

Jersey Law 2/1949

HOUSING (JERSEY) LAW 1949

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A LAW to provide for the constitution of a Committee of the States to administer matters relating to the housing of the population, to empower the States to acquire land by compulsory purchase for the purposes of housing, and to control [acquisitions and]¹ sales and leases of land² in order to prevent further aggravation of the housing shortage, sanctioned by Order of His Majesty in Council of the

4th day of MARCH 1949

(Registered on the 2nd day of April 1949)

STATES OF JERSEY

The 2nd day of December 1948

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

¹ Words inserted by Housing (Amendment No. 7) (Jersey) Law 1993 (Volume 1992–1993, page 115).

² Power of control extended to include power to control sales and leases “in order to ensure that sufficient land is available for the inhabitants of the Island” – see Housing (Extension of Powers) (Jersey) Law 1969 (Volume 1968–1969, pages 193 to 195).

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In this Law -

“the Committee” means the Committee constituted in pursuance of Article 2 of this Law;

[“land” means any corporeal hereditament, including a building, and land covered with water, and, in relation to the acquisition of land under Article 4 of this Law, includes any interest in land or water and servitudes or rights in, on or over land or water.]³

ARTICLE 2**CONSTITUTION OF HOUSING COMMITTEE**

(1) A Committee of the States, to be called the Housing Committee, shall be constituted for the purpose of exercising the powers conferred, and performing the duties imposed -

- (a) upon the Committee by this Law;
- (b) upon the Public Health Committee by the Dwelling-Houses (Rent Control) (Jersey) Law, 1946;⁴ and
- (c) upon the Special Committee constituted by virtue of an Act of the States of the twenty-sixth day of September, 1946;

³ Definition substituted by Housing (Amendment No. 6) (Jersey) Law 1991 (Volume 1990–1991, page 545).

⁴ Tome VII, page 345.

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and generally for the purpose of discharging such other functions relating to the housing of the population as may from time to time be deemed expedient.

(2) In consequence of the provisions of sub-paragraph (b) of paragraph (1) of this Article, in paragraph (1) of Article 1 of the Dwelling-Houses (Rent Control) (Jersey) Law, 1946,⁵ for the definition of “the Committee” there shall be substituted the following definition -

“ ‘the Committee’ means the Housing Committee;”.

PART II

POWER TO ACQUIRE LAND BY COMPULSORY PURCHASE FOR HOUSING PURPOSES

ARTICLE 3

RESPONSIBLE COMMITTEE

The Committee shall be charged with the administration of this Part of this Law.

ARTICLE 4

POWER TO ACQUIRE LAND BY COMPULSORY PURCHASE

(1) Where it appears to the States that any land should be acquired to provide for the housing of the inhabitants of the Island, it shall be lawful for the States to acquire such land by compulsory purchase on behalf of the public in accordance with the provisions of the Compulsory Purchase of Land (Procedure) (Jersey) Law, 1948.⁶

[(1A) The power to acquire land by compulsory purchase conferred by paragraph (1) of this Article shall include the power to -

⁵ Tome VII, page 345.

⁶ See now Compulsory Purchase of Land (Procedure) (Jersey) Law 1961, as amended (Volume 1961–1962, page 391).

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- (a) acquire a servitude or other right over land by the creation of a new servitude or right; and
- (b) extinguish or modify a servitude or other right over land.]⁷

(2) In the exercise of their powers under this Article, the States shall have regard to the suitability of the land for agricultural purposes.

[PART IIA

LAND ACQUIRED AFTER DEGREVEMENT ETC

ARTICLE 4A

**CONDITION ON OCCUPATION OF DWELLINGS ON LAND
ACQUIRED AFTER A DÉGRÈVEMENT OR BY A COMPANY
BY INHERITANCE**

Where, after the commencement of the Housing (Amendment No. 7) (Jersey) Law 1992,⁸ any land is acquired -

- (a) as a result of a dégrèvement;
- (b) by subrogation from a tenant après dégrèvement; or
- (c) by a body corporate, by inheritance,

the land shall be deemed to have been acquired subject to the condition that any unit of dwelling accommodation on the land at the time of its acquisition, or which is created on the land thereafter, shall not without the consent of the Committee be occupied other than by a person who falls within any class specified by the States in Regulations made under Article 15 of this Law, being a class to which this condition is specifically stated to refer by those Regulations.

⁷ Paragraph inserted by Housing (Amendment No. 6) (Jersey) Law 1991 (Volume 1990–1991, page 545).

⁸ Volume 1992–1993, page 115.

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ARTICLE 4B

DURATION

This Part of this Law shall remain in force for so long as Part III of this Law remains in force.]⁹

PART III

CONTROL OF SALES AND LEASES OF LAND

ARTICLE 5

DEFINITIONS

In this Part of this Law, unless the context otherwise requires -

“the Court” means the Inferior Number of the Royal Court;

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

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

“transaction to which this Part of this Law applies” has the meaning assigned thereto by Article 6.

⁹ Part inserted by Housing (Amendment No. 7) (Jersey) Law 1993 (Volume 1992–1993, page 116).

ARTICLE 6

TRANSACTIONS TO WHICH THIS PART OF THIS LAW APPLIES

(1) Subject to the provisions of this Article, this Part of this Law shall apply to every transaction being -

- (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 parol or in writing, including a registered contract of lease.

(2) Nothing in this Part of this Law shall apply to -

- (a) any transaction entered into before the date of the promulgation of this Law;
- (b) any contract of partition of inherited or devised real estate;
- [(c) any contract for the sale or transfer or any lease, of any land to or by Her Majesty;]¹⁰
- (d) any lease, not being a registered contract of lease -

* * * * *

- (ii) where the land demised by the lease does not comprise a dwelling-house or any part of a dwelling-house;

* * * * *

¹⁰ Sub-paragraph substituted by Housing (Amendment No. 8) (Jersey) Law 1996 (Volume 1996–1997, page 1).

¹¹ Clause repealed by Housing (Amendment No. 4) (Jersey) Law 1974 (Volume 1973–1974, page 201).

[(3) Regulations made under this Part of this Law may exempt, either unconditionally or subject to such conditions as may be prescribed in such regulations, any class of transaction from the provisions of this Part of this Law.]¹³

ARTICLE 7

PROHIBITION ON TRANSACTIONS WITHOUT CONSENT OF COMMITTEE

(1) No person shall, whether as vendor, purchaser, lessor, lessee or other party, and whether as principal or agent, enter into any transaction to which this Part of this Law applies, without the consent of the Committee previously obtained.

(2) No person shall procure or induce any other person to enter into any transaction in contravention of this Part of this Law.

ARTICLE 8

INVALIDATION OF TRANSACTIONS

(1) Where it is proved to the satisfaction of the Court that a transaction to which this Part of this Law applies has been entered into without the consent of the Committee, the Court [may]¹⁴ declare the transaction to be void.

[(2) Where it is proved to the satisfaction of the Court in relation to any transaction-to which this Part of this Law applies (other than a registered contract for the sale or transfer of any land in perpetuity) -

¹² Sub-paragraph repealed by Housing (Amendment No. 4) (Jersey) Law 1974 (Volume 1973–1974, Page 201).

¹³ Paragraph inserted by Housing (Amendment No. 4) (Jersey) Law 1974 (Volume 1973–1974, page 201).

¹⁴ Word substituted by Housing (Amendment No. 2) (Jersey) Law 1950 (Volume 1949–1950, page 483).

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- (a) that any condition imposed by the Committee on the grant of its consent to the transaction has not been complied with; or
- (b) that any false or misleading statement has been made in connexion with the application for consent to the transaction; or
- (c) that all the material facts in connexion with the transaction were not submitted to the Committee on the making of the application for consent thereto;

the Court may declare the transaction to be void, and, if satisfied that the act or omission was that of one of the parties to the transaction and that the other party was innocent of such act or omission, may award damages to the innocent party against the other party in respect of any loss suffered by the innocent party as a direct result of the transaction being declared void.]¹⁵

(3) Where the Court, in pursuance of this Article, declares a registered contract to be void, the Court shall order a record to be made in the Public Registry of Contracts to the effect that the contract is void as aforesaid.

ARTICLE 9

APPLICATIONS FOR CONSENT

Every application for the consent of the Committee to any transaction to which this Part of this Law applies shall contain or be accompanied by such particulars, information and documents as may be required by the Committee and the Committee may require the application to be verified by an affidavit made by the applicant or some other person having a knowledge of the facts.

¹⁵ Paragraph substituted by Housing (Amendment) (Jersey) Law 1949 (Volume 1949–1950, page 255).

[ARTICLE 10]

GRANT OR REFUSAL OF CONSENT

(1) The Committee shall grant consent, either unconditionally or subject to such conditions as the Committee thinks fit, to the [sale, transfer or lease of any land]¹⁶ of a class for the time being specified by the States by regulations made under this Part of this Law and shall refuse consent to any [sale or transfer or lease]¹⁵ not so specified.

[(2) Without prejudice to the generality of the foregoing provisions of this Article, every consent granted by the Committee to the sale, transfer or lease, whether by a registered contract or not, of any land to a body corporate shall be subject to the following condition -

“Any unit of dwelling accommodation on the land at the time of the grant of this consent, or created on the land thereafter, shall not without the consent of the Committee be occupied other than by a person who falls within any class specified by the States by regulations made under Part III of the Housing (Jersey) Law, 1949, as amended, being a class to which this condition is specifically stated to refer by those regulations.”

and any consent granted by the Committee to the sale, transfer or lease of any land to a body corporate before the sixth day of February 1973 shall be deemed notwithstanding any other provision of the consent, to have attached to it a condition in the terms aforesaid:

Provided that the condition so attached shall not apply to a person occupying before the said date a unit of dwelling accommodation on the land in respect of which the consent was granted.]¹⁷

(3) Without prejudice to the generality of the foregoing provisions of this Article, the Committee may attach to the grant of

¹⁶ Words substituted by Housing (Amendment No. 4) (Jersey) Law 1974 (Volume 1973–1974, page 201).

¹⁷ Paragraph substituted by Housing (Amendment No. 4) (Jersey) Law 1974 (Volume 1973–1974, page 202).

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consent to the sale, transfer or lease of any land, * * * * *¹⁸,
conditions relating to -

- (a) the persons by whom the land may be occupied;
- (b) the use of the land;
- (c) the maximum price at which the land is to be sold or leased:

Provided that the Committee shall not impose such a condition unless the States have, by regulations made under this Part of this Law, specified the method by which the Committee is to assess the said maximum price and for this purpose the regulations may specify different methods for different classes of land.]¹⁹

ARTICLE 11

POWER TO REVOKE CONSENTS

(1) The Committee may call upon any person to whom consent has been granted under this Part of this Law, at any time before the completion of the transaction to which the consent relates, to show cause why that consent should not be revoked on the ground -

- (a) that a false or misleading statement has been made in connexion with the application for consent; or
- (b) that all the material facts in connexion with the transaction were not submitted to the Committee.

(2) Where the Committee calls upon any person to show cause under this Article, that person shall forthwith surrender to the Committee the evidence of the consent delivered to him by the

¹⁸ Words deleted by the Housing (Amendment No. 4) (Jersey) Law 1974 (Volume 1973–1974, page 202).

¹⁹ Article substituted by Housing (Extension of Powers) (Jersey) Law 1969 (Volume 1968–1969, page 194).

Committee and shall not proceed with the transaction to which the consent relates until the Committee has determined whether or not the consent shall be revoked.

(3) Unless cause is shown to the Committee why the consent should not be revoked, the Committee may revoke the consent, which shall thereupon be deemed not to have been obtained.

ARTICLE 12

APPEALS

(1) Any person aggrieved by the refusal of the Committee to grant consent to any transaction to which this Part of this Law applies or by any conditions attached to any such consent or by the revocation of any such consent may appeal to the Court against the decision of the Committee within one month after the date on which notice of such decision was sent to him.

(2) On any such appeal, the Court may either dismiss the appeal or may give to the Committee such directions in the matter as it considers proper, and the Committee shall comply with any such direction.

(3) Any appeal under this Article may be heard and determined either in term or in vacation.

(4) The costs of any appeal under this Article shall be paid in such manner and by such parties as the Court may direct.

ARTICLE 13

POWER TO OBTAIN INFORMATION IN RELATION TO OFFENCES

(1) If the Bailiff is satisfied by information on oath that there is reasonable ground to believe that an offence against this Part of this Law has been committed by any person, he may, in his discretion, grant a warrant authorizing any person named in the warrant, for the

purpose of obtaining any information or evidence in relation to the commission of any such offence, to do from time to time all or any of the following things -

- (a) inspect and examine any books, accounts, vouchers, records or documents;
- (b) require any person to produce any books, accounts, vouchers, records or documents in his possession, or under his control, and to allow copies of or extracts from any such books, accounts, vouchers, records or documents to be made;
- (c) require any person to furnish any information or particulars that may be required of him, not being information or particulars tending to incriminate him;
- (d) enter upon and inspect any land.

(2) Any person who -

- (a) wilfully resists, obstructs, hinders, deceives or attempts to deceive, any person who is exercising any power or function under this Article;
- (b) wilfully makes any false or misleading statement or any material omission in any information or particulars furnished under this Article;
- (c) fails to comply in any respect with any requirement under this Article; or
- (d) aids, abets, counsels or procures, or is in any way knowingly concerned with, the commission of any such offence as aforesaid;

shall be liable to a fine not exceeding [level 3 on the standard scale²⁰].²¹

²⁰ Volume 1992–1993, page 437.

ARTICLE 14

OFFENCES

- (1) Any person who -
- (a) without lawful excuse acts in contravention of or fails to comply with any provisions of [Part IIA or]²² this Part of this Law or with any condition made or imposed under this Part of this Law;
 - (b) with intent to deceive makes any false or misleading statement or any material omission in any application to the Committee, or in any communication (whether in writing or otherwise) to the Committee or any person, for the purposes of [Part IIA or]²² this Part of this Law;
 - (c) whether as principal or agent and whether by himself or his agents, enters into, or offers to enter into, or procures or induces or attempts to procure or induce any other person to enter into, any transaction or arrangement that is or is intended to be inconsistent with an application made or to be made, or consent given or to be given, under [Part IIA or]²² this Part of this Law;
 - (d) whether as principal or agent and whether by himself or his agents, and whether as vendor, purchaser, lessor, lessee or other party, or otherwise howsoever, is party to any device, plan or scheme for any transaction or arrangement that is or is intended to be in contravention of [Part IIA or]²² this Part of this Law or is inconsistent with any application made or to be made, or consent given or to be given, under [Part IIA or]²² this Part of this Law;

²¹ Words substituted by Housing (Amendment No. 8) (Jersey) Law 1996 (Volume 1996–1997, page 1).

²² Words inserted by Housing (Amendment No. 7) (Jersey) Law 1993 (Volume 1992–1993, page 117).

shall be liable to a fine[, and in the case of a continuing offence to a further fine not exceeding [level 2 on the standard scale²³]²⁴ for each day on which the offence so continues.]²⁵

[(1A) Where an offence against this Part of this Law has been committed by a body corporate and it is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or similar officer of that body corporate or any person purporting to act in any such capacity, he, as well as the body corporate shall be guilty of the offence and liable to be proceeded against accordingly.

(1B) Where the affairs of a body corporate are managed by its members paragraph (1A) of this Article shall apply in relation to the acts and defaults of a member in connexion with his functions of management as if he were a director of the body corporate.]²⁶

(2) In any proceedings for an offence against this Part of this Law, the burden of proving that the consent of the Committee has been granted to any transaction, or that this Part of this Law did not apply to any transaction, shall be on the person charged with the offence.

[(3) Notwithstanding any enactment or rule of law to the contrary, proceedings which may be taken against any person for an offence against this Part of this Law may be taken within the period of a year and a day from the date on which evidence, sufficient in the opinion of the Attorney General to justify the proceedings, comes to the knowledge of the Committee or, where the person in question was outside the Island at that date, within the period of a year and a day from the date on which he first lands in the Island thereafter, whichever of the said periods last expires.

²³ Volume 1992–1993, page 437.

²⁴ Words substituted by Housing (Amendment No. 8) (Jersey) Law 1996 (Volume 1996–1997, page 2).

²⁵ Words substituted by Housing (Amendment No. 5) (Jersey) Law 1988 (Volume 1988–1989, page 295).

²⁶ Paragraphs inserted by Housing (Amendment No. 7) (Jersey) Law 1993 (Volume 1992–1993, page 117).

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(4) For the purposes of paragraph (3) of this Article, a certificate under the hand of the President of the Committee as to the date on which such evidence as aforesaid came to the knowledge of the Committee shall be conclusive evidence thereof.]²⁷

ARTICLE 15

REGULATIONS

The States may make regulations for giving full effect to the provisions of [Part IIA and]²⁸ this Part of this Law and for the due administration thereof, and any such regulations may be amended by subsequent regulations and shall remain in force until repealed.

ARTICLE 16

DURATION

This Part of this Law shall remain in force until the States determine that its continuance in force is no longer necessary or expedient and by Act resolve that it shall cease to have effect:

* * * * *

²⁷ Paragraphs inserted by Housing (Amendment No. 3) (Jersey) Law 1966 (Volume 1966–1967, page 223).

²⁸ Words inserted by Housing (Amendment No. 7) (Jersey) Law 1993 (Volume 1992–1993, page 117).

²⁹ Proviso deleted by Housing (Amendment No. 7) (Jersey) Law 1993 (Volume 1992–1993, page 118).

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PART IV

COMMENCEMENT AND SHORT TITLE

ARTICLE 17

COMMENCEMENT

This Law shall come into force on the Monday next following the day on which it is promulgated.

ARTICLE 18

SHORT TITLE

This Law may be cited as the Housing (Jersey) Law 1949*.

* This version includes amendments to and including Jersey Law 1/1996.