

Jersey Law 4/1946

DWELLING-HOUSES (RENT CONTROL) (JERSEY) LAW, 1946.

A LAW to make provision with regard to the rent of dwelling-houses, sanctioned by Order of His Majesty in Council of the

24th day of SEPTEMBER, 1946.

(Registered on the 19th day of October, 1946).

STATES OF JERSEY.

The 25th day of April, 1946.

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

ARTICLE 1

INTERPRETATION

(1) In this Law, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say -

[“the Committee” means the Housing Committee;]¹

“contract to which this Law applies”, “lessor” and “lessee” have the meanings respectively assigned to them by Article 2 of this Law;

¹ Definition substituted by Housing (Jersey) Law, 1949 (Volume 1949–1950, page 30).

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“prescribed” means prescribed by regulations made under Article 7 of this Law;

“the register” means the register kept in pursuance of Article 5 of this Law;

“services” includes attendance, the provision of heating or lighting, the supply of hot water and any other privilege or facility connected with the occupancy of a house or part of a house;

“the tribunal” means the tribunal appointed in pursuance of Article 3 of this Law.

(2) Where separate sums are payable by the lessee of any premises to the lessor for any two or more of the following namely –

- (a) occupation of the premises;
- (b) use of furniture; and
- (c) services;

the expression “rent” shall, in relation to those premises, mean the aggregate of those sums and, where such sums are payable under separate contracts, those contracts shall be deemed to be one contract.

ARTICLE 2

APPLICATION

This Law shall apply to any contract, whether parol or in writing, and in the case of a contract in writing whether or not passed before the Royal Court, whereby one person (in this Law referred to as the “lessor”) grants to another person (in this Law referred to as the “lessee”) the right to occupy as a residence a house or part of a house in consideration of a rent whether or not such rent includes payment for the use of furniture or for services and, in the case of a contract with regard

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to part of a house, whether or not the lessee is entitled, in addition to exclusive occupation thereof, to the use in common with any other person of other rooms or accommodation in the house:

Provided that nothing in this Law shall apply to a house or part of a house –

- (a) let in conjunction with land exceeding two vergées in area; or
- (b) forming part of premises used for commercial or industrial purposes and let in conjunction therewith; or
- (c) let at a rent which includes payment in respect of board unless the value of the board to the lessee does not form a substantial proportion of the whole rent; or
- [(d) in respect of which the States or any administration of the States is either the lessor or the lessee.]²

ARTICLE 3

RENT CONTROL TRIBUNAL

(1) For the purposes of this Law, the States shall appoint a tribunal, to be called the Rent Control Tribunal, consisting of a chairman and two other members.

[(2) The States shall appoint one or more persons to act in the place of any member of the tribunal who is unable to act by reason of absence or incapacity, and the remaining members or member of the tribunal shall, as the occasion arises, designate which of those persons shall act in the place of the member or members unable to act.]³

² Sub-paragraph added by Dwelling-Houses (Rent Control) (Amendment No. 2) (Jersey) Law, 1965 (Volume 1963–1965, page 569).

³ Paragraph substituted by Dwelling-Houses (Rent Control) (Amendment) (Jersey) Law, 1951 (Volume 1951–1953, page 83).

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(3) The members and acting members of the tribunal shall receive such travelling expenses and other allowances as the Committee may determine.

(4) The Committee may appoint a clerk and such other officers and servants as it thinks fit of the tribunal, and there shall be paid to them such salaries and allowances as the Committee thinks fit.

(5) The allowances of members and acting members of the tribunal, the salaries and allowances of the clerks and other officers and servants appointed as aforesaid, and such other expenses of the tribunal as the Committee may determine, shall be defrayed out of the General Revenues of the States.

[ARTICLE 4

REFERENCE TO TRIBUNAL OF CONTRACTS FOR LETTING

(1) Where a contract to which this Law applies has, whether before or after the coming into force of this Law, been entered into, shall be lawful for the lessor or the lessee or the Committee to refer the contract to the tribunal, and, where any such contract is so referred to it, the tribunal may, by a notice in writing served on the lessor, require him to give to the tribunal, within such period (which shall not be less than seven days from the date of the service of the notice) as may be specified in the notice, such as information as the tribunal may reasonably require regarding such of the prescribed particulars relating to the contract as are specified in the notice.

(2) Where any contract to which this Law applies is referred to the tribunal, the tribunal shall consider it, and, after making such enquiry as the tribunal thinks fit and giving to each party an opportunity of being heard, or, in his option, of submitting representations in writing, shall approve the rent payable under the contract or reduce or increase it to such a sum as the tribunal may, in all the circumstances think reasonable, and shall notify the parties and the Committee of its decision in each case:

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Provided that where the contract has been referred to the tribunal by the Committee, the Committee may withdraw the reference at any time before the contract is considered by the tribunal.

(3) Where the rent payable for any premises has been entered in the register in accordance with the provisions hereinafter contained, it shall be lawful for the lessor or the lessee or the Committee to refer the case to the tribunal for reconsideration of the rent so entered on the ground of change of circumstances, and the provisions of paragraph (2) of this Article shall apply on any such reference as they apply on a reference under paragraph (1) of this Article.]⁴

ARTICLE 5

REGISTER OF RENTS

(1) The Committee shall prepare and keep up to date a register for the purposes of this Law and shall make the register available for inspection in such place and in such manner as the Committee may determine.

(2) The register shall be so prepared and kept up to date as to contain with regard to any contract referred to the tribunal in pursuance of Article 4 of this Law entries of –

- (a) the prescribed particulars with regard to the contract;
- (b) a specification of the premises to which the contract relates; and
- (c) the rent as approved, reduced or increased by the tribunal.

(3) It shall be the duty of the tribunal, when notifying the Committee under paragraph (2) of Article 4 of this Law of its decision in a case, to furnish such particulars as are requisite for enabling the

⁴ Article substituted by Dwelling-Houses (Rent Control) (Amendment) (Jersey) Law, 1051 (Volume 1051–1053, page 84)

Committee to discharge its functions under the foregoing provisions of this Article.

ARTICLE 6

RENTS IN EXCESS OF REGISTERED RENTS AND PREMIUMS ILLEGAL

(1) Where the rent payable for any premises is entered in the register under the provisions of this Law, it shall not be lawful to require or receive –

- (a) on account of rent for those premises in respect of any period subsequent to the date of such entry, payment of any sum in excess of the rent so entered; or
- (b) as a condition of the grant, renewal or continuance of a contract to which this Law applies relating to the premises, payment of any fine, premium or other like sum, or any consideration, in addition to the rent.

(2) Where any payment or consideration has been made or received in contravention of paragraph (1) of this Article, the amount or value thereof shall be recoverable by the person by whom it was made or given.

ARTICLE 7

REGULATIONS

- (1) The States may make regulations –
 - (a) with regard to the tenure of office of the chairman and other members of the tribunal;
 - (b) with regard to proceedings before the tribunal under this Law;

- (c) for prescribing anything which is required by this Law to be prescribed; and
 - (d) generally for carrying the provisions of this Law into effect.
- (2) Regulations made by the States under this Article may be amended by subsequent regulations and shall remain in force until repealed.

ARTICLE 8

OFFENCES

(1) A person who requires or receives any payment or any consideration in contravention of Article 6 of this Law shall be guilty of an offence and be liable to a fine not exceeding one hundred pounds sterling, or to imprisonment, with or without hard labour, for a term not exceeding six months, or to both such fine and such imprisonment, and, without prejudice to any other method of recovery, the Court by which he is found guilty may order the amount paid or the value of the consideration given to be repaid to the person by whom the payment was made or the consideration given.

(2) If the lessor under a contract to which this Law applies fails without reasonable cause, within the time limited in that behalf, to comply with the provisions of any notice served under paragraph (1) of Article 4 of this Law, he shall be guilty of an offence and be liable to a fine not exceeding twenty pounds sterling, or to imprisonment, with or without hard labour, for a term not exceeding three months, or to both such fine and such imprisonment.

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ARTICLE 9

EVIDENCE

(1) A copy of an entry in the register certified under the hand of an officer duly authorised in that behalf by the Committee shall be receivable in evidence of that entry in all courts and in any proceedings.

(2) Any person requiring such a certified copy as aforesaid shall be entitled to obtain it on payment of the prescribed fee.

ARTICLE 10

REVOCATION

The Adjustment of Rent (Jersey) Law, 1940,⁵ is hereby revoked:

Provided that the revocation of the said Law shall not affect the previous operation thereof, or any right acquired or liability incurred thereunder, or any agreement or order in force thereunder until the end of the period current at the time of the coming into force of this Law in respect of which rent under the said agreement or order has been paid or is payable.

ARTICLE 11

SHORT TITLE

This Law may be cited as the Dwelling-Houses (Rent Control) (Jersey) Law, 1946.

⁵ Tome 1939–1945, page 283.