RESIDENTIAL TENANCY (SUPPLY OF SERVICES) (JERSEY) ORDER 2013

Official Consolidated Version

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Showing the law from 1 January 2019 to Current

Jersey

RESIDENTIAL TENANCY (SUPPLY OF SERVICES) (JERSEY) ORDER 2013

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THE MINISTER FOR HOUSING, in pursuance of Article 23 of the Residential Tenancy (Jersey) Law 2011, orders as follows –

Commencement [see endnotes]

1 Interpretation

In this Order –

"re-supplied service" means a service –

(a) for which the tenant is liable to pay, in addition to paying rent under the residential tenancy; and

(b) for which the tenant is not charged directly by the service provider;

"reseller" means the person who charges the tenant for a re-supplied service;

"service" means electricity, gas, water, drainage or any other service supplied under or in relation to a residential tenancy or in a residential unit that is subject to a residential tenancy;

"service provider" means the person supplying the service that is re-supplied to the tenant.

2 Charge for re-supplied service

(1) Where the consumption of a re-supplied service by the occupants of a residential unit is recorded by a meter, the amount charged by the reseller to the tenant of the unit for that consumption shall not exceed the amount charged by the service provider for that consumption.

(2) Where the consumption of a re-supplied service by the occupants of a residential unit is not recorded by a meter the reseller –

(a) shall use his or her best endeavours to estimate the amount of that consumption; and

(b) shall charge the tenant for the re-supplied service, at the rate for consumption charged by the service provider, for the estimated amount of that consumption.

(3) When charging a tenant for a re-supplied service as required by paragraph (2) the reseller shall also inform the tenant of –

(a) the rate for consumption used to determine the amount of the charge; and

(b)   the reseller's estimate of the amount of the occupant's consumption of the service, and how that estimate was made.

(4)   Where the supply of a re-supplied service to the occupants of a residential unit is subject to a standing charge charged by the service provider, and the standing charge is solely attributable to the consumption of the occupants of that unit, the amount charged by the reseller to the tenant of the unit as a standing charge shall not exceed the standing charge charged by the service provider.

(5)   Where the supply of a re-supplied service to the occupants of a residential unit is subject to a standing charge charged by the service provider that is attributable to consumption by the occupants and other persons or parts of the building, the reseller –

(a)   shall use his or her best endeavours to apportion the liability for the standing charge fairly between the tenant of the unit and the other occupants or persons or parts of the building; and

(b)   shall charge the tenant for that portion of the standing charge charged by the service provider.

(6)   When charging a tenant for a portion of a standing charge as required by paragraph (5) the reseller shall also inform the tenant of –

(a)   the amount of the standing charge; and

(b)   how the reseller apportioned liability for it between the tenant and other occupants or persons and parts of the building.

(7)   If the service provider of a service does not charge a standing charge, the reseller shall not charge the tenant a standing charge.

(8)   Where 2 or more tenants are, in accordance with the terms of their tenancy agreements, liable to contribute to the costs of the supply of a service to or for a communal area in a building or to or for any other amenity, the aggregate of the amounts recovered by the reseller from them by way of contribution to the cost of the supply for that area or amenity for any period shall not exceed the actual cost of the supply charged by the service provider.

(9)   The aggregate of the amounts charged for a re-supplied service by a reseller to tenants and other persons must not exceed the actual amount charged to the reseller for that service.

3   Overpayments by tenants

A reseller who collects from a tenant an amount in excess of that which the reseller is, under Article 2, entitled to charge to the tenant must refund the excess within 14 days of collecting it.

4   Right to copy of charges

(1)   A tenant may, in writing, request that the reseller provide the tenant with a copy of any account that the reseller is liable to pay for a service that the reseller has re-supplied to the tenant and charged the tenant for.

(2)   A reseller shall comply with a request under paragraph (1) within 7 days.

5 Offences

(1) A reseller who contravenes Article 2 or 3 is guilty of an offence and liable to a fine of level 3 on the standard scale.

(2) It shall be a defence for a reseller who contravenes Article 2(1), (4), (8) or (9) that the excess was –

    (a) charged in error; and

    (b) refunded within the period required by Article 3 or, if the reseller does not become aware of the error until after the expiry of that period, as soon as possible after the reseller becomes aware of the error.

(3) A reseller who, without reasonable excuse, contravenes Article 4(2) is guilty of an offence and liable to a fine of level 3 on the standard scale.

6 Citation

This Order may be cited as the Residential Tenancy (Supply of Services) (Jersey) Order 2013.

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement
Residential Tenancy (Supply of Services) (Jersey) Order 2013	R&O.120/2013	1 October 2013

Table of Renumbered Provisions

Original	Current
None	

Table of Endnote References

There are currently no endnote references