of conditions in such licences; and
 - (c) the allocations of roles and numbers of individuals, which may be made by conditions of such licences.
- (6) Regulations under paragraph (5) may confer a power or impose a duty on the Minister to make, by Order, any provision that may be made by such Regulations.”.

20 Article 28 (specific provisions relating to a hawker’s licence etc.) deleted

Article 28 is deleted.

21 Article 29 (variation of licences) amended

- (1) For the heading to Article 29(1) there is substituted –

“29 Renewal or other variation of licences”.

- (2) For Article 29(1) there is substituted –

“(1) The holder of a licence may, at any time while the licence is in force, make an application to vary a condition of the licence, but if the condition relates to the duration of the licence, an application to

extend the licence (with or without variation of any other condition of the licence) must be made no later than the prescribed time.

(1A) A determining officer may, at any time while a licence is in force, serve notice in writing on the licence holder of the officer's intention to vary a condition of the licence."

(3) In Article 29(3) for "paragraph (1)" there is substituted "paragraph (1A)".

(4) For Article 29(4) to (8) there is substituted –

"(4) Following an application under paragraph (1), or the consideration of any representations received under paragraph (3), a determining officer may –

- (a) refuse the application;
- (b) vary the licence, whether as requested by the licence holder or otherwise; or
- (c) in a case where the determining officer is, despite having regard to any relevant matters listed in Article 26A(3) and applying any guidance issued under Article 42A, unable to take a decision, the determining officer must refer the application to the Panel for consideration, and in such a case must notify the applicant, in writing, of the referral.

(5) In taking a decision such as described in paragraph (4)(a) or (b), the determining officer must have regard to the matters listed in Article 26A(3).

(6) The determining officer must serve notice in writing on the licence holder of –

- (a) a decision taken by the officer under paragraph (4)(a) or (b) and the reasons for it; and
- (b) the licence holder's right to a review under Article 40A.

(7) Unless the licence holder agrees otherwise, a notice under paragraph (6) does not take effect before whichever is the sooner of –

- (a) the expiration of one month from the date of the notice; or
- (b) the date on which any review or appeal is finally determined or withdrawn.

(8) Having received a recommendation following the Panel's consideration, under Article 48, of a matter referred to the Panel under paragraph (4)(c), the determining officer must give effect to the Panel's recommendation, unless the determining officer is satisfied that there are reasons (including, by way of example, the withdrawal of the application) why the recommendation cannot be given effect."

22 Article 30 (revocation of a licence) amended and Article 30A (right to review, etc.) inserted

(1) For the heading to Article 30 there is substituted –

“30 Revocation and expiry of a licence”.

- (2) In Article 30(1) –
 - (a) for “the Minister” in both places there is substituted “the determining officer”;
 - (b) for “Article 26” there is substituted “Article 26A”;
 - (c) in sub-paragraph (a)(iii) –
 - (i) “in the case of a business licence only,” is deleted,
 - (ii) for “the undertaking” in each place there is substituted “the business”;
 - (d) in sub-paragraph (a)(iv) for “the factors specified in Article 26(9)” there is substituted “relevant matters listed in Article 26A(3)”;
 - (e) in sub-paragraph (a)(v) for “the undertaking” there is substituted “the business”.
- (3) In Article 30(2) –
 - (a) for “the Minister” in both places there is substituted “the determining officer”;
 - (b) for “of appeal under Article 41” there is substituted “to a review under Article 40A”.
- (4) For Article 30(3)(b) there is substituted –
 - (b) the date on which any review or appeal is finally determined or withdrawn.”.
- (5) In Article 30(4) for “the Minister” there is substituted “the determining officer”.
- (6) After Article 30 there is inserted –

“30A Right to review of determining officer’s decision under this Part

- (1) A person aggrieved by a decision of a determining officer under any of the provisions listed in paragraph (2) may request, in accordance with Article 40A, a review of the determining officer’s decision by the Panel.
- (2) The provisions mentioned in paragraph (1) are –
 - (a) a decision, under Article 26(4), to treat an application as withdrawn;
 - (b) the grant or refusal of a licence under Article 26A(2);
 - (c) the imposition of a condition in relation to a licence under Article 26A(4) or Article 27(2) or (3);
 - (d) the refusal of an application to vary a licence under Article 29(4)(a), or the variation of a licence under Article 29(4)(b);
 - (e) the revocation of a licence under Article 30(1).
- (3) The States may by Regulations amend paragraph (2) for the purpose of adding or deleting a reference to a provision of this Part.”.

23 Article 31 (annual charges in respect of business licences) substituted

- (1) For the heading to Article 31 there is substituted –

“31 Charges in respect of licences and conditions of licences”.

- (2) For Article 31 there is substituted –

“(1) The Minister may prescribe all such provision as is necessary or expedient in relation to –

- (a) charges to be payable, whether on an annual basis or otherwise by reference to any condition of the licence, by the holder of a licence;
- (b) the date by which any such charge must be paid; and
- (c) any financial penalty for failure to pay the charge, whether at all or by a specified date, including a penalty payable in respect of, and by reference to, any period for which the charge remains unpaid.

- (2) A person who fails, without reasonable excuse, to comply with an obligation to pay, in accordance with any prescribed requirement, such a charge as mentioned in paragraph (1)(a) or (c) is guilty of an offence and liable to a fine of level 3 on the standard scale.”.

24 Article 32 (undertakings with business licences to provide statements) amended

- (1) For the heading to Article 32 there is substituted –

“32 Requirement for business with staffing licence to provide statement”.

- (2) For Article 32(1) and (1A) there is substituted –

“(1) Subject to paragraph (1B), a person carrying on a business in respect of which a staffing licence has been granted must provide to the Minister, no later than the specified time, a statement –

- (a) for each specified period during which the person carries on that business; and
- (b) containing, in relation to all persons working in or for the business during the period in question, such information as may be prescribed.

- (1A) In paragraphs (1) and (3) –

“specified period” means such period as the Minister may prescribe;
“specified time” means midnight on the 15th day after the end of the period in respect of which the statement is provided, or such other time as the Minister may prescribe.”.

- (3) In Article 32(2) for “determine” there is substituted “prescribe”.

25 Article 37 (notices requiring cessation of unauthorized activity) amended

- (1) In Article 37(1) –
 - (a) for “an undertaking” there is substituted “a business”; and
 - (b) for “the undertaking” there is substituted “the business”.
- (2) In Article 37(2) –
 - (a) for “an undertaking” there is substituted “a business”; and
 - (b) for “Article 26” there is substituted “Article 26A”.
- (3) After Article 37(2) there is inserted –

“(2A) Before serving a notice under paragraph (2), an authorized person must give, to the person on whom the notice is to be served, a reasonable opportunity to make representations or to comply with a request in the notice on a voluntary basis, unless in all the circumstances it is not expedient to give such an opportunity.”.
- (4) For Article 37(3) there is substituted –

“(3) A notice under paragraph (1) or (2) –

 - (a) must specify the nature of the alleged activity;
 - (b) must request that the activity should cease forthwith or at a specified time or on a specified date;
 - (c) must contain –
 - (i) a statement that an appeal may be made against the notice in accordance with Article 41, and
 - (ii) such other information as the Minister may reasonably consider necessary.”.
- (5) In Article 37(4) for “the undertaking” there is substituted “the business”.
- (6) For Article 37(9) to (14) there is substituted –

“(9) Subject to paragraph (10), a person who intentionally and without reasonable excuse fails to comply with a notice under this Article is guilty of an offence and liable to a fine of level 3 on the standard scale.

(10) Where an appeal is made against a notice under this Article, the Royal Court may, in addition to its powers conferred by Article 41 or by Rules of Court –

 - (a) direct that the notice ceases to have effect until the appeal is finally determined; and
 - (b) make any such interim order as the Court thinks fit.”.

26 Article 38 (register) substituted

For the text of Article 38 there is substituted –

- “(1) For the purposes of this Law the Minister must maintain, in any manner which the Minister considers appropriate (including electronically), a register of businesses in Jersey to which licences have been granted under this Part.

- (2) In relation to each business the register must record –
 - (a) the name, and address for service, of the business;
 - (b) the name of the person having management and control of the business;
 - (c) the nature of the licence granted and the date of the grant; and
 - (d) such other particulars of the licence as may be prescribed.
- (3) The Minister must –
 - (a) make the register available for inspection by members of the public free of charge; and
 - (b) make such arrangements as are appropriate to enable members of the public to obtain, upon request and making payment of any fee which may be prescribed, a copy of an entry in the register.”.

27 Article 40A (reviews by the Panel) inserted and Article 41 (appeals) amended

- (1) After Article 40 there is inserted –

“40A Reviews by the Panel

- (1) In this Article and Article 41, “initial decision” means a decision by a determining officer described in paragraph (2), whether or not that decision is made following referral of a matter by the determining officer to the Panel for the Panel’s consideration.
- (2) A person aggrieved by any of the following decisions by a determining officer –
 - (a) a determination, under Article 3(3)(b) or 3(6)(a), of the person’s status;
 - (b) a refusal, under Article 3(6)(b), to grant a status to the person;
 - (c) the imposition, under Article 3(7), of a condition in relation to the grant of the person’s status; or
 - (d) a decision listed in Article 30A(2),may request a review by the Panel of the decision.
- (3) A request for a review under this Article must be made no later than the end of the period of one month beginning with the date of the initial decision and must contain –
 - (a) the person’s name and address for correspondence;
 - (b) details (including any reference number) of the initial decision;
 - (c) the grounds for requesting the review, including where relevant the reasons why the person disagrees with the initial decision or with any reasons for the initial decision;
 - (d) such other information or documents as the Panel may from time to time direct.

- (4) Upon review by the Panel of an initial decision, following a request under paragraph (2) –
 - (a) the Panel must have regard to the powers (and to any limitation on those powers) conferred on a determining officer by the Article under which the initial decision was made; and
 - (b) subject to paragraph (5), the provisions of the Article concerned are to be interpreted for the purpose of the review as though a reference to the “determining officer” is a reference to the “Panel”.
 - (5) Paragraph (4)(b) does not apply in respect of the following powers which may only be exercised by a determining officer –
 - (a) any provision conferring power on a determining officer to make a referral to the Panel; and
 - (b) the powers conferred by Articles 3(3)(b) and 29(1A).
 - (6) In carrying out a review under this Article the Panel may –
 - (a) recommend that the initial decision should be upheld or revoked, in whole or in part; or
 - (b) make a recommendation substituting, in whole or in part, its own decision for the initial decision.
 - (7) The Panel must send notice of its recommendation, and of the reasons for it, in writing to the Minister.
 - (8) Having had due regard to the Panel’s recommendation under paragraph (6), and to any further consideration of the issues by the determining officer, the Minister may –
 - (a) uphold or revoke the initial decision, in whole or in part; or
 - (b) vary any part of the initial decision.
 - (9) The determining officer must send notice of a decision by the Minister under paragraph (8), and of the reasons for it, in writing to the person aggrieved by the initial decision.
 - (10) A notice under paragraph (9) must contain a statement as to the person’s right to appeal, under Article 41, against the Minister’s decision.”.
- (2) In Article 41(1) after “(2)” there is inserted “or (2A)”.
 - (3) In Article 41(2) –
 - (a) for “aggrieved by a” there is substituted “aggrieved by any of the following decisions”;
 - (b) sub-paragraphs (a), (b), and (f) to (h) are deleted;
 - (c) after sub-paragraph (j) there is inserted –
 - “(k) a decision of the Minister under Article 40A, following a review by the Panel of an initial decision,”.
 - (4) After Article 41(2) there is inserted –
 - “(2A) A person on whom a notice is served under Article 37 may, within one month of the date of service of the notice, appeal to the Royal

Court on the grounds that service of the notice on that person, or any request in the notice, was unreasonable.”.

28 Article 42A (guidance) inserted

After Article 42 there is inserted –

“42A Guidance

- (1) The Minister may from time to time issue and publish guidance as to the application or interpretation of a provision of this Law, and –
 - (a) where it appears to the court, when conducting any civil or criminal proceedings in relation to the application or interpretation of this Law, that such guidance is relevant to a question arising in those proceedings, the guidance must be taken into account in determining the question; and
 - (b) whilst a determining officer must, in taking any decision under this Law, have due regard to any guidance relevant to that decision, a failure by a determining officer or an authorized person to comply with such guidance does not of itself make the officer or person liable to any civil or criminal proceedings.
- (2) Guidance under paragraph (1) may be general, or may relate to any particular status, person or class of persons, residence or type of residence, employment or type of employment, business or type of business.
- (3) The Minister may from time to time amend or revoke guidance under paragraph (1), and if the Minister amends any guidance, the Minister must publish the amended guidance in the same manner as that in which the last preceding version of the amended guidance was published.
- (4) The requirement imposed by paragraph (3) as to publishing guidance does not apply to any guidance which may be provided to the Minister by the Population Advisory Council established under Article 48A or by any other body, but nothing in this provision prevents the Minister from publishing any guidance so provided, in whole or in part, if the Minister considers it is necessary or expedient to do so.
- (5) In this Article “publish” includes publication on a website or by such other means as the Minister considers will bring the guidance to the attention of those likely to be affected by it.”.

29 Article 43 (persons authorized to act for other persons) amended

In Article 43(1) for “applying for a registration card” there is substituted “making an application”.

30 Article 44 (Regulations and Orders: general provisions) amended

After Article 44(2) there is inserted –

- “(3) Regulations under this Law may make provision as to the imposition of civil financial penalties for breach of any provision of this Law, including all such provision as may be necessary in relation to –
 - (a) the criteria for imposition, and the level, of a penalty;
 - (b) notification of imposition of a penalty;
 - (c) enforcement of, and appeal against, a penalty.
- (4) In an Order under this Law prescribing the amount of any charge or fee, the Minister may, if making the Order with the agreement of the Minister for Treasury and Resources –
 - (a) take into account such matters as the Minister thinks fit; and
 - (b) set the charge or fee so as to raise income in excess of the amount necessary to cover expenses in discharging functions under this Law.
- (5) A power under this Law to make provision in Regulations as to a charge, fee or other penalty, or to prescribe a charge or fee, includes power to make provision for –
 - (a) a rebate, refund or waiver of a charge or fee, in such circumstances as may be prescribed, or specified in Regulations;
 - (b) a further financial penalty for failure to pay a charge, fee or other penalty, whether at all or by a particular date, including such further penalty payable in respect of, and by reference to, any period for which an amount of a charge, fee or other penalty remains unpaid.”.

31 Article 45 (providing false or misleading information) amended

The text of Article 45 is renumbered as paragraph (1), and after that paragraph there is inserted –

- “(2) Where a person is convicted of an offence under paragraph (1) any status acquired by that person, in consequence of the act of deception constituting or forming part of the offence, is revoked.”.

32 Article 48 (Housing and Work Advisory Group) substituted

For Article 48 there is substituted –

“48 Housing and Work Control Panel

- (1) There is to be constituted a panel, to be known as the Housing and Work Control Panel, to exercise functions relating to certain decisions under this Law in accordance with this Article.
- (2) The Panel must consist of at least 3 elected Members of the States Assembly who are nominated by the Minister, one of whom is to be

nominated by the Minister as the chair of the Panel and to have a casting vote.

- (3) The Panel's functions are to be allocated, subject to paragraph (4), by agreement between the Minister and the Panel and, in default of such agreement, the Minister is to determine what functions are to be allocated.
- (4) The Panel's functions must include the functions of –
 - (a) reviewing decisions as described in Article 40A; and
 - (b) making a recommendation, where requested to do so by a determining officer referring a matter under Article 3(10), 26A(2)(c) or 29(4)(c).
- (5) Where the Panel exercises the function of making a recommendation following a request as mentioned in paragraph (4)(b) –
 - (a) the Panel must have regard to the powers (and any limitation on those powers) conferred on the determining officer by the Article to which the request relates; and
 - (b) subject to paragraph (6), the provisions of the Article concerned are to be interpreted for this purpose as though a reference to the “determining officer” is a reference to the “Panel”.
- (6) Paragraph (5)(b) does not apply in respect of the following powers which may only be exercised by a determining officer –
 - (a) any provision conferring power on a determining officer to make a referral to the Panel; and
 - (b) the powers conferred by Articles 3(3)(b) and 29(1A).
- (7) The Panel must make its recommendation as soon as reasonably practicable after receiving a request, and must send notice in writing of its recommendation and of the reasons for it, to the determining officer concerned.
- (8) Except as provided by this Article and to the extent that the Minister directs otherwise, the Panel may determine its own procedures.
- (9) The Panel must, within the period of 3 months following the end of a year, present to the Minister a report on the Panel's assessment of the operation of this Law and any recommendations by the Panel for its revision.”.

33 Article 48A (Population Advisory Council) inserted

After Article 48 there is inserted –

“48A Population Advisory Council

- (1) The Minister may establish a body to be known as the Population Advisory Council (in this Article, the “council”) to give advice and assistance to the Minister in relation to –
 - (a) population policy generally; and
 - (b) the exercise of the Minister's functions under this Law.

- (2) The Minister may, from time to time, refer to the council, for consideration and advice –
 - (a) matters of or relating to population policy;
 - (b) proposals for new or amended provision in this Law or subordinate legislation made under it;
 - (c) such other matters as may be prescribed.
- (3) Following consideration of any matter referred under paragraph (2), the council may submit to the Minister a report in writing containing such recommendations and advice as are considered appropriate and if, after receiving such recommendations or advice, the Minister presents a proposition to the States comprising the whole or part of the recommendations or advice, the Minister may present with the proposition a copy of the relevant part of the council's report.
- (4) The council may independently make written recommendations to the Minister as to the operation of this Law, and as to population policy generally, and where the council does so the Minister must present to the States a response to the recommendations, no later than 3 months after receiving them.
- (5) The Minister may prescribe all such further provision as is necessary or expedient in relation to the council, including –
 - (a) the constitution and membership of the council;
 - (b) the appointment of members, qualification and disqualification for membership and remuneration;
 - (c) the procedures of the council; and
 - (d) the administration of the council.”.

34 Article 50 (licences granted under the RUD Law 1973 etc.) amended

Article 50(2) to (5) is deleted.

35 Citation and commencement

This Law may be cited as the Control of Housing and Work (Amendment) (Jersey) Law 2022 and comes into force on a day to be specified by the States by Act.