

**Jersey Law 18/1962**

**“LODGING HOUSES (REGISTRATION) (JERSEY) LAW, 1962”,**

CONFIRMÉ PAR

**Ordre de Sa Majesté en Conseil**

en date du 27 juin 1962.

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*(Enregistré le 14 juillet 1962).*

ARRANGEMENT OF ARTICLES.

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## Article

1. Interpretation
2. Duty to register
3. Exemptions from duty to register
4. Duration of Registration
5. Applications
6. Registration and renewal
7. Penalty for failure to register or to comply with registration conditions
8. Registration certificates
9. Production, delivery and display of registration certificates
10. Replacement of registration certificates
11. Cancellation of registration
12. Procedure and right of appeal on refusal or cancellation of registration
13. Duty to maintain register of lodgers
14. Tourists not to be accommodated in registered lodging houses
15. Inspection
16. Service of notices
17. Offences by Managers, Agents, etc.
18. Penalty for falsification and wrongful use of registration certificates and giving of false information

*Jersey Law 18/1962*

*Lodging Houses (Registration) (Jersey) Law,  
1962*

19. Orders
20. Fees and expenses
21. Saving
22. Short title and commencement

*Jersey Law 18/1962*      *Lodging Houses (Registration) (Jersey) Law,  
1962*

**LODGING HOUSES (REGISTRATION) (JERSEY) LAW, 1962.**

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**A LAW** to provide for the registration of lodging houses and for matters incidental thereto, sanctioned by Order of Her Majesty in Council of the

**27th day of JUNE, 1962.**

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*(Registered on the 14th day of July, 1962).*

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**STATES OF JERSEY.**

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The 27th day of March, 1962.

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

**ARTICLE 1**

**INTERPRETATION**

In this Law, unless the context otherwise requires –

“the Committee” means the Tourism Committee ;

“lodging house” means any premises on which is conducted the business of providing lodging with or without board, for reward, other than premises registered under the Tourism (Jersey) Law, 1948,<sup>1</sup> as amended ;<sup>2</sup>

<sup>1</sup> Tome 1946–1948, page 395.

<sup>2</sup> Tome 1949–1950, page 247 and Tome 1957–1960, page 143.

*Jersey Law 18/1962      Lodging Houses (Registration) (Jersey) Law,  
1962*

“prescribed” means prescribed by order made under this Law;

“register” means register under this Law;

“tourist” means a person who visits the Island for the purpose only of recreation.

## ARTICLE 2

### **DUTY TO REGISTER**

Subject to the provisions of this Law, no person shall keep a lodging house unless the lodging house is a registered lodging house:

Provided that nothing in this Law shall require the registration of

- (a) any educational establishment; or
- (b) any premises in which lodging for reward is provided for less than the prescribed number of persons.

## ARTICLE 3

### **EXEMPTIONS FROM DUTY TO REGISTER**

The Committee may, in its absolute discretion, grant exemptions from the provisions of Article 2 of this Law and may attach to any exemption such conditions as it thinks fit and may vary such conditions at any time or withdraw the exemption.

## ARTICLE 4

### **DURATION OF REGISTRATION**

Every registration shall expire on the last day of February next following the date on which it takes effect but shall be renewable annually in manner provided by this Law.

## ARTICLE 5

**APPLICATIONS**

(1) An application for registration or for renewal of the registration of a lodging house shall be made in such form and shall contain such particulars as the Committee may require and each such application shall be accompanied by a fee of one pound.

(2) Every application for renewal of registration shall be made in the month of December and, if the application is not made in that month, the Committee may refuse to renew the registration.

## ARTICLE 6

**REGISTRATION AND RENEWAL**

(1) Where an application is duly made to the Committee under Article 5 of this Law, the Committee, in the case of an application for registration, shall, and, in the case of an application for renewal of registration, may, cause the lodging house to which the application relates to be inspected by an officer of the Committee.

(2) The Committee shall refuse to register the lodging house where any prescribed requirements in relation thereto are not satisfied and may, in any case, refuse the application if it is of the opinion that –

- (a) the applicant is not a fit person to keep a lodging house;
- (b) the use of the premises as a lodging house would be likely to cause annoyance to persons residing in the neighbourhood;
- (c) the use of the premises as a lodging house is not in the public interest.

*Jersey Law 18/1962*      *Lodging Houses (Registration) (Jersey) Law,  
1962*

(3) Notwithstanding anything in the foregoing provisions of this Article, the Committee may attach such conditions as it thinks fit to the registration or renewal of registration of any lodging house and shall, in particular, specify in relation to any room in the lodging house, the maximum number of persons by whom it may be used as sleeping accommodation at any one time.

(4) Where the Committee grants any application, the Committee shall notify the applicant that the registration or renewal of registration will be effected on payment of the prescribed fee (which fee may be so prescribed as to vary in amount according to such matters as the Committee may think proper) and on receipt of the said fee the Committee shall effect the registration or renewal of registration.

ARTICLE 7

**PENALTY FOR FAILURE TO REGISTER OR TO COMPLY  
WITH REGISTRATION CONDITIONS**

If any person –

- (a) keeps a lodging house in contravention of Article 2 of this Law ; or
- (b) causes or allows a number of persons to sleep in any room in a registered lodging house in excess of the number specified in relation to that room ; or
- (c) fails to comply with any condition attached to the registration or the renewal of registration of the lodging house or with any condition attached to an exemption granted under Article 3 of this Law;

he shall for each offence be liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment, and to a further fine not exceeding ten pounds for each day during which the offence continues.

## ARTICLE 8

**REGISTRATION CERTIFICATES**

(1) Where the Committee registers or renews the registration of any lodging house, the Committee shall issue a registration certificate to the keeper of the lodging house, free of charge.

(2) Every registration certificate shall contain a sufficient description of the lodging house to which it relates, the name of the keeper of the lodging house, the date on which the registration or renewal of registration expires and such other matters as the Committee may think fit.

## ARTICLE 9

**PRODUCTION, DELIVERY AND DISPLAY OF REGISTRATION CERTIFICATES**

- (1) The keeper of a registered lodging house shall –
- (a) when required by or on behalf of the Committee so to do, produce or deliver his registration certificate to the Committee or to an officer of the Committee authorized in that behalf ;
  - (b) deliver his registration certificate to the Committee immediately on the expiration of the period to which it relates ;
  - (c) keep his registration certificate displayed in a prominent position in the lodging house.

(2) If the keeper of a registered lodging house fails to comply with the provisions of this Article, he shall for each offence be liable to a fine not exceeding twenty pounds and to a further fine not exceeding one pound for each day during which the offence continues.



*Jersey Law 18/1962*

*Lodging Houses (Registration) (Jersey) Law,  
1962*

## ARTICLE 10

### **REPLACEMENT OF REGISTRATION CERTIFICATES**

Where the keeper of a registered lodging house satisfies the Committee that his registration certificate has been accidentally lost, destroyed or defaced, the Committee may issue a new certificate to the keeper of the lodging house on payment by him of a fee of ten shillings.

## ARTICLE 11

### **CANCELLATION OF REGISTRATION**

Subject to the provisions of this Law, the Committee may at any time cancel the registration of a lodging house on any ground on which the registration of the premises as a lodging house might be refused or on the ground that any person has been convicted of an offence against the provisions of this Law or of any order made thereunder in respect of the lodging house.

## ARTICLE 12

### **PROCEDURE AND RIGHT OF APPEAL ON REFUSAL OR CANCELLATION OF REGISTRATION**

(1) The Committee shall not refuse an application for the registration or renewal of the registration of any lodging house, or cancel any registration, unless it has given to the keeper of the lodging house not less than seven days' notice in writing of its intention to do so and of its reasons for so doing, and every such notice shall contain an intimation that, if within seven days after the receipt of the notice, the keeper of the lodging house informs the Committee in writing that he desires so to do, the Committee will, before refusing the application or cancelling the registration, give him an opportunity of being heard, in person or by a representative, against such refusal or cancellation.

(2) If the Committee, after giving to the keeper of the lodging house an opportunity of being heard, decides to refuse the

application or to cancel the registration, it shall, if required by the keeper of the lodging house, deliver to him, within seven days of the receipt of such requirement, particulars in writing of the reasons for such refusal or cancellation.

(3) Any person aggrieved by such refusal or cancellation, or by the conditions attached to the registration or renewal of the registration of any lodging house, may appeal to the Inferior Number of the Royal Court, either in term or in vacation, on the ground that the decision of the Committee was unreasonable having regard to all the circumstances of the case.

#### ARTICLE 13

##### **DUTY TO MAINTAIN REGISTER OF LODGERS**

(1) The keeper of a registered lodging house shall maintain a register in which shall be entered the name and ordinary address of every person lodging in the house, and the date of his arrival at, and departure from, the lodging house.

(2) The keeper of a registered lodging house who fails to comply with paragraph (1) of this Article and any person who knowingly makes a false entry in, or gives false or misleading information with a view to a false entry being made in, a register maintained under this Article shall each be liable to a fine not exceeding fifty pounds.

#### ARTICLE 14

##### **TOURISTS NOT TO BE ACCOMMODATED IN REGISTERED LODGING HOUSES**

(1) The keeper of a registered lodging house shall not offer or provide accommodation for reward in the lodging house for any person whom he believes, or has reasonable cause to believe, to be a tourist to the Island.

(2) Any keeper of a registered lodging house who contravenes the provisions of this Article shall be liable to a fine not exceeding fifty pounds and to a further fine not exceeding two pounds for each day during which the offence continues.

## ARTICLE 15

### INSPECTION

(1) Any officer of the Committee generally or specially authorized in writing in that behalf (in this Article referred to as an “inspector”) shall be entitled, subject to the production by him if so required of evidence of his authority, to enter and inspect any registered lodging house or any premises in respect of which an exemption under Article 3 of this Law has been granted or any premises which he has reason to believe are being used as a lodging house, and to require the keeper of the lodging house or the proprietor of the premises, or any person in occupation thereof or employed therein, to furnish to him such information in relation to the lodging house or premises as may be reasonably necessary for the purposes of the enforcement of the provisions of this Law.

(2) Any police officer shall be entitled to enter any registered lodging house and inspect the register maintained therein in pursuance of Article 13 of this Law.

(3) Every person who –

- (a) obstructs or impedes an inspector or a police officer in the exercise of any of the powers conferred by this Article ; or
- (b) fails or refuses to give to an inspector or a police officer on demand any information which such inspector or police officer is entitled to demand under this Law ; or
- (c) wilfully gives to an inspector or a police officer information which is false or misleading in a material particular ;

*Jersey Law 18/1962*      *Lodging Houses (Registration) (Jersey) Law,  
1962*

shall be liable to a fine not exceeding one hundred pounds.

ARTICLE 16

**SERVICE OF NOTICES**

(1) Any notice required by this Law to be given to the Committee may be given either by leaving it at an office of the Committee or by post.

(2) Any notice required by this Law to be given to a person being a corporation shall be duly given if it is given to the secretary or clerk of the corporation.

(3) Subject to the provisions of this Article, any notice required by this Law to be given to any person may be given –

- (a) by delivering it to that person ; or
- (b) by leaving it at his proper address ; or
- (c) by registered post ; or
- (d) by the recorded delivery service.

ARTICLE 17

**OFFENCES BY MANAGERS, AGENTS, ETC**

Where an offence for which the keeper of a lodging house is liable under this Law has, in fact, been committed by some manager, agent, servant or other person, the manager, agent, servant or other person, as well as the keeper, shall be deemed to be guilty of that offence and shall be liable to be prosecuted and punished accordingly.

## ARTICLE 18

**PENALTY FOR FALSIFICATION AND WRONGFUL USE OF  
REGISTRATION CERTIFICATES AND GIVING OF FALSE  
INFORMATION**

- (1) If, with intent to deceive, any person –
  - (a) makes, in order that it may be used as genuine, or alters or uses or lends to or allows to be used by any other person, a registration certificate ; or
  - (b) makes or has in his possession any document so closely resembling a registration certificate as to be calculated to deceive ;

he shall for each offence be liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment.

(2) If any person, for the purpose of procuring, whether for himself or any other person, the issue of a registration certificate, or for the purpose of obtaining an exemption under Article 3 of this Law, makes any statement which he knows to be false or recklessly makes any statement which is false or withholds any material information, he shall for each offence be liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment.

## ARTICLE 19

**ORDERS**

(1) The Committee may, by order, prescribe anything which may be prescribed under this Law, and may make such provision as it considers necessary for promoting the general sanitation, ventilation and orderly conduct of registered lodging houses and for preventing the overcrowding of such houses.

*Jersey Law 18/1962*      *Lodging Houses (Registration) (Jersey) Law,  
1962*

(2) Any order made under this Article may make provision for the recovery of monetary penalties in respect of a contravention of, or failure to comply with any of the provisions of the order, so, however, that such penalties shall not exceed twenty pounds for each offence, or where the offence consists of continuing any such contravention or failure after conviction thereof, twenty pounds together with a further twenty pounds for each day on which it is so continued.

(3) The Subordinate Legislation (Jersey) Law, 1960,<sup>3</sup> shall apply to orders made by the Committee under this Law.

## ARTICLE 20

### **FEES AND EXPENSES**

(1) All fees received in pursuance of this Law shall be credited to the General Revenues of the States.

(2) The costs of the administration of this Law shall be defrayed out of the General Revenues of the States.

## ARTICLE 21

### **SAVING**

The provisions of this Law are in addition to, and not in derogation of, the provisions of any other enactment, but so that a person shall not be punished twice for the same offence.

## ARTICLE 22

### **SHORT TITLE AND COMMENCEMENT**

(1) This Law may be cited as the Lodging Houses (Registration) (Jersey) Law, 1962.

<sup>3</sup> Tome 1957–1960, page 519.

*Jersey Law 18/1962*

*Lodging Houses (Registration) (Jersey) Law,  
1962*

(2) This Law shall come into force on such day as the States may by Act appoint and different days may be fixed for different purposes and different provisions of this Law.

**A.D. LE BROCCQ,**

*Deputy Greffier of the States.*