



Jersey

**CONTROL OF HOUSING AND WORK
(JERSEY) LAW 2012**

Revised Edition

18.150

Showing the law as at 1 January 2018

This is a revised edition of the law



Jersey

CONTROL OF HOUSING AND WORK (JERSEY) LAW 2012

Arrangement

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Jersey

CONTROL OF HOUSING AND WORK (JERSEY) LAW 2012

A LAW to establish a registration process for residents of Jersey and to make provision for the control of work and housing and for related purposes.

Commencement [[see endnotes](#)]

AND WHEREAS it is recognized that, in furtherance of these aims, provision is needed for controlling –

- (a) the overall population density of Jersey; and
- (b) the availability of work and housing in Jersey for people with strong connections or associations with Jersey and, more generally, in such a way that is in the best interests of the community in Jersey –

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

PART 1

INTERPRETATION

1 Interpretation

- (1) In this Law, unless the context otherwise requires –
 - “adult” means any person who is not a child;
 - “child” means any person below school leaving age;
 - “Court” means the Royal Court;
 - “Hawkers Law 1965” means the Hawkets and Non-Resident Traders (Jersey) Law 1965¹;
 - “housing category” means a housing category specified in Article 11(1);
 - “Housing Law” means the Housing (Jersey) Law 1949²;

“Housing Regulations” means the Housing (General Provisions) (Jersey) Regulations 1970³;

“individual” except in Part 7, includes a child;

“land” means any corporeal hereditament, including a building, and land covered with water;

“lease” means a lease, underlease or other tenancy, assignment operating as a lease or underlease, or an agreement for such a lease, underlease, tenancy or assignment and the expressions “lessor” and “lessee” shall be construed accordingly;

“Minister” except where specified otherwise, means the Chief Minister;

“person” –

(a) in Parts 2 to 6 means an adult;

(b) in the remainder of this Law means, as the case requires an adult or a body of persons, whether incorporated or unincorporated;

“prescribe” means prescribe by Order;

“registration card” means a card issued under Article 4;

“registered contract” means a contract passed before the Court and registered in the Public Registry of Contracts;

“residential and employment status” means a residential and employment status specified in Article 2(1);

“RUD Law 1973” means the Regulation of Undertakings and Development (Jersey) Law 1973⁴;

“school leaving age” means the upper limit of compulsory school age by virtue of Article 2 of the Education (Jersey) Law 1999⁵;

“specified transaction” shall be construed in accordance with Article 18;

“States funded body” has the same meaning as in the Public Finances (Jersey) Law 2005⁶;

“valid registration card” means a registration card which, under Article 5, is permanent or which has not expired;

“vary” includes amend, replace, add to and revoke;

“work” means any of the following –

(a) work governed by a contract of employment;

(b) engagement in any trade, business, profession or vocation;

(c) the holding of an office;

(d) engagement by a person in any other activity described in Article 23(1)(c);

“working day” excludes Christmas Day, Good Friday, Saturday, Sunday and a public holiday under the Public Holidays and Bank Holidays (Jersey) Act 2010⁷.

- (2) In this Law references to premises, housing or a unit of dwelling accommodation include any such premises, housing or unit of dwelling accommodation registered under the Tourism (Jersey) Law 1948⁸, the

Nursing and Residential Homes (Jersey) Law 1994⁹ or the Lodging Houses (Registration) (Jersey) Law 1962¹⁰.

PART 2

RESIDENTIAL AND EMPLOYMENT STATUS

2 Residential and employment status

- (1) A person's residential and employment status shall be any of the following –
 - (a) Entitled;
 - (b) Licensed;
 - (c) Entitled for Work Only; or
 - (d) Registered,if the person satisfies the conditions for that status specified by the States in Regulations.
- (2) In making Regulations under paragraph (1), the States may –
 - (a) specify circumstances in which a person will lose a particular residential and employment status; and
 - (b) make provision for the residential and employment status of any particular person to be subject to such conditions as may be determined by the Minister, including, without prejudice to the generality of the foregoing, conditions relating to the occupancy of a specific dwelling unit.
- (3) The Minister shall –
 - (a) issue guidance concerning the effect on a person's residential and employment status of any temporary absence from Jersey;
 - (b) lay a copy of such guidance before the States; and
 - (c) arrange for the guidance to be published.
- (4) Such guidance may make provision concerning the circumstances in which a period of temporary absence –
 - (a) does not count towards determining a period of residence required by Regulations as a condition for a particular residential and employment status;
 - (b) does not break any period of continuous residence for the purposes of any such condition.
- (5) The Minister shall, by Order, specify the date that guidance issued under paragraph (3) is to take effect.
- (6) The Minister may, at any time, require a person to provide the Minister with such documents and information as the Minister may require, within such reasonable time as the Minister may specify, for the purpose of determining or verifying the person's residential and employment status.

- (7) A requirement under paragraph (6) shall be in writing.
- (8) A person who does not, without reasonable excuse, comply with a requirement of the Minister under paragraph (6) shall be guilty of an offence and liable to a fine of level 3 on the standard scale.¹¹
- (9) Any reference in this Law to a person who is Entitled, Licensed, Entitled for Work Only or Registered, as the case may be, or who has any such status, is a reference to a person who meets the conditions for that status in Regulations under paragraph (1).

3 Application for a registration card

- (1) A person shall, if required to do so under Article 7, 19 or 24, apply to the Minister for a registration card.
- (2) A person who satisfies the conditions for a residential and employment status specified in Regulations under Article 2 may apply at any time for a registration card or for the variation of a valid registration card.
- (3) An application under paragraph (1) or (2) shall be in such form as may be determined by the Minister and accompanied by such information and documents as the Minister may determine and such fee as the Minister may prescribe.
- (4) Before determining an application under paragraph (1) or (2), the Minister may require the person who has made the application to provide the Minister with such other documents or information as the Minister may require for the purposes of verifying any of the following –
 - (a) the identity of the person;
 - (b) the person's residential and employment status; and
 - (c) any other information to be recorded on the card.
- (5) Following an application for a registration card under paragraph (1) or (2) or for the variation of a person's residential and employment status recorded on an existing card, the Minister shall decide whether a person meets the conditions for a residential and employment status specified in Regulations under Article 2(1) and, if so, determine that the person has that status.
- (6) The Minister may require a person to attend such place as he or she may specify for the purpose of applying for a registration card.
- (7) The Minister may by Order provide that any person or person of a prescribed description is exempt from the duty under this Law to apply for a registration card.

4 Registration card

- (1) Following a determination of a person's residential and employment status under Article 3(5), the Minister shall, as appropriate, issue that person with a registration card or vary a registration card.
- (2) The registration card shall record the following information in respect of the person whose identity is recorded on the card –

- (a) name;
 - (b) social security number;
 - (c) residential and employment status;
 - (d) date of the issue of the card;
 - (e) whichever of the following information is applicable in accordance with Article 5 –
 - (i) the date of the expiry of the card,
 - (ii) whether the residential and employment status recorded on the card is subject to verification by the Minister under paragraph (4)(a) or (5)(a) of that Article,
 - (iii) whether the card is permanent.
- (3) The registration card may record such other information as the Minister may determine concerning any conditions to which the employment and residential status of the person whose identity is recorded on the card is subject.
- (4) A registration card shall –
- (a) be in such form as the Minister may from time to time determine; and
 - (b) remain the property of the Minister.
- (5) The States may by Regulations specify other information to be recorded on a registration card concerning the person whose identity is recorded on the card.
- (6) For the purposes of paragraph (5), “information” means information in any form, whether or not in writing, including a photograph of the person whose identity is recorded on the card.

5 Duration of a registration card

- (1) The registration card of an Entitled person who has permanent Entitled status in accordance with Regulations under Article 2 shall be permanent.
- (2) The registration card of an Entitled person who, in accordance with Regulations under Article 2 –
- (a) does not have permanent Entitled status; and
 - (b) is not capable of losing Entitled status in the 5 year period following the date that the card is issued,
- shall expire 5 years after the date that the card is issued.
- (3) The registration card of an Entitled person who does not have permanent Entitled status in accordance with Regulations under Article 2 but is capable of losing Entitled status in the 5 year period following the date that the card is issued shall expire in accordance with paragraph (4).
- (4) Such card shall expire on whichever of the following dates occurs first –
- (a) the date immediately prior to the date that the person is required to have an appropriate valid registration card under Article 19(1)

- or 24(1), as the case may be, unless the Minister verifies that the person continues to meet, or is expected to continue to meet on the latter date, the conditions for Entitled status for the purpose of the relevant Article; or
- (b) 5 years after the date the card is issued.
- (5) The registration card of an Entitled for Work Only person or a Licensed person shall expire on whichever of the following dates occurs first –
- (a) the date immediately prior to the date that the person is required to have an appropriate valid registration card under Article 19(1) or 24(1), as the case may be, unless the Minister verifies that the person continues to meet, or is expected to continue to meet on the latter date, the conditions for Entitled for Work Only status or Licensed status, as the case may be, for the purposes of the relevant Article; or
- (b) the date the person loses his or her Entitled for Work Only status or Licensed status, as the case may be.
- (6) The registration card of a Registered person shall be permanent (whether or not the person is issued with another registration card recording a different residential and employment status).
- (7) Expiry of a registration card in accordance with this Article shall not, by itself, have any effect on a person's residential and employment status, such status being determined in accordance with Regulations made under Article 2.
- (8) For the purposes of paragraph (4)(a) and (5)(a), the Minister shall determine the means by which, and to whom, there shall be communicated the verification described in those sub-paragraphs.

6 Offences concerning registration cards

- (1) A person who purports to sell, transfer or assign a valid registration card or agrees to assign, sell or transfer such a card is guilty of an offence and liable to a fine of level 3 on the standard scale.
- (2) A sale, transfer or assignment of a valid registration card is of no effect.
- (3) A person who wilfully defaces or destroys a valid registration card is guilty of an offence and liable to a fine of level 3 on the standard scale.
- (4) 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 registration card; or
- (b) makes or has in the person's possession any document so closely resembling a registration card 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.
- (5) A person who knowingly makes any false statement or withholds any material information for the purpose of –
- (a) obtaining a registration card for himself, herself or any other person;

- (b) obtaining the variation of any registration card;
- (c) preventing the issue or variation of any registration card; or
- (d) procuring the imposition of any condition in relation to a registration card,

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

PART 3

REGISTRATION FOR NEWCOMERS TO JERSEY

7 Requirement for registration card

- (1) A person who meets the conditions described in paragraph (4) must have an appropriate valid registration card for which an application has been made within the time limit specified in paragraph (5).
- (2) Paragraph (1) does not apply to a person who, within the time limit specified in paragraph (5), has an appropriate valid registration card for the purposes of Article 24.
- (3) For the purposes of this Article, an appropriate valid registration card is a registration card which correctly records the person's employment and residential status at the time of the person's application for the card.
- (4) For the purposes of paragraph (1), the conditions are that the person –
 - (a) is, or expects to be, ordinarily resident in Jersey for a continuous period of 3 months or more on or after the date that this Article comes into force (regardless of the nature of the premises occupied by the person during that time); and
 - (b) has not been ordinarily resident in Jersey for a continuous period of 3 months or more immediately before –
 - (i) the date that this Article comes into force, or
 - (ii) the date the person attains the age of 16.
- (5) Subject to paragraph (6), the application for a registration card must be made no later than the expiry of the first period of 3 months during which the person is ordinarily and continuously resident in Jersey.
- (6) If the date from which a person has been ordinarily resident for a continuous period of at least 3 months occurs before the date that this Article comes into force, the application for a registration card must be made no later than the expiry of the 3 month period starting on the date that this Article comes into force.
- (7) Temporary absences from Jersey shall be disregarded in determining whether a person is continuously resident in Jersey for the first period of 3 months during which a person is ordinarily resident in Jersey provided that the majority of that time is spent in Jersey.

- (8) A person who contravenes paragraph (1) shall be guilty of an offence and liable to a fine of level 3 on the standard scale.

8 Registration requirements for children not born in Jersey

- (1) This Article applies to an adult who shares a household with a child born after the date that this Article comes into force, such child not being born in Jersey, if the adult is –
- (a) the parent of the child; or
 - (b) another person with parental responsibility for the child.
- (2) An adult to whom this Article applies is required to notify the Minister of the child's name, gender, address and date of birth, such notification taking place –
- (a) at the time the adult applies for a registration card under Article 3; or
 - (b) no later than 3 months after the date the child starts a period of 3 months continuous ordinary residence in Jersey.
- (3) A notification under paragraph (2) shall be in such form as the Minister may determine.
- (4) If there is more than one adult to whom this Article applies, compliance by one adult with the duty under paragraph (2) discharges all other persons to whom this Article applies of that duty.
- (5) A person who contravenes paragraph (2) is guilty of an offence and liable to a fine of level 2 on the standard scale.
- (6) An adult to whom this Article applies is not required to make a notification under this Article in respect of any child who is the subject of a notification by that adult under Article 9(2)(b) or (5)(a).

PART 4

INFORMATION TO THE MINISTER

9 Requirement to give information to the Minister upon change of address

- (1) A person who –
- (a) moves to an address in Jersey on or after the date that this Article comes into force; and
 - (b) is, or expects to be, ordinarily resident at that address for a continuous period of 3 months or more,
- must notify the Minister of the information specified in paragraph (2) within the time limit specified in paragraph (6).
- (2) The information required for the purposes of paragraph (1) is –
- (a) the person's full name (including title), date of birth, the address to which the person has moved and the date the person started the continuous period of 3 months ordinary residence at that address;

-
- (b) the full name (including title) and date of birth of any other individual who moved to that address with the person; and
 - (c) if applicable, the date the person, or, if known to the person, any individual referred to in sub-paragraph (b), intends to leave that address, or has left that address, because he or she intends to cease, or has ceased, being ordinarily resident in Jersey.
- (3) A person who –
- (a) has control of a unit of dwelling accommodation in respect of which another person must make a notification under paragraph (1); and
 - (b) is not a person referred to in paragraph (2)(b) in respect of whom that other person must make a notification,
- must notify the Minister of the information specified in paragraph (5) within the time limit specified in paragraph (6).
- (4) For the purposes of paragraph (3) a person has control of a unit of dwelling accommodation if the person is responsible for allowing the other person referred to in paragraph (3)(a) to occupy that unit as his or her ordinary residence.
- (5) The information required for the purposes of paragraph (3) is –
- (a) the full name (including title) of every individual referred to in sub-paragraphs (a) and (b) of paragraph (2);
 - (b) the address of that unit of dwelling accommodation and the capacity in which the person making the notification has control of that unit, for example, as owner or lessor; and
 - (c) if known to the person making the notification, the date that any individual referred to in sub-paragraph (a) or (b) of paragraph (2) intends to leave that unit of dwelling accommodation, or has left that unit of dwelling accommodation, because the individual intends to cease, or has ceased, being ordinarily resident in Jersey.
- (6) A notification under paragraph (1) or (3) –
- (a) in respect of the information described in sub-paragraphs (a) and (b) of paragraph (2) or sub-paragraphs (a) and (b) of paragraph (5), as the case may be, shall be made no later than the expiry of the first period of 3 months of continuous residency at that address by any individual who is the subject of the notification;
 - (b) in respect of the information described in paragraph (2)(c) or (5)(c), shall be made as soon as practicable after the person making the notification becomes aware of the information.
- (7) If there is more than one person subject to the duty under paragraph (1) compliance with the duty by one person shall discharge all other persons who are subject to that duty.
- (8) If there is more than one person who is subject to the duty under paragraph (3), compliance with the duty by one person shall discharge all other persons who are subject to that duty.

- (9) A notification under paragraph (1) or (3) shall be in such form as the Minister may determine and accompanied by such documents or other information that the Minister may require to verify the identify of any individual who is the subject of the notification.
- (10) Temporary absences from an address shall be disregarded in determining whether a person is continuously resident at that address for the first period of 3 months at that address provided that the majority of that time is spent residing there.
- (11) The requirements under paragraphs (1) and (3) do not apply to a person in respect of information that has been notified to the Minister under another prescribed provision in any prescribed enactment.
- (12) A person who fails to comply with paragraph (1) or (3) shall be guilty of an offence and liable to a fine of level 2 on the standard scale.
- (13) The Minister may by Order –
 - (a) modify the requirements of this Article in respect of such individual or description of individual as may be specified in the Order; and
 - (b) make provision for treating any person as being in control of a unit of dwelling accommodation for the purposes of this Article or for the purposes of any modification under sub-paragraph (a).

10 Power to obtain information from other departments

The Minister may, for the purposes of facilitating compliance with this Law, obtain, in relation to any individual, any of the following information that is held by any department or administration for which a Minister is assigned responsibility notwithstanding anything in any enactment to the contrary –

- (a) full name (including title);
- (b) date of birth;
- (c) current address.

PART 5

HOUSING CATEGORIES AND OCCUPATION OF HOUSING

11 Housing categories

- (1) A unit of dwelling accommodation shall be in one of the following categories –
 - (a) Qualified; or
 - (b) Registered.
- (2) The category of a unit of dwelling accommodation shall be as specified in Article 12, 13 or 14 (as the case requires) or as otherwise determined by the Minister under Article 15.

- (3) For the purposes of Articles 12 and 13, a unit of dwelling accommodation the construction of which is completed on or after the date that this Article comes into force (whether or not construction is begun before the date that this Article comes into force) shall be deemed to be created on the date of completion.

12 Housing created after the date this Law comes into force

Any unit of dwelling accommodation to which Article 13 does not apply shall be Qualified subject to such conditions (if any) as the Minister may specify under Article 15.

13 Categorization of housing created before the date this Law comes into force

- (1) This Article applies to a unit of dwelling accommodation –
- (a) created before the date that this Article comes into force; or
 - (b) created on or after the date this Article comes into force if –
 - (i) its sale, transfer or lease was subject to a consent granted by the Minister for Housing under the Housing Regulations, or
 - (ii) it was otherwise subject to a condition specified by the Minister for Housing prior to the date this Article comes into force relating to the occupation, use or disposal of such a unit (whether or not under those Regulations).
- (2) A unit of dwelling accommodation to which this Article applies shall be Qualified if, immediately before the date that this Article comes into force, such unit was –
- (a) subject to a condition or restriction (howsoever arising) that it is occupied by a person who would be permitted to purchase, take on a transfer of, or a lease of, the unit by virtue of one or more provisions in Regulation 1 of the Housing Regulations (whether or not such occupation took place);
 - (b) occupied by a person who purchased, took on a transfer of, or a lease of, the unit by virtue of a consent granted under any provision of the Housing Law or Regulations made under that Law (whether or not the unit was subject to a condition or restriction requiring such consent);
 - (c) subject to the condition referred to in Article 7A of the Housing Law; or
 - (d) occupied by a person who purchased, took on a transfer of, or leased the unit from a parish or a States funded body or any person or body acting on behalf of the public of Jersey.
- (3) For the purposes of paragraph (2) there shall be disregarded any concession relating to occupancy of a unit of dwelling accommodation by a person who does not satisfy a condition or restriction to which that unit is subject.
- (4) A unit of dwelling accommodation to which this Article applies –

- (a) that was acquired before –
 - (i) 4th April 1949, or
 - (ii) 10th June 1993 by any of the means described in Article 5(a), (b) and (c) of the Housing Law; or
- (b) falls within a description in Article 7(2) of the Housing Law, and was not subsequently the subject of any specified transaction within the meaning of Article 18(1)(a) of this Law prior to the date that this Article comes into force shall be Qualified on the date of the first such specified transaction concerning that unit.
- (5) A unit of dwelling accommodation to which this Article applies that is acquired after the date that this Article comes into force –
 - (a) as a result of *dégrèvement*;
 - (b) by subrogation from a *tenant après dégrèvement*; or
 - (c) by inheritance,shall be Qualified.
- (6) A unit of dwelling accommodation to which this Article applies shall be Registered if it is not Qualified under paragraph (2), (4) or (5).
- (7) Subject to paragraph (8), if immediately before the date that this Law comes into force, any unit of dwelling accommodation to which this Article applies is subject to any lawful condition, including any concession to such a condition, relating to the occupancy, use or disposal of that unit, (whether or not that condition or concession arises in or under any enactment) that condition, including any such concession, shall be deemed to be a condition specified by the Minister under Article 15 to which the housing categorization of that unit is subject.
- (8) Paragraph (7) shall not apply to –
 - (a) any condition (including any variation of a condition) attached to a grant of planning permission (including permission given by a Development Order) under the Planning and Building (Jersey) Law 2002¹²; or
 - (b) any condition attached to a planning permission granted under an enactment repealed by that Law,and nothing in this Article shall affect the operation of any such condition.

14 Specific provisions in respect of premises registered under other enactments

- (1) If, after the date this Article comes into force, registration of any premises is cancelled under the Tourism (Jersey) Law 1948, the Nursing and Residential Homes (Jersey) Law 1994 or the Lodging Houses (Registration) (Jersey) Law 1962, any unit of dwelling accommodation comprised in such premises shall be Qualified (whether or not such unit was previously categorized as Qualified under this Law).

- (2) If, following cancellation as described in paragraph (1), any such premises are re-registered under any of the enactments described in paragraph (1), the Minister shall determine the categorization of any unit of dwelling accommodation comprised in such premises as if such determination were a change of categorization under Article 15.

15 Conditions and changes to housing categories

- (1) An owner of a unit of dwelling accommodation may apply to the Minister to change the housing category of the unit of dwelling accommodation or to specify or vary the conditions relating to the housing category of the unit of dwelling accommodation.
- (2) Such application shall be in such form and accompanied by such fee as the Minister may prescribe.
- (3) The Minister may, of his or her own motion, or following an application under paragraph (1), make a determination relating to any of the following –
 - (a) a change in the categorization of a unit of dwelling accommodation;
 - (b) specification or a variation of the conditions relating to the housing category of a unit of dwelling accommodation.
- (4) The Minister shall not make a determination under paragraph (3) if the effect of any such determination would render unlawful the occupation of such a unit by any person who lawfully occupies the unit at the time of the determination.
- (5) The Minister shall not make a determination under paragraph (3) unless each person who may be affected by the determination –
 - (a) has been notified of the proposed change and of his or her right of appeal against the determination under Article 41; and
 - (b) been given an adequate opportunity to make representations to the Minister.
- (6) For the purposes of paragraph (5), a person who may be affected by the determination means each person (if any) who occupies the unit of dwelling accommodation as his or her ordinary residence and each person (including a legal person) who is an owner of that unit of dwelling accommodation, including any person who is an immediate landlord of the occupier of that unit.
- (7) In making a determination under paragraph (3), the Minister shall have regard to any relevant factors relating to the supply and demand of housing, particularly in relation to the interests of persons with Entitled status and may have regard to any other factors he or she considers relevant.
- (8) If the Minister makes a determination following an application under paragraph (1), the Minister shall notify the applicant of his or her determination not later than 6 weeks after the date of the application.
- (9) For the purposes of paragraph (1) “owner” –

- (a) excludes the lessee of a unit of dwelling accommodation unless the lessee has the written permission of the owner to make such an application;
 - (b) in the case of a unit of dwelling accommodation to which the Loi (1991) sur la copropriété des immeubles bâtis¹³ applies, means the owner of a *lot*;
 - (c) in the case of share transfer property, means the company owning the unit of dwelling accommodation.
- (10) For the purposes of paragraph (9)(c), “share transfer property” means any unit of dwelling accommodation where a person’s entitlement to use and occupy the unit of dwelling accommodation arises by virtue of the ownership by that person of shares in a company that owns the unit.
- (11) A person who contravenes a condition which is the subject of a determination under this Article shall be guilty of an offence and liable to a fine.
- (12) The Minister’s powers under this Article shall not apply to –
- (a) any condition (including any variation of a condition) attached to a grant of planning permission (including permission given by a Development Order) under the Planning and Building (Jersey) Law 2002; or
 - (b) any condition attached to a planning permission granted under an enactment repealed by that Law,
- and nothing in this Article shall affect the operation of any such condition.

16 Register of housing

- (1) The Minister shall keep a register of all units of dwelling accommodation showing –
- (a) the housing category of each unit; and
 - (b) whether there are any conditions or concessions to which that categorization is subject.
- (2) Any person may inspect the register during normal business hours free of charge or take a copy of any part of the register subject to payment of any prescribed fee.

17 Occupation of Qualified housing

- (1) A person shall not occupy a unit of dwelling accommodation that is Qualified as his or her ordinary residence unless –
- (a) the person is Entitled or Licensed;
 - (b) the person occupies the unit with the consent of another person who is Entitled or Licensed provided that the other person occupies the whole or a substantial part of that unit as his or her sole or principal place of residence in Jersey;

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- (c) the person is Entitled for Work Only and has purchased the unit of dwelling accommodation as a party to a specified transaction described in Article 18(1)(a) to which his or her spouse or civil partner, being an Entitled person or a Licensed person, was also a party in the same capacity;
 - (d) the person has acquired the property by inheritance; or
 - (e) the person occupies the unit with the consent of the Minister under paragraph (2).¹⁴
- (2) The Minister may grant consent to any person who has previously occupied a unit of dwelling accommodation by virtue of any of subparagraphs (a) to (c) of paragraph (1) to live in any unit of dwelling accommodation that is Qualified as his or her ordinary residence for such period as may be specified by the Minister (which may be determined by the happening of an event).
 - (3) If a person occupies a unit of dwelling accommodation under paragraph (1)(b) the person may at any time request the Minister to verify the residential and employment status of the person giving consent to the occupation and the Minister shall comply with such a request.
 - (4) Where it appears to the Minister that a person is occupying a unit of dwelling accommodation in contravention of paragraph (1), the Minister may make an application to the Court for a declaration that, for the purposes of this Law and any Regulations made under this Law, a person shall be deemed not to be, or not to have been, ordinarily resident in Jersey in respect of any period during which the person has occupied, or is in occupation of, a unit of dwelling accommodation in contravention of this Article.
 - (5) In making a declaration under paragraph (4), the Court may make such incidental provision as it thinks fit.
 - (6) An application in respect of a person under paragraph (4) must be made within 6 months of the date the Minister becomes aware of occupation by that person of a unit of dwelling accommodation in contravention of this Article.
 - (7) Any person who occupies a unit of dwelling accommodation as his or her ordinary residence in contravention of this Article is guilty of an offence and liable to a fine.

PART 6

LAND TRANSACTIONS

18 Specified transactions

- (1) For the purposes of this Part a specified transaction is –
 - (a) a registered contract for the sale or transfer of any land in perpetuity, or for a term expiring on the happening of a specified

- event, or for the unexpired portion of any such term as aforesaid;
or
- (b) a lease of any land, whether oral or in writing, including a registered contract of lease.
- (2) A specified transaction shall not include –
 - (a) any contract of partition of inherited or devised immovable property; or
 - (b) any lease where the land demised by the lease does not comprise a unit of dwelling accommodation.
 - (3) The States may by Regulations amend paragraph (2).

19 Prohibition on specified transactions without an appropriate valid registration card

- (1) No person shall be a party to a specified transaction unless the person acquiring land that is the subject of that transaction –
 - (a) has an appropriate valid registration card; and
 - (b) is not prohibited from being such a party under this Article.
- (2) For the purposes of this Article –
 - (a) an appropriate valid registration card of a person is a registration card recording the person's residential and employment status, the conditions for such status being satisfied by that person on the date of the specified transaction; and
 - (b) references to the acquisition of land mean acquiring land as a purchaser, lessee or transferee.
- (3) Subject to paragraph (6), a person who is Registered or Entitled for Work Only shall not acquire land as a party to any transaction described in Article 18(1)(a).
- (4) A person who is Registered or Entitled for Work Only shall not acquire land as a party to any transaction described in Article 18(1)(b) that is a registered contract of lease.
- (5) Subject to paragraph (4), a person who is Registered or Entitled for Work Only shall not acquire land as a party to any transaction described in Article 18(1)(b) except a transaction in relation to a unit of dwelling accommodation that is Registered, such transaction being subject to the condition that the unit of dwelling accommodation will be occupied by the person as his or her sole or principal place of residence in Jersey.
- (6) Paragraph (3) does not apply where a person who is Entitled for Work Only is a party to a specified transaction described in Article 18(1)(a) to which his or her spouse or civil partner –
 - (a) being an Entitled person, is also a party (whether or not each spouse or civil partner is a party to the specified transaction in the same capacity); or
 - (b) being a Licensed person, is also a party, (each spouse or civil partner being a party to the specified transaction as joint purchaser or transferee).¹⁵

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- (7) A person who is Licensed shall not acquire land as a party to any transaction described in Article 18(1)(a) unless –
- (a) the transaction involves a unit of dwelling accommodation which will be occupied by the person as his or her sole or principal place of residence in Jersey; and
 - (b) the transaction is subject to a condition that the Licensed person and, if applicable, any spouse or civil partner who jointly owns the unit of dwelling accommodation, will cause the unit of dwelling accommodation to be sold to a person who can lawfully occupy the unit under this Law in the event that the Licensed person is no longer permitted to occupy the unit of dwelling accommodation under Article 17(1)(a) or (e).¹⁶

20 Specified transactions concerning companies etc

- (1) In this Article “legal person” includes –
- (a) any body of persons, corporate or unincorporated;
 - (b) the Crown; and
 - (c) a corporation sole,
- but excludes Her Majesty in her private capacity and any other individual.
- (2) A legal person shall not acquire land as a party to a specified transaction except with the prior consent in writing of the Minister.
- (3) A legal person may make an application to the Minister for consent under paragraph (2) in such form and accompanied by such documents as the Minister may determine and accompanied by such fee as the Minister may prescribe.
- (4) In deciding whether to grant consent under paragraph (2), the Minister shall take into account whether consent, can, in the best interests of the community, be justified, with particular regard to the supply and demand of property and, where relevant, to promoting ownership of residential property by persons with Entitled status.
- (5) Subject to paragraph (7), the Minister may grant consent under paragraph (2) subject to such conditions as he or she thinks fit.
- (6) If the Minister refuses to grant consent under paragraph (2), or grants consent subject to conditions, he or she shall notify the applicant in writing with reasons and, at the same time, inform the applicant of his or her right of appeal under Article 41.
- (7) The Minister’s powers under paragraph (5) shall not apply to –
- (a) any condition (including any variation of a condition) attached to a grant of planning permission (including permission given by a Development Order) under the Planning and Building (Jersey) Law 2002; or
 - (b) any condition attached to a planning permission granted under an enactment repealed by that Law,

and nothing in this Article shall affect the operation of any such condition.

- (8) Paragraph (2) shall not apply to any specified transaction described in Article 18(1)(b), where the party acquiring land is a public utility undertaking and the land is for the purposes of accommodating any apparatus necessary for the supply or control of gas, electricity, water, or telecommunications.
- (9) In paragraph (8), “public utility undertaking” means any legal person authorized by or under any enactment to carry on a gas, electricity, water or telecommunications undertaking.

21 Offences concerning specified transactions

- (1) A person who is a party to a specified transaction (in any capacity) in contravention of any provision in this Part shall be guilty of an offence and liable to a fine.
- (2) A person who breaches any condition described in this Part to which a specified transaction is subject shall be guilty of an offence and liable to a fine.

PART 7

CONTROLS ON WORKING

22 Interpretation

- (1) In this Part –

“agency” means a person (the “agent”) who supplies an individual (“the agency worker”) to work for another (the “principal”) under a contract or other arrangements between the agent and the principal, such agency worker not working under a contract of service with the agent or the principal;

“authorized person” means the Minister or any individual authorized by the Minister under Article 33 to perform functions under this Part;

“business document” means any document that –

- (a) relates to the carrying on of an undertaking;
- (b) relates to the activity of being a hawker or non-resident trader; or
- (c) forms part of any record under any enactment;

“business licence” means a licence granted in respect of any undertaking involving work or services other than either or both of the following –

- (a) hawking;
- (b) any work or services performed or offered in Jersey by non-resident traders;

“business premises” means premises used in connection with the carrying on of an undertaking or the activity of being a hawker or non-resident

trader whether or not such premises are in a person's place of residence or are the sole premises used for any such purpose;

“group”, in relation to a body corporate, means that body corporate, any other body corporate which is its holding body corporate or subsidiary and other body corporate which is a subsidiary of that holding body corporate;

“hawker” means an individual who goes from door to door of residential premises, other than pursuant to an express prior arrangement with the owner or occupier of those premises, for the purpose of any of the following –

- (a) selling goods;
- (b) offering or exposing goods for sale;
- (c) buying or offering to buy goods;
- (d) providing or offering to provide, any services,

other than for the sole purpose of delivering printed matter advertising any such activities;

“hawker's licence” means a licence granted to a hawker;

“holding body corporate” has the same meaning as a holding body in Article 2 of the Companies (Jersey) Law 1991¹⁷;

“intoxicating liquor” has the same meaning as in the Licensing (Jersey) Law 1974¹⁸;

“licence” means any of the following licences granted under Article 26, as the case requires –

- (a) a business licence;
- (b) a non-resident trading licence;
- (c) a hawker's licence;

“licence holder” means –

- (a) a person carrying on an undertaking in respect of which a licence has been granted under Article 26;
- (b) a person (whether or not carrying on an undertaking) who holds a hawker's licence;

“non-resident trader” means any person (other than a hawker) who –

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

and who, being physically present, uses any place in Jersey, or moves from place to place in Jersey, for the purpose of selling or offering or exposing for sale goods or services to the public (whether such goods or services are supplied in Jersey or in a country or territory outside Jersey) or for the purpose of buying, or offering to buy, goods from the public;

“non-resident trading licence” means a licence granted in respect of an undertaking involving any work or services performed or offered in Jersey by non-resident traders;

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

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

and “paid” shall be construed accordingly;

“subsidiary” has the meaning given in Article 2 of the Companies (Jersey) Law 1991;

“recognized stock exchange” means –

- (a) the Channel Islands Stock Exchange;
- (b) any market for the buying and selling of securities which is situated in, and recognized as, a stock exchange within the meaning of the law relating to stock exchanges of any of the following –
 - (i) any 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 exchange approved in writing by the Minister;

“trading operation” means a trading operation designated by Regulations under Article 25 of the Public Finances (Jersey) Law 2005 or taken to be designated by such Regulations under another enactment.

23 Meaning of “undertaking”

- (1) Subject to this Article, “undertaking” means 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 by any person whether or not carried on for profit.
- (2) For the purposes of paragraph (1) a trade, business or activity is not an undertaking if no individual working for the undertaking is paid for such work.
- (3) For the purposes of this Law the following persons shall be treated as carrying on an undertaking –
 - (a) where an undertaking is carried on by a legal person, the legal person; or
 - (b) where an undertaking is not carried on by a legal person, the individual or individuals having responsibility for the management, direction and control of the undertaking.
- (4) In determining whether an undertaking is being carried on in Jersey –

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- (a) it is irrelevant whether it has an address in Jersey or whether any address from which the undertaking is carried on is fixed or is a business address or is a dwelling house or some other premises provided that the undertaking has a physical presence in Jersey; and
 - (b) it is irrelevant whether activities being carried on in Jersey comprised in the undertaking are ancillary to any trade or business carried on by the undertaking outside Jersey.
- (5) For the purposes of paragraph (4)(a), ‘physical presence’ may refer to the physical presence in Jersey of –
- (a) any person working in or for the undertaking; or
 - (b) any item in the custody or ownership of the undertaking,
- however for the avoidance of doubt, the presence in Jersey of a person working in or for an undertaking carrying on activities outside Jersey only for the purpose of meeting staff of another undertaking does not of itself constitute physical presence of the former undertaking in Jersey.
- (6) Subject to paragraph (7), States funded bodies shall together be deemed to be a single undertaking for the purposes of this Part.
- (7) Each parish, trading operation and any prescribed States funded body shall each be a separate undertaking.

24 Requirement to have a registration card for work

- (1) A person, being an individual, shall not start new work in Jersey unless that person has an appropriate valid registration card.
- (2) A person shall not appoint another person to work in or for an undertaking unless the latter has an appropriate valid registration card.
- (3) For the purposes of this Article, an appropriate valid registration card is a registration card recording the person’s residential and employment status, the conditions for such status being satisfied by the person on the date the person starts new work.
- (4) A person starts new work for the purposes of this Article –
 - (a) if the person works under a contract of employment for a person for whom the person has not previously worked;
 - (b) if the person works under a contract of employment for a person for whom the person has previously worked and the continuity of the period of the person’s employment has been broken within the meaning of the Employment (Jersey) Law 2003¹⁹; or
 - (c) if there is no contract of employment, the person works in or for an undertaking –
 - (i) in or for which the person has not previously worked, or
 - (ii) in or for which the person has previously worked but the length of time which has elapsed since ending that work is such that the person would ordinarily be regarded as starting new work.

- (5) For the purposes of paragraph (4), subject to paragraph (6), a person works for another person under a contract of employment if –
 - (a) the first person works for the second person under a contract of service or apprenticeship with the second person; or
 - (b) the first person enters into any other contract with the second person under which the first person undertakes to do, or to perform personally, work or services for the second person.
- (6) Subject to any Order under paragraph (7), any individual working in or for an undertaking (first undertaking) shall not be deemed to be working for a second undertaking where the second undertaking is a client or customer of the first undertaking.
- (7) The Minister may, by Order, specify circumstances in which persons supplied by an agency to work for another undertaking shall be regarded for the purposes of this Article as working for the agency or the other undertaking or both.
- (8) An individual who works under a contract of service or apprenticeship for a body corporate within a group and who works for an undertaking being carried on in Jersey consisting of or including any body corporate within the group (whether or not under that contract or some other arrangement), shall be deemed to be working for the undertaking being carried on in Jersey.
- (9) It is immaterial whether a contract to which this Article refers is express (whether oral or in writing) or implied.
- (10) A person carrying on an undertaking in respect of which a licence has been granted may, at any time, make a written request to the Minister to verify the employment and residential status of any person working in or for the undertaking and the Minister shall comply with such a request.
- (11) A person who contravenes paragraph (1) or (2) shall be guilty of an offence and liable to a fine.

25 Requirement for undertakings to have a licence

- (1) A person shall not carry on an undertaking in Jersey unless there is in force such licence or licences as are appropriate for the operation of that undertaking.
- (2) For the purpose of paragraph (1) an appropriate licence is any of the following, as the case requires –
 - (a) a business licence;
 - (b) a hawker's licence;
 - (c) a non-resident trading licence.
- (3) Subject to paragraphs (4) to (7), an undertaking which does not have a non-resident trading licence does not have an appropriate licence if –
 - (a) there is any significant change in the ownership of the undertaking after the date that this Article comes into force;
 - (b) more than 60 days have elapsed since that change took place; and

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- (c) the person carrying on the undertaking did not make an application, by the date of the expiry of that 60 day period, for the grant of a licence, or, if such an application was made, it was withdrawn or, under Article 26(7), treated as having been withdrawn.
 - (4) For the purposes of paragraph (3), where the undertaking is a company with a share capital –
 - (a) a person shall be deemed to own shares if the person has any interest in them (whether equitable, legal or contractual) other than an interest as a bare nominee or bare trustee; and
 - (b) “significant” means the acquisition of share capital (whether or not by means of one or more acquisitions) such that the share capital in the company owned by any of the following persons (whether or not acting collectively) is, when aggregated, less than 60% –
 - (i) Entitled,
 - (ii) Licensed,
 - (iii) Entitled for Work Only.
 - (5) For the purpose of paragraph (3) there shall be disregarded an undertaking which is listed on a recognized stock exchange.
 - (6) For the purposes of paragraph (3) there shall be disregarded a company with a share capital in respect of which –
 - (a) there has been one significant change in the ownership of that undertaking after the date that this Article comes into force; and
 - (b) since that change, the amount of share capital owned by any of the persons described in paragraph (4)(b) (whether or not acting collectively) has not increased to 60% or more.
 - (7) The Minister shall issue guidance concerning the application of paragraph (3) in respect of an undertaking that is not a company with a share capital, and shall, by Order, specify the date such guidance shall come into effect.
 - (8) A person who contravenes paragraph (1) shall be guilty of an offence and liable to imprisonment for a term of 2 years and to a fine.
 - (9) The Minister may by Order provide that any undertaking or undertaking of a prescribed description is exempt from the duty to have a licence under this Article.
 - (10) The Minister may, by Order –
 - (a) amend any expression of time referred to in sub-paragraphs (b) and (c) of paragraph (3);
 - (b) amend paragraphs (4) to (7) in respect of the circumstances in which there is deemed to be a significant change in the ownership of an undertaking for the purposes of paragraph (3).
 - (11) The States may, by Regulations, repeal paragraphs (3) to (7), (10) and this paragraph.

26 Grant and duration of a licence

- (1) A person may make an application in respect of the operation of an undertaking for a business licence, a non-resident trading licence or a hawker's licence as the case requires.
- (2) References in this Article to a "licence" are to the type of licence in respect of which an application is made.
- (3) An application under paragraph (1) shall be in such form as the Minister determines and accompanied by such documents as the Minister may require and be accompanied by such fee as may be prescribed.
- (4) Upon receipt of an application under paragraph (1) and such further information or documents as the Minister may require for the purpose of determining the application, the Minister may –
 - (a) grant a licence with or without an expiry date (subject to Article 28(1)) in the case of a hawker's or non-resident trading licence); or
 - (b) refuse to grant a licence.
- (5) If the Minister grants a licence he or she shall specify, as a condition of the licence, the nature of the undertaking authorized by the licence and may do either or both of the following –
 - (a) impose, with reasons, such other conditions as he or she thinks fit, subject to Article 27(1);
 - (b) refuse to impose, with reasons, any condition requested by the applicant.
- (6) Activities which are incidental or ancillary to, or a necessary part of, the nature of the undertaking specified under paragraph (5) are deemed to be authorized by the licence.
- (7) If a person making an application does not, without reasonable excuse, provide such further information or documents under paragraph (4) within one month of the Minister giving notice of requiring such information or documents, or such longer period as the Minister may allow, the Minister may treat the application as having been withdrawn.
- (8) Where the Minister –
 - (a) refuses to grant a licence; or
 - (b) grants a licence but refuses to grant it subject to any condition requested by the applicant,he or she shall give the applicant a statement in writing of reasons for that decision and, at the same time, notify the applicant of the applicant's right of appeal under Article 41.
- (9) In determining whether to grant a licence, the Minister shall have particular regard to –
 - (a) preserving and maximising the benefits of Jersey's resources;
 - (b) promoting a balanced and prosperous economy;
 - (c) protecting the integrity and reputation of Jersey in commercial and financial matters;

- (d) any relevant policies of the States of Jersey;
 - (e) whether such a grant would be in the public interest; and
 - (f) in the case of a hawker's licence, whether the applicant is a fit and proper person.
- (10) In determining whether the applicant is a fit and proper person for the purposes of paragraph (9)(f), the Minister may take into account any previous convictions of the applicant that are not spent under the Rehabilitation of Offenders (Jersey) Law 2001²⁰ and for that purpose, the Chief Officer of the States of Jersey Police Force shall provide the Minister with such information concerning any such previous convictions as the Minister may request.
- (11) In prescribing a fee for the purposes of paragraph (3) the Minister may make provision for a refund of a fee in the event that an application is withdrawn or the Minister refuses the grant of a licence.
- (12) A licence shall be in such form as may be determined by the Minister save that a hawker's licence shall include a photograph of the licence holder.
- (13) A person who, without lawful excuse, contravenes, or procures the contravention of, any condition of a licence is guilty of an offence and liable to imprisonment for a term of 2 years and to a fine.

27 Specific provisions relating to a business licence

- (1) If the Minister decides to grant a business licence under Article 26(4), the Minister shall specify as a condition of the business licence –
- (a) the maximum number (which may be nil) of individuals with Licensed and Registered status respectively who are permitted to work in or for the undertaking; and
 - (b) if any individuals with Licensed status are so permitted, each description of work which may be done by an individual with that status.
- (2) Without prejudice to the Minister's general power to attach conditions under Article 26(5), the Minister may attach conditions relating to any of the following matters in respect of a business licence –
- (a) specified accommodation to be occupied by persons working for the undertaking with Licensed or Registered status (such accommodation being specified individually or with reference to a general description which may include factors relating to price);
 - (b) the number of persons with Licensed status working in or for the undertaking who shall be prohibited from being a party to any transaction described in Article 18(1)(a);
 - (c) limits on the period of time for which a person with Licensed or Registered status may work in or for the undertaking;
 - (d) named persons with Licensed or Registered status who may work in or for the undertaking;

- (e) periodic reviews for the purpose of determining whether a variation of the licence is appropriate.
- (3) For the purposes of complying with a condition under paragraph (1) there shall be disregarded –
 - (a) any individual working in or for an undertaking who is not paid for such work; and
 - (b) any individual, or individual falling within such description, as may be prescribed by Order.
- (4) The Minister may, by Order prescribe fees for any periodic review that is the subject of a condition of a licence.

28 Specific provisions relating to a hawker's licence and a non-resident trading licence

- (1) If the Minister decides to grant a hawker's licence or a non-resident trading licence under Article 26(4), the Minister shall specify on the licence the period for which the licence shall remain in force, such period not exceeding 12 months.
- (2) No hawker's licence may be granted allowing any of the following goods to be sold or offered or exposed for sale –
 - (a) tobacco;
 - (b) intoxicating liquor;
 - (c) any other prescribed goods.
- (3) The holder of a hawker's licence shall produce his or her licence for inspection forthwith on being required to do so –
 - (a) by any police officer; or
 - (b) by any person approaching the holder of the hawker's licence in the course of, and for the purposes of, his or her business as a hawker.
- (4) A person carrying on an undertaking in respect of which a non-resident trading licence has been granted shall –
 - (a) ensure that the licence is displayed in a prominent position at the place used for the purposes of the undertaking when trade is being carried on at that place; or
 - (b) if the nature of the trading is such that compliance with sub-paragraph (a) is not possible, produce the licence for inspection forthwith on being required to do so by any person described in paragraph (3) (as if that paragraph referred to a non-resident trading licence).
- (5) A person who contravenes paragraph (3) or (4) shall be guilty of an offence and liable to a fine.

29 Variation of licences

- (1) A licence holder may, at any time, apply to the Minister to vary any condition of a licence or the Minister may, of his or her own volition,

give notice to a licence holder that he or she intends to vary any condition of a licence.

- (2) An application under paragraph (1) shall be in such form and accompanied by such documents as the Minister may require and be accompanied by such fee as may be prescribed.
- (3) A notice under paragraph (1) shall give the licence holder adequate opportunity to make representations with respect to the proposed variation.
- (4) Subject to paragraph (6), the Minister may –
 - (a) vary any condition as he or she thinks fit by notice to the licence holder following receipt of an application under paragraph (1) or following consideration of any representations under paragraph (3); or
 - (b) refuse to vary a condition following receipt of an application under paragraph (1).
- (5) In exercising his or her powers under paragraph (4), the Minister shall have regard to the factors specified in Article 26(9).
- (6) The Minister shall not vary any condition of a business licence so as to decrease the maximum number of individuals of a specified residential and employment status permitted to work in or for an undertaking below the number of individuals of that status working in or for the undertaking, or who have been appointed to work in or for that undertaking, at the time such a variation would take effect.
- (7) If the Minister –
 - (a) refuses to vary a condition of a licence following an application under this Article;
 - (b) varies a condition of a licence of his or her own volition;
 - (c) varies a condition of a licence following an application, such variation not being requested by the applicant,

he or she shall give the licence holder a written statement of reasons for the decision and, at the same time, notify the licence holder of his or her right of appeal under Article 41.

- (8) A notice of a variation of a licence shall not take effect before –
 - (a) the expiration of one month from the date on which notice in writing was given to the licence holder under paragraph (7); or
 - (b) the date any appeal under Article 41 is determined by the Court or withdrawn,

whichever is the later, unless the licence holder agrees that it should take effect at an earlier date.

30 Revocation of a licence

- (1) A licence granted under Article 26 (whether or not varied under Article 29) may be revoked by the Minister by giving notice in writing to the licence holder –
 - (a) if the Minister is satisfied that –
 - (i) any information provided in connection with the application for the licence, or an application to vary the licence, was false or misleading in a material particular,
 - (ii) there has been failure to comply with any condition of the licence,
 - (iii) in the case of a business licence only, the undertaking has ceased to exist or appears to have ceased to exist (whether or not the licence holder or the undertaking has been wound up or dissolved),
 - (iv) the licence is significantly detrimental to the interests of Jersey having regard to the factors specified in Article 26(9), or
 - (v) the undertaking has failed to pay an annual charge under Article 31 or has failed to submit statements as required under Article 32; or
 - (b) if the licence holder requests or agrees to the revocation of the licence.
- (2) The Minister shall not revoke a licence under paragraph (1)(a) unless he or she has given to the licence holder not less than one month's notice in writing together with a statement of the Minister's reasons and a notification of the licence holder's right of appeal under Article 41.
- (3) A revocation under paragraph (1)(a) shall not take effect before the expiration of –
 - (a) a period of one month from the date on which notice in writing was given to the licence holder; or
 - (b) the date on which any appeal under Article 41 against the revocation is determined by the Court or withdrawn,whichever is later, unless the licence holder request that it should take effect at an earlier date.
- (4) A revocation under paragraph (1)(b) shall take effect on such date as the licence holder requests or agrees with the Minister.

31 Annual charges in respect of business licences

- (1) If a business licence permits any Licensed person to work in or for an undertaking, the licence holder shall pay such annual charge as may be prescribed in respect of each person so permitted (regardless of the number of such persons working in or for the undertaking at any time).
- (1A) If a business licence permits any Registered person to work in or for an undertaking, the licence holder shall pay such annual charge as may be prescribed, whether in respect of each Registered person or by reference

to a number or numbers of such persons (regardless of the number of such persons working in or for the undertaking at any time).²¹

- (1B) For the purposes of paragraph (1A), a Registered person whose labour is supplied by the licence holder to any other undertaking shall be taken to be a person who works in or for the licence holder.²²
- (2) The Minister may, by Order, prescribe the date by which any annual charge is payable.
- (3) If a person who is required to pay a charge under paragraph (1) or (1A) does not do so on or before the prescribed date he or she shall pay a penalty to the Minister of £250.²³
- (4) An amount due from a person under paragraph (3) shall be recoverable as a debt due to the States.
- (5) A person who fails without reasonable excuse to comply with paragraph (1) or (1A) shall be guilty of an offence and liable to a fine of level 3 on the standard scale.²⁴
- (6) The States may, by Regulations, amend this Article to make provision for the payment of an annual charge in respect of any Registered person who is permitted by a business licence to work in or for an undertaking.
- (7) The States may, by Regulations, amend the amount of penalty in paragraph (3).

32 Undertakings with business licences to provide statements

- (1) A person carrying on an undertaking in respect of which a business licence has been granted shall provide to the Minister, when required to do so by a notice served on him or her by the Minister, a statement of the name and current residential and employment status of such persons working in or for the undertaking during such period as the Minister may specify in the notice and such other particulars relating to such persons as the Minister may determine.
- (2) A statement made under paragraph (1) shall be in such form as the Minister may determine.
- (3) When a person required to deliver a statement under paragraph (1) does not do so on or before the last day of the month immediately following the period in respect of which the statement is required, he or she shall pay a penalty to the Minister of £250.
- (4) An amount due from a person under paragraph (3) shall be recoverable as a debt due to the States.
- (5) A person may, within 20 days of the service of a notice under paragraph (1), apply to the Minister in writing for a waiver under paragraph (6).
- (6) The Minister may waive a person's liability under paragraph (1) if satisfied that exceptional circumstances prevented, or would prevent, the person from delivering the statement to the Minister by the time limit specified in paragraph (3).

- (7) A person who fails without reasonable excuse to comply with paragraph (1) shall be guilty of an offence and liable to imprisonment for a term of 6 months and to a fine of level 3 on the standard scale.²⁵
- (8) The States may, by Regulations, amend the amount of penalty in paragraph (3).

33 Appointment of authorized persons

- (1) The Minister –
 - (a) may, in writing, appoint any person who is a States' employee within the meaning of Article 2 of the Employment of States of Jersey Employees (Jersey) Law 2005²⁶ to perform the functions of an authorized person under Articles 34 to 37; and
 - (b) may, instead of or in addition to appointing any person under subparagraph (a), arrange with any other Minister or with any body performing functions on behalf of the States, that any officer in an administration of the States for which that Minister is assigned responsibility, or any officer of that body, shall act for those purposes.
- (2) Such authorization may be either general or for a specific purpose.

34 Powers to obtain information

- (1) An authorized person may by notice in writing served on a licence holder require the licence holder to provide the authorized person at such time or times or at such intervals in respect of such period or periods as may be specified in the notice, with such information or documents as the Minister may reasonably require for the performance of his or her functions under this Part.
- (2) Where, under paragraph (1), an authorized person has power to require the production of any documents from a licence holder, the authorized person shall have the like power to require the production of those documents from any person who appears to be in possession of them.
- (3) Where any person from whom provision is required under paragraph (2) claims a lien on documents produced by that person, the provision shall be without prejudice to the lien.
- (4) The power under this Article to require a licence holder or other person to produce any documents includes power –
 - (a) to take copies of documents that are produced;
 - (b) to require an explanation of any documents that are produced; and
 - (c) if the documents are not produced, to require the person who was required to produce them to state, to the best of his or her knowledge or belief, where they are.
- (5) Any person who, without reasonable excuse, fails to comply with a requirement imposed on the person under this Article shall be guilty of an offence and liable to imprisonment for a term of 6 months and to a fine of level 3 on the standard scale.²⁷

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- (6) Nothing in this Article shall require the disclosure or production by a person to an authorized person of information or documents which he or she would, in an action in the Court, be entitled to refuse to disclose on grounds of legal professional privilege.
 - (7) A person who intentionally alters, suppresses or destroys any document that has been specified in a notice under paragraph (1) shall be guilty of an offence and liable to imprisonment for a term of 2 years and to a fine.

35 Power to enter business premises and examine business documents

- (1) An authorized person may examine and seize any business document, including a copy of any such document, that is located on business premises and may, for the purpose, enter business premises either –
 - (a) without a warrant if the occupier consents to such entry; or
 - (b) with a warrant issued under paragraph (4).
- (2) The power under paragraph (1) may be exercised only for the purpose of facilitating the exercise of the Minister's functions under this Law.
- (3) An authorized person may by notice require any person to produce any specified business document at the business premises where the business document is located for the purpose of enabling the authorized person to exercise the power under paragraph (1) in relation to that document.
- (4) On an application by the Minister or the Attorney General, supported by information given on oath, the Bailiff may issue a warrant authorizing any authorized person to enter any premises specified in the warrant for the purpose of exercising the power under paragraph (1) if the Bailiff is satisfied of any of the following –
 - (a) that –
 - (i) access was demanded by the authorized person at a reasonable hour and was unreasonably refused or, although entry to the premises was granted, the occupier of the premises unreasonably refused to allow the authorized person to exercise any of the powers under paragraph (1), and
 - (ii) the occupier of the premises has, after the refusal, been notified by the authorized person of the application for the warrant and has had an opportunity of being heard by the Bailiff on the question whether or not it should be issued;
 - (b) that the case is one of urgency and that compliance with sub-paragraph (a) would defeat the object of entry; or
 - (c) that the premises are unoccupied, or unlawfully occupied, and compliance with sub-paragraph (a) is not reasonably practicable.
- (5) An authorized person executing a warrant may use such reasonable force as may be necessary.
- (6) A warrant shall be executed at a reasonable hour unless it appears to the authorized person executing it that there are grounds for suspecting that the evidence in question would not be found if it were so executed.

- (7) If the premises in respect of which a warrant is issued are occupied and the occupier or any person acting on the occupier's behalf is present when the warrant is executed, the authorized person executing it shall show the warrant to that person and supply him or her with a copy of it or, if no such person is present, the authorized person executing the warrant shall leave a copy of it in a prominent place.
- (8) An authorized person seizing any document, whether or not in pursuant of a warrant, shall give a receipt for it if asked to do so.
- (9) Any document seized under paragraph (8) may be retained for so long as is necessary in all the circumstances but the person in occupation of the premises in question shall be given a copy of anything that is seized if the person so requests and the authorized person executing the warrant considers that it can be done without undue delay.
- (10) An authorized person shall not exercise the powers under this Article in respect of any document which a person would, in an action in Court, be entitled to refuse to disclose or produce on the grounds of legal professional privilege.

36 Obstructing an authorized person

- (1) A person shall be guilty of an offence if, without reasonable excuse, the person –
 - (a) obstructs an authorized person in the exercise of the authorized person's powers under Article 35; or
 - (b) fails to provide such reasonable assistance as an authorized person may require when the authorized person is exercising his or her powers under Article 35.
- (2) A person who intentionally alters, suppresses or destroys any business document that has been specified in a notice under Article 35(3) shall be guilty of an offence.
- (3) A person who is guilty of an offence under paragraph (1) shall be liable to imprisonment for a term of 6 months and to a fine of level 3 on the standard scale.²⁸
- (4) A person who is guilty of an offence under paragraph (2) shall be liable to imprisonment for a term of 2 years and to a fine.

37 Notices requiring cessation of unauthorized activity

- (1) If the Minister reasonably believes that a person is carrying on an undertaking in respect of which there is no appropriate licence as required under Article 25, the Minister may serve a notice requiring the cessation of any activity comprised in the operation of the undertaking.
- (2) If the Minister reasonably believes that the operation of an undertaking in respect of which a licence has been granted under Article 26 involves an activity not permitted by such a licence, the Minister may serve a notice requiring the cessation of such activity.
- (3) A notice under paragraph (1) or (2) shall –

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- (a) specify the nature of the activity that must cease; and
 - (b) give reasons for the notice.
 - (4) A notice under paragraph (1) or (2) may be served on behalf of the Minister by an authorized person and must be served on the person carrying on the undertaking or, if there is no person in Jersey on whom notice can be served in accordance with Article 40, any individual present in Jersey who appears to be responsible for carrying on the activity the cessation of which is required by the notice.
 - (5) An authorized person may, at any reasonable hour, enter business premises for the purpose of serving a notice under paragraph (1) or (2).
 - (6) Any person on whom a notice is served under this Article shall be responsible for ensuring compliance with the notice.
 - (7) The Minister may, at any time, cancel a notice served under paragraph (1) or (2) and shall notify the recipient of the notice accordingly.
 - (8) A person who, without reasonable excuse, obstructs an authorized person in the exercise of the authorized person's powers under paragraph (5) shall be guilty of an offence and liable to imprisonment for a term of 6 months and to a fine of level 3 on the standard scale.²⁹
 - (9) If a person on whom a notice under paragraph (1) or (2) has been served does not ensure compliance with the notice as required by paragraph (6), the Minister may apply to the Court for an order requiring the person to do so.
 - (10) On an application under paragraph (9) the Court may make an order –
 - (a) confirming or varying the terms of the notice and requiring the person to ensure compliance with the notice within such period as the Court shall specify; or
 - (b) dismissing the application,and may make such other consequential orders, including as to costs, as it thinks fit.
 - (11) Before a notice is served under paragraph (1), the Minister may apply *ex parte* to the Court for an order that the notice take effect as an interim injunction.
 - (12) On an application under paragraph (11) the Court may grant an interim injunction on such terms as it thinks fit.
 - (13) Where an interim injunction is granted, the Court shall order that the notice under paragraph (1) be served together with the interim injunction by the Viscount, and the order shall specify the date on which the proceedings are returnable in the Court.
 - (14) On the hearing of the application to confirm the interim injunction, the Court may –
 - (a) confirm or lift the interim injunction on such terms as the Court thinks fit;
 - (b) make such order relating to the notice as it is empowered to make under paragraph (10);
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(c) dismiss the application,

and may make such other consequential orders, including as to costs, as it thinks fit.

38 Register

The Minister shall keep a register of undertakings in respect of which any licence under this Part has been granted and any person may inspect the register during normal business hours free of charge or take a copy of any part of the register subject to payment of any prescribed fee.

39 Application of this Part to certain offices

(1) This Part shall not apply to any person who is –

- (a) a member of the States;
- (b) an ordinary judge appointed under the Court of Appeal (Jersey) Law 1961³⁰;
- (c) a jurat or a Commissioner appointed under the Royal Court (Jersey) Law 1948³¹;
- (d) the Viscount; or
- (e) the Judicial Greffier,

acting in his or her capacity as such.

(2) In this Article “member of the States” shall have the same meaning as in the States of Jersey Law 2005³².

PART 8

GENERAL PROVISIONS

40 Service of notices

(1) Any notice required by this Law to be given to any person may be given to or served on the person in question –

- (a) by delivering it to the person;
- (b) by leaving it at the person’s proper address;
- (c) by sending it by post to the person at that address; or
- (d) by sending it to the person at that address by facsimile, electronic transmission or other similar means that produces a document containing the text of the communication in legible form or is capable of doing so.

(2) Any such notice may –

- (a) in the case of a company incorporated in Jersey, be served by being delivered to its registered office;
- (b) in the case of a partnership, company incorporated outside Jersey or unincorporated association, be given to or served on the

secretary or other similar officer of the partnership, company or association or any person who purports to act in any such capacity, by whatever name called, or on the person having the control or management of the business, as the case may be.

- (3) For the purposes of this Article and of Article 7 of the Interpretation (Jersey) Law 1954³³ in its application to this Article, the proper address of any person to or on whom a notice is to be given or served by post shall be the person's last known address or, where a notice is served as described in paragraph (2), the last known address of the registered office (if there is one) or main business address of the company, partnership, or unincorporated association.
- (4) If the person to or on whom any notice is to be given or served has notified the Minister of an address within Jersey, other than the person's proper address within the meaning of paragraph (3), as the one at which the person or someone on the person's behalf will accept documents, that address shall also be treated for the purposes of this Article and Article 7 of the Interpretation (Jersey) Law 1954 as the person's proper address.

41 Appeals

- (1) In this Article, "decision" means a condition, determination, refusal, revocation, variation or notice described in paragraph (2), as the case requires.
- (2) A person aggrieved by a –
 - (a) condition relating to a person's residential and employment status determined by the Minister under Regulations made under Article 2(2)(b);
 - (b) a determination of a persons' residential and employment status under Article 3(5);
 - (c) determination under Article 15(3) in respect of the categorization of a unit of dwelling accommodation or the conditions relating to such categorization;
 - (d) refusal to grant consent for occupation of a unit of dwelling accommodation under Article 17(2);
 - (e) refusal to grant consent to a purchase by a legal person under Article 20(2) or the imposition of a condition under Article 20(5);
 - (f) refusal of the grant of a licence under Article 26(4);
 - (g) the imposition of a licence condition under Article 26(5) or Article 27(2) or the refusal to impose a requested licence condition under Article 26(5);
 - (h) variation or refusal to vary a condition of a licence under Article 29(4);
 - (i) revocation of a licence under Article 30;
 - (j) a notice requiring cessation of activity under Article 37(1) or (2),may, within 2 months of the date of the decision, or within such longer period as the Court may allow, appeal to the Court on the ground that the

decision is unreasonable having regard to all the circumstances of the case.

- (3) On hearing the appeal, the Court may –
 - (a) confirm, reverse or vary the decision against which the appeal is brought;
 - (b) make such interim Order as it thinks fit; and
 - (c) make such order as to the costs of the appeal that it thinks fit, including any order with respect to the payment of costs or the payment of any compensation by the Minister resulting from any expected diminution in the value of land following a successful appeal under paragraph (2)(c).

42 Statistical information

- (1) The Minister may use any information obtained for the purposes of this Law for providing statistical information to any Minister for the purpose of –
 - (a) assisting in the development and evaluation of public policy; and
 - (b) informing the public about social and economic matters.
- (2) For the purposes of paragraph (1), “statistical information” does not include personal information that is, information that relates to and identifies a particular person, whether the identity is specified in the information or can be deduced from the information.

43 Persons authorized to act for other persons

- (1) In this Article, acting for another person means applying for a registration card under Article 3 for that other person or notifying the Minister of the information which that other person is required to notify under Article 9.
- (2) The Minister may –
 - (a) authorize a person to act for another person;
 - (b) by Order authorize a person of any description to act for another person of any description.
- (3) An authorization of any person may be revoked at any time by the Minister in his or her absolute discretion.
- (4) A person authorized under paragraph (2)(a) may resign after giving one month’s notice in writing to the Minister.
- (5) The duty of a person under Article 3(1) or 9(1) is discharged if a person who is authorized to act for that person under this Article complies with that duty.

44 Regulations and Orders: general provisions

- (1) The Minister may by Order prescribe any matter that shall or may be prescribed under this Law.

- (2) Any Regulations or Order under this Law may contain such transitional, consequential, incidental or supplementary provisions as appear to the States or the Minister, as the case requires, to be necessary or expedient for the purposes of the Regulations or Order.

45 Providing false or misleading information

A person who knowingly or recklessly provides information under any Article of this Law, such information being false or misleading in a material particular shall be guilty of an offence and liable to imprisonment for a term of 2 years and to a fine.

46 Offences by bodies corporate, etc.

- (1) If an offence under this Law committed by a limited liability partnership or a body corporate is proved to have been committed with the consent or connivance of –
- (a) a person who is partner of the partnership, or a director, manager, secretary or other similar officer of the body corporate; or
 - (b) any person purporting to act in any such capacity,
- the person shall also be guilty of the offence and liable in the same manner as the partnership or body corporate to the penalty provided for that offence.
- (2) If an offence under this Law which may be committed negligently is proved to be attributable to the neglect of –
- (a) a person who is partner of the partnership, or a director, manager, secretary or other similar officer of the body corporate; or
 - (b) any person purporting to act in any such capacity,
- the person shall also be guilty of the offence and liable in the same manner as the partnership or body corporate to the penalty provided for that offence.
- (3) If the affairs of a body corporate are managed by its members, paragraphs (1) and (2) shall apply in relation to acts and defaults of a member in connection with his or her functions of management as if the member were a director of the body corporate.

47 Liability

Neither the States, nor a Minister, nor a person who is acting as an officer, servant or agent, in an administration of the States for which a Minister has responsibility, or performing any duty or exercising any power on behalf of a Minister, shall be liable in damages for anything done or omitted to be done in the discharge or purported discharge of any functions under this Law or any enactment made or purportedly made under this Law unless –

- (a) it is shown that the act or omission was in bad faith; or

- (b) liability arises in respect of an act or omission that is unlawful as a result of Article 7(1) of the Human Rights (Jersey) Law 2000³⁴.

48 Housing and Work Advisory Group

- (1) There shall be constituted a group to be known as the Housing and Work Advisory Group (referred to in this Article as “Group”).
- (2) An Assistant Minister of the Minister shall chair the Group.
- (3) The Group shall include the Minister for Housing and the Minister for Economic Development, Tourism, Sport and Culture.³⁵
- (4) The Minister may appoint to the Group such other persons, including any elected member of the States, as the Minister may determine, such other persons being appointed for the general purposes described in paragraph (5) or for a specific purpose only.
- (5) The Minister may refer to the Group for consideration and advice –
 - (a) any matters in connection with the discharge of the Minister’s functions under this Law; and
 - (b) proposals for any changes in enactments related to matters under this Law.
- (6) The Group shall consider any proposals referred to them under paragraph (5)(b) and draft a report to the Minister containing such recommendations with regard to the subject matter of the proposals as they think appropriate.
- (7) If the Minister presents any Proposition to the States which comprises the whole or any part of the subject matter of any proposals which are the subject matter of a report under paragraph (6), the Minister shall present to the States a copy of the Group’s report with the Proposition.
- (8) Except to the extent that the Minister directs otherwise, the Group may determine its own procedures.

PART 9

TRANSITIONAL AND SAVING PROVISIONS, REPEALS AND CONSEQUENTIAL AMENDMENTS

49 Occupation of housing under the Housing Regulations

- (1) Notwithstanding anything in this Law any person who, immediately before 1st July 2013, is in lawful occupation of a unit of dwelling accommodation, may continue to occupy that unit notwithstanding the commencement of any provision in this Law until the date that person no longer occupies that unit as his or her ordinary residence provided that the person continues to comply with any condition to which that occupation is subject.
- (2) Any person who would have been entitled to occupy land under Regulation 5A(b) of the Housing Regulations immediately before 1st July

2013 may occupy that land under a licence granted on and after 1st July 2013 by a person who inherited such land before 1st July 2013, subject to any condition to which such occupation is subject.

50 Licences granted under the RUD Law 1973 and the Hawkers Law 1965

- (1) Any licence granted under the RUD Law 1973 for the purpose of any activity for which a licence was required under the Part “Regulation of Undertakings”, such licence being in force immediately before 1st July 2013, shall be deemed to be a business licence granted under Article 26(4) of this Law and any conditions subject to which that licence was granted under the RUD Law 1973 shall be deemed to be conditions subject to which the licence was granted under Article 26.
- (2) Any hawker’s or non-resident licence granted under Article 2 of the Hawkers Law 1965 immediately before 1st July 2013 shall, as the case may be, be deemed to be a hawker’s licence or a non-resident trading licence granted under Article 26(4) of this Law in relation to the goods specified in the licence and any conditions subject to which that licence was granted shall be deemed to be conditions subject to which such licence was granted under Article 26.
- (3) Articles 6(1) and (2) and 7(1) of the Hawkers Law 1965 shall apply to a hawker’s licence deemed to be granted under paragraph (2) as if those provisions were conditions subject to which the licence was granted under Article 26(5) of this Law.
- (4) Notwithstanding paragraphs (1), (2) and (3), in the event of any conflict between any provision of this Law and a condition to which a licence is deemed to be subject under this Article, the former shall prevail.
- (5) A condition shall not be deemed under paragraph (1), (2) or (3) to be a condition subject to which a licence is granted under Article 26 if it is a condition falling within a description specified in an Order made by the Minister.

51 Consequential amendments, savings and transitional provisions

The States may, by Regulations –

- (a) amend any enactment in consequence of any provision of this Law;
- (b) make such transitional provisions and savings as it considers necessary or expedient, including amendment of this Law, in respect of any provision of this Law.

PART 10

CLOSING

52 Citation

This Law may be cited as the Control of Housing and Work (Jersey) Law 2012.

ENDNOTES**Table of Legislation History**

Legislation	Year and No	Commencement	*Projet No (where applicable)
Control of Housing and Work (Jersey) Law 2012	L.31/2012	1 July 2013 (R&O.63/2013)	P.37/2011
Civil Partnership (Consequential Amendments) (No. 2) (Jersey) Regulations 2013	R&O.16/2013	1 July 2013	P.128/2012
States of Jersey (Transfer of Functions No. 8) (Miscellaneous Transfers) (Jersey) Regulations 2015	R&O.158/2015	1 January 2016	P.46/2015 (re-issue)
Criminal Justice (Miscellaneous Provisions) (Jersey) Law 2016	L.1/2016	20 September 2016 (R&O.98/2016)	P.87/2015
Control of Housing and Work (Amendment of Law – Annual Charges) (Jersey) Regulations 2017	R&O.80/2017	26th July 2017	P.53/2017

*Projets available at www.statesassembly.gov.je

Table of Renumbered Provisions

Original	Current
51	spent, omitted
52	51
53(1)	52
53(2)	spent, omitted

Table of Endnote References

¹	<i>chapter 05.275</i>
²	<i>chapter 18.315</i>
³	<i>chapter 18.315.50</i>
⁴	<i>chapter 05.750</i>
⁵	<i>chapter 10.800</i>
⁶	<i>chapter 24.900</i>
⁷	<i>chapter 15.560.20</i>
⁸	<i>chapter 05.850</i>
⁹	<i>chapter 20.725</i>
¹⁰	<i>chapter 05.450</i>
¹¹ Article 2(8)	<i>amended by L.1/2016</i>
¹²	<i>chapter 22.550</i>
¹³	<i>chapter 18.180</i>
¹⁴ Article 17(1)	<i>amended by R&O.16/2013</i>

- ¹⁵ Article 19(6) *amended by R&O.16/2013*
- ¹⁶ Article 19(7) *amended by R&O.16/2013*
- ¹⁷ *chapter 13.125*
- ¹⁸ *chapter 11.450*
- ¹⁹ *chapter 05.255*
- ²⁰ *chapter 08.840*
- ²¹ Article 31(1A) *inserted by R&O.80/2017*
- ²² Article 31(1B) *inserted by R&O.80/2017*
- ²³ Article 31(3) *amended by R&O.80/2017*
- ²⁴ Article 31(5) *amended by R&O.80/2017*
- ²⁵ Article 32(7) *amended by L.1/2016*
- ²⁶ *chapter 16.325*
- ²⁷ Article 34(5) *amended by L.1/2016*
- ²⁸ Article 36(3) *amended by L.1/2016*
- ²⁹ Article 37(8) *amended by L.1/2016*
- ³⁰ *chapter 07.245*
- ³¹ *chapter 07.770*
- ³² *chapter 16.800*
- ³³ *chapter 15.360*
- ³⁴ *chapter 15.350*
- ³⁵ Article 48(3) *amended by R&O.158/2015*