



Jersey

PUBLIC HEALTH AND SAFETY (RENTED DWELLINGS) (LICENSING) (JERSEY) REGULATIONS 2023

Official Consolidated Version

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PUBLIC HEALTH AND SAFETY (RENTED DWELLINGS) (LICENSING) (JERSEY) REGULATIONS 2023

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THE STATES make these Regulations under Article 5 of the [Public Health and Safety \(Rented Dwellings\) \(Jersey\) Law 2018](#) –

Commencement [[see endnotes](#)]

1 Interpretation

In these Regulations –

“application” means an application for a licence;

“licence” means a licence in respect of a rented dwelling issued or renewed under Regulation 3 and, if a licence is modified as a result of a review or appeal under Regulation 5, means the licence as modified;

“Law” means the [Public Health and Safety \(Rented Dwellings\) \(Jersey\) Law 2018](#);

“minimum safety standards” means the requirements of Articles 5, 6 and 7 of the [Public Health and Safety \(Rented Dwellings – Minimum Standards and Prescribed Hazards\) \(Jersey\) Order 2018](#);

“valid application” means an application –

- (a) that complies with the requirements published under Regulation 2(3)(a) and (b);
- (b) in respect of which all further information required by the Minister in accordance with Regulation 2(3)(c) is supplied;
- (c) that is signed by the owner of the rented dwelling to which it relates or by a person acting on behalf of the owner; and
- (d) that is accompanied by the fee (if any) published under Regulation 2(4).

2 Licensing of rented dwellings

- (1) A person having control of a dwelling to which this Regulation applies must not allow it to be used as a rented dwelling unless the dwelling is licensed for use as a rented dwelling by the Minister in accordance with these Regulations.
- (2) This Regulation applies to any part of a dwelling other than –
 - (a) a registered lodging house within the meaning of the [Lodging Houses \(Registration\) \(Jersey\) Law 1962](#);
 - (b) premises registered under Article 6 of the [Tourism \(Jersey\) Law 1948](#);

- (c) premises which are used or intended to be used as a nursing home within the meaning of Article 1A of the [Nursing Homes \(Jersey\) Law 1994](#); or
 - (d) residential accommodation that is a care home service, a children's home service or a residential family centre service within the meaning of Schedule 1 to the [Regulation of Care \(Jersey\) Law 2014](#).
- (3) The Minister must prepare and publish information setting out the following –
 - (a) the manner in which an application for a licence is to be made;
 - (b) the information required to be contained in the application;
 - (c) the further information, if any, the Minister may require in relation to the application.
- (4) The Minister may impose fees for the issue of a licence and, if fees are imposed, they must be published.

3 Issue of licences

- (1) The Minister must license a dwelling to be used as a rented dwelling if –
 - (a) the Minister receives a valid application for a licence in respect of the dwelling; and
 - (b) the Minister is satisfied that –
 - (i) the dwelling meets the minimum safety standards, and
 - (ii) there is no prescribed hazard present in the dwelling.
- (2) A licence –
 - (a) commences on –
 - (i) the date specified by the Minister in the licence, or
 - (ii) if no date is specified, the day it is issued; and
 - (b) expires 2 years after it commences.
- (3) Before issuing or renewing a licence the Minister may inspect the dwelling.
- (4) If, as a result of an inspection or information provided on an application, the Minister believes that the dwelling does not meet the minimum safety standards or that there is a prescribed hazard present in the dwelling, the Minister must –
 - (a) refuse to issue or renew the licence; or
 - (b) issue or renew the licence subject to a condition that, by a specified date, specified actions are taken to meet the minimum safety standards or to address the prescribed hazard.
- (5) The Minister must determine a valid application in respect of a dwelling –
 - (a) if the Minister does not inspect the dwelling, within 20 working days after receiving the application; or
 - (b) if the Minister inspects the dwelling, within 20 working days after the inspection, which must be completed at the earliest reasonable opportunity.
- (6) A licence is subject to the standard licence conditions set out in the Schedule.
- (7) If the Minister refuses to issue or renew a licence, or issues a licence subject to conditions other than the standard licence conditions, the Minister must notify the person who applied for the licence or its renewal, in writing, of –
 - (a) the reasons for the decision; and

- (b) the person's right to request a review and to appeal under Regulation 5.

4 Withdrawal of licences

- (1) The Minister may withdraw a licence if –
 - (a) the Minister considers that –
 - (i) there is a prescribed hazard present in the dwelling, or
 - (ii) a standard licence condition set out in the Schedule has not been, or is not being, complied with; or
 - (b) the person having control of the dwelling requests that the licence is withdrawn.
- (2) If the Minister decides to withdraw a licence under paragraph (1)(a), the Minister must notify the person having control of the dwelling, in writing, of –
 - (a) the decision and the reasons for the decision; and
 - (b) the person's right to request a review and to appeal under Regulation 5.
- (3) In establishing the identity of the person having control of the dwelling for the purpose of paragraph (2), the Minister is entitled to rely on information provided in an application for the licence or under paragraph (2) of the Schedule.

5 Review by Minister and appeal to the Royal Court

- (1) A person entitled to be notified of a decision under Regulation 3(7) or 4(2) ("a relevant person") may, within 28 days of the notification, request that the Minister review the decision.
- (2) A request for a review must contain –
 - (a) the relevant person's name and address for correspondence;
 - (b) the address of the dwelling to which the decision relates;
 - (c) the grounds on which the request is made, including why the relevant person disagrees with the decision and with the reasons given for it.
- (3) The Minister must determine a request from a relevant person that meets the requirements of paragraph (2) within 20 working days after receiving the request.
- (4) The determination of the Minister is substituted for the original decision.
- (5) The Minister may suspend the effect of a decision that is subject to review until the determination of that review.
- (6) If, on review, the Minister upholds the original decision in whole or in part, the Minister must notify the relevant person, in writing, of –
 - (a) the decision and the reasons for the decision; and
 - (b) the relevant person's right to appeal under paragraph (7).
- (7) The relevant person may, within 28 days of that notification, appeal against the Minister's decision to the Royal Court.
- (8) Article 11 of the Law applies, with the necessary modifications, to an appeal under this Article as if it were an appeal under Article 11 of the Law.

6 Offences

- (1) A person who contravenes Regulation 2(1) commits an offence and is liable to a fine of level 3 on the standard scale.
- (2) A person has a defence to an offence under paragraph (1) if –
 - (a) the Minister has withdrawn a licence for a dwelling under Regulation 4(1); and
 - (b) the person is unable to lawfully end the use of the dwelling as a rented dwelling.
- (3) A person having control of a dwelling who does not comply with a condition of a licence in respect of the dwelling commits an offence and is liable to a fine of level 3 on the standard scale.
- (4) A person has a defence to an offence under paragraph (3) if the person has taken all reasonable steps available to them, if any, to ensure compliance with the condition.
- (5) Articles 15(2), 16(1) and (2) and 17 of the Law apply to an offence under this Regulation as they apply to offences under Article 15(1) of the Law.

7 Transitional provisions

- (1) The Minister must issue a licence in respect of a dwelling if –
 - (a) when these Regulations come into force, the dwelling is a rented dwelling; and
 - (b) a valid application is made in respect of the dwelling before the end of 31st July 2024.
- (2) These Regulations apply to a licence issued under paragraph (1) as if it were issued under Regulation 3, but –
 - (a) despite Regulation 3(2)(a), the licence commences on 1st May 2024;
 - (b) despite Regulation 3(3), the Minister is not entitled to inspect the dwelling to which the licence relates;
 - (c) despite Regulation 3(4)(a), the Minister must not refuse to issue the licence.
- (3) A person is not liable to be convicted of an offence under Regulation 6 if the person's application is made in accordance with paragraph (1).
- (4) Paragraph (3) ceases to apply upon the expiry of the licence issued under paragraph (1) or its withdrawal by the Minister.
- (5) Nothing in this Regulation limits the Minister's powers under Regulation 3(4)(b) and 4(1).
- (6) This Regulation is revoked on 1st May 2026.

8 Citation and commencement

These Regulations may be cited as the Public Health and Safety (Rented Dwellings) (Licensing) (Jersey) Regulations 2023 and come into force on 1st May 2024.

SCHEDULE

(Regulation 3(6))

STANDARD LICENCE CONDITIONS

1 Compliance with minimum safety standards

- (1) A person having control of a rented dwelling must ensure that the rented dwelling complies with the minimum safety standards whenever it is used as a rented dwelling.
- (2) A failure to comply with a minimum safety standard is not a breach of sub-paragraph (1) if –
 - (a) the licence for the dwelling was issued with a condition requiring that, by a specified date, specified action is to be taken to meet the minimum safety standard;
 - (b) the failure is a continuation of the situation that gave rise to the requirement that the specified action was to be taken (as established by information provided on an application or by an inspection of the dwelling before the licence was issued) or arises as a result of taking that specified action; and
 - (c) the failure occurs before the specified date.

2 Notification of changes to the Minister

A person having control of a rented dwelling must ensure that the Minister is notified of the following changes within 28 days of their occurring –

- (a) a change to their address, contact telephone number or email address;
- (b) if there is a person acting on their behalf, a change to the address, contact telephone number or email address of the person acting on their behalf;
- (c) a change to the emergency contact number provided to the occupier of the rented dwelling under paragraph 3(7)(b);
- (d) the dwelling no longer being used as a rented dwelling.

3 Information to occupiers

- (1) A person having control of a rented dwelling must ensure that the occupier of the rented dwelling is provided with –
 - (a) a copy of the licence; and
 - (b) written information explaining how to raise a concern or complaint concerning the dwelling.
- (2) A person having control of the rented dwelling must ensure that the copy of the licence and written information is provided –
 - (a) within 28 days of the day the licence commences; or
 - (b) in the case of anyone already in occupation of the dwelling on, or before, the commencement of these Regulations, within 28 days of the day the licence is issued.

- (3) Sub-paragraph (4) applies if –
 - (a) the dwelling is occupied by the existing or a new occupier;
 - (b) the dwelling is occupied under a renewed agreement in respect of an existing occupier, or under a new agreement in respect of a new occupier; and
 - (c) there is already a licence in respect of the dwelling.
- (4) In a case falling under sub-paragraph (3), a person having control of the rented dwelling must ensure that the existing or new occupier is provided with the copy of the current licence and written information at the same time as the occupier is provided with the renewed or new agreement under which the dwelling is occupied.
- (5) The copy of the licence and written information may be provided in hard copy or electronic format including by way of notices displayed in communal areas, handbooks, emails, applications, websites or other similar systems so long as it is fully accessible to the occupier having regard to the needs of an occupier who may have difficulty in accessing certain forms of communication.
- (6) The written information, but not the copy of the licence, may also be provided by way of short message service.
- (7) The written information must include –
 - (a) a contact address and daytime telephone number to be used to communicate the concern or complaint;
 - (b) an out-of-hours telephone number to be used in an emergency;
 - (c) how the concern or complaint will be dealt with; and
 - (d) a statement on the occupier's right to seek advice from or raise a complaint to the administration of the States responsible for environmental and consumer protection, together with the up-to-date contact details for the said administration of the States.
- (8) A person having control of the rented dwelling must ensure that the occupier is advised of any material change to the written information within 28 days of the change taking place in the same form as that in which the original written information was provided.
- (9) In this paragraph "administration of the States" has the same definition as in the [Employment of States of Jersey Employees \(Jersey\) Law 2005](#).

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement	Project No (where applicable)
Public Health and Safety (Rented Dwellings) (Licensing) (Jersey) Regulations 2023	R&O.108/2023	1 May 2024	P.40/2023

Project available at statesassembly.gov.je

Table of Endnote References

There are currently no endnote references