



Jersey

RESIDENTIAL TENANCY (AMENDMENT) (JERSEY) LAW 2012

Arrangement

Article

1	Interpretation.....	3
2	Article 1 amended	3
3	Article 6 amended	4
4	Article 7 amended	4
5	Article 13 substituted	4
6	Article 16 amended	6
7	Article 23 amended	6
8	Article 24 amended	6
9	Citation and commencement	8



Jersey

RESIDENTIAL TENANCY (AMENDMENT) (JERSEY) LAW 2012

A LAW to amend the Residential Tenancy (Jersey) Law 2011.

<i>Adopted by the States</i>	<i>11th September 2012</i>
<i>Sanctioned by Order of Her Majesty in Council</i>	<i>7th November 2012</i>
<i>Registered by the Royal Court</i>	<i>23rd November 2012</i>

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

1 Interpretation

In this Law, “principal Law” means the Residential Tenancy (Jersey) Law 2011¹.

2 Article 1 amended

In Article 1 of the principal Law –

- (a) after the definition “Court” in paragraph (1) there is inserted the following definition –
- “ ‘deposit’, in respect of a residential tenancy agreement, means a payment of money intended to be held (by the landlord or otherwise) as security for, or for guaranteeing or ensuring –
- (a) the performance of any obligation of the tenant; or
 - (b) the discharge of any liability of the tenant,
- arising under or in connection with the residential tenancy agreement;”;
- (b) after the definition “Minister” in paragraph (1) there is inserted the following definition –

“ ‘money’ means money whether in the form of cash or otherwise;”;

(c) for paragraphs (2) and (3) there are substituted the following paragraphs –

“(2) A reference in this Law to a landlord includes –

- (a) a landlord’s heirs, executors, administrators and assigns; and
- (b) a person acting on behalf of a landlord in respect of a residential tenancy or residential tenancy agreement.

(3) A reference in this Law to a tenant includes –

- (a) a tenant’s heirs, executors, administrators and assigns; and
- (b) a person acting on behalf of a tenant in respect of a residential tenancy or residential tenancy agreement.”.

3 Article 6 amended

In Article 6(3)(e) of the principal Law, for the words “(or, where Minister has by Order prescribed some other period, that other period instead)” there are substituted the words “(or, where the Minister has by Order prescribed some other period, being a period of not less than one month, that other period instead)”.

4 Article 7 amended

In Article 7(3)(f) of the principal Law, for the word “Minister” there are substituted the words “the Minister”.

5 Article 13 substituted

For Article 13 of the principal Law the following Article is substituted –

“13 Execution of order for eviction

- (1) If the Court orders the eviction of a tenant under this Law and does not stay the execution of the order, the Viscount shall execute that order by going to the residential unit that is the subject of the order and putting the landlord in possession of the residential unit.
- (2) The Court may, when it makes an order under this Law for the eviction of a tenant from a residential unit or after making such an order, make an order to one or more of the following effects –
 - (a) that the Viscount may, for the purpose of executing the order for eviction or for the purpose of removing movable property as referred to in paragraph (3), enter the residential unit;
 - (b) that the Viscount may use reasonable force if necessary in order to make that entry;
 - (c) that the landlord, or the tenant, under the relevant residential tenancy agreement (or both of them) shall be liable to pay

the reasonable expenses incurred by the Viscount in performing the Viscount's functions under this Article.

(3) If –

- (a) the tenant does not, at or before the time when the landlord is put in possession, remove the tenant's movable property from the residential unit;
- (b) the tenant has not entered into any agreement with the landlord about disposal of that property;
- (c) the landlord has not applied for an order under Article 1 of the Loi (1867) sur la Cour pour le recouvrement de menues dettes² in respect of the property; and
- (d) no such order has been made in respect of the property,

the Viscount may remove the property and keep it in any place that the Viscount thinks fit.

(4) If –

- (a) the evicted tenant has not within 15 days after that removal –
 - (i) (except to the extent that an order under paragraph (2)(c) makes the landlord liable for those expenses) tendered to the Viscount payment of the reasonable expenses incurred in performing the Viscount's functions under this Article, and
 - (ii) claimed and removed the movable property from the place referred to in paragraph (3);
 - (b) the landlord has not applied for an order under Article 1 of the Loi (1867) sur la Cour pour le recouvrement de menues dettes in respect of the property; and
 - (c) no such order has been made in respect of the property,
- the Viscount may dispose of the property.

(5) Such disposal shall be carried out –

- (a) by taking reasonable steps to sell any part of the property that has a realizable value; or
- (b) by any other means in the case of any other part of the property.

(6) The Viscount may (except to the extent that an order under paragraph (2)(c) makes the landlord liable for those expenses) retain from the proceeds of any such sale the Viscount's reasonable expenses incurred in performing the Viscount's functions under this Article.

(7) The Viscount shall take reasonable steps to pay to the evicted tenant any balance of the proceeds of such a sale.

(8) However, if, after taking those steps, the Viscount has been unable to pay the balance to the tenant, the Viscount shall pay the balance to the consolidated fund.”.

6 Article 16 amended

In Article 16 of the principal Law –

- (a) for paragraph (2)(a), the following sub-paragraph is substituted –
 - “(a) in relation to a residential tenancy or a residential tenancy agreement; and”;
- (b) after paragraph (2)(i), the following sub-paragraphs are inserted –
 - “(ia) modifying the wording, or application, of any expression of time as it applies to the residential tenancy or the residential tenancy agreement, being an expression that is prescribed by any provision of this Law or by any provision made under this Law,
 - (ib) dispensing with any requirement for notice that applies in relation to the residential tenancy or the residential tenancy agreement, being a requirement that is prescribed by any provision of this Law or by any provision made under this Law,”;
- (c) after paragraph (4), the following paragraph is added –
 - “(5) Nothing in this Article shall be taken to confer jurisdiction in criminal matters on the Court.”.

7 Article 23 amended

In Article 23 of the principal Law –

- (a) in paragraph (2)(a) before the words “the completion” there is inserted the word “requiring”;
- (b) in paragraph (2)(c) before the words “the provision” there is inserted the word “requiring”;
- (c) in paragraph (2)(e) for the words “the maximum” there are substituted the words “imposing a maximum”;
- (d) in paragraph (2)(g) before the words “a standard form” there are inserted the words “requiring the use of”;
- (e) after paragraph (2)(g) the following sub-paragraph is inserted –
 - “(ga) the content of such form or forms or instruments;”.

8 Article 24 amended

In Article 24 of the principal Law –

- (a) for paragraph (1) the following paragraphs are substituted –
 - “(1) The States may by Regulations make provision for the purpose of carrying this Law into effect and, in particular, but without prejudice to the generality of the foregoing, for or with respect to the following matters –

-
- (a) the requiring or giving of security, guarantees or other things (other than deposits) for the purposes of securing, guaranteeing or ensuring –
 - (i) the performance of any obligation of the tenant, or
 - (ii) the discharge of any liability of the tenant, arising under or in connection with a residential tenancy agreement;
 - (b) restricting or prohibiting the requiring or giving of anything (other than deposits) referred to in sub-paragraph (a);
 - (c) limiting the requiring or giving of deposits or imposing limits on their amounts;
 - (d) enabling the Minister, or any person appointed by the Minister, to set up and administer a scheme for the safe-keeping or investment of deposits paid in respect of residential tenancies;
 - (e) enabling the person administering such a scheme to determine the rules for its operation;
 - (f) making it an offence –
 - (i) for a landlord not to pay a deposit into such a scheme, or
 - (ii) for a landlord or tenant to do anything, in relation to a residential tenancy or a residential tenancy agreement, that is not in compliance with the rules of such a scheme;
 - (g) the investment of funds of such a scheme;
 - (h) the use of the interest on any such investment;
 - (i) requiring the operation of such a scheme, the use of the funds in such a scheme, and such a scheme generally, to be in accordance with directions given by the Minister to the person administering such a scheme;
 - (j) requiring the payment of fees in relation to payments into or out of such a scheme, or generally in relation to such a scheme, those fees being in amounts that the Minister prescribes by Order;
 - (k) the recovery of deposits paid into such a scheme by persons entitled to those deposits;
 - (l) the resolution of disputes as to deposits, whether by conferring jurisdiction on the Court in relation to those disputes or enabling other means of dispute resolution, or both;
 - (m) the giving of notice for the purposes of this Law or for the purposes of any Regulations made under this Law;
 - (n) making provision of a saving or transitional nature consequent on the enactment of this Law.
-

- (1A) Except to the extent that the States by Regulations otherwise provide, a deposit paid into a scheme referred to in paragraph (1) shall not be available to pay (whether in full or in part) any debts or expenses, or to discharge (whether in full or in part) any other liability or obligation, of the person administering the scheme.
- (1B) The Minister may, by Order, exempt from the operation of any Regulations made under this Article, or of any specified provision of those Regulations, either unconditionally or subject to conditions –
 - (a) any person, deposit, residential tenancy, residential tenancy agreement or residential unit; or
 - (b) any class of persons, class of deposits, class of residential tenancies, class of residential tenancy agreements or class of residential units.”;
- (b) for paragraph (4) the following paragraph is substituted –
 - “(4) A provision of Regulations that make provision of a saving or transitional nature consequent on the enactment of this Law may, if the Regulations so provide, come into force on the day on which paragraph (5) comes into force or on a later day.”.

9 Citation and commencement

- (1) This Law may be cited as the Residential Tenancy (Amendment) (Jersey) Law 2012.
- (2) This Law comes into force on the seventh day after it is registered.

M.N. DE LA HAYE

Greffier of the States

¹ *L.31/2011*
² *chapter 07.175*