

# STATES OF JERSEY



## **DRAFT PUBLIC HEALTH AND SAFETY (RENTED DWELLINGS) (JERSEY) LAW 201-**

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**Lodged au Greffe on 17th July 2017  
by the Minister for the Environment**

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**STATES GREFFE**





Jersey

## **DRAFT PUBLIC HEALTH AND SAFETY (RENTED DWELLINGS) (JERSEY) LAW 201-**

### **European Convention on Human Rights**

In accordance with the provisions of Article 16 of the Human Rights (Jersey) Law 2000, the Minister for the Environment has made the following statement –

In the view of the Minister for the Environment, the provisions of the Draft Public Health and Safety (Rented Dwellings) (Jersey) Law 201- are compatible with the Convention Rights.

Signed: **Deputy S.G. Luce of St. Martin**

*Minister for the Environment*

Dated: 13th July 2017

## REPORT

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### Background

In March 2016, the Minister for Health and Social Services agreed the importance of putting in place a modern and appropriate legal regime for the regulation and maintenance of the standard of rented dwellings in Jersey. The Minister approved (MD-HSS-2016-0014) the submission of law drafting instructions for the preparation of a Draft Public Health and Safety (Rented Dwellings) (Jersey) Law 201-.

An earlier proposed Law was subject to many comments and criticism during consultation and these have been taken into consideration in the drafting of the proposed legislation. Following the transfer of The Environmental Health team from Health and Social Services Department to the Department of the Environment, the responsibility for bringing forward this work stream also transferred.

The development of this proposed legislation was not carried out in isolation and officers from the Planning, Housing, Health and Social Services, Jersey Fire and Rescue Departments have had involvement to ensure consistency.

The legislation seeks to set minimum standards across the rented dwelling sector which will match those already adopted by the Social Housing sector. Essentially it will introduce the “Decent Homes Standard” for all rented dwellings.

Currently there are very few powers available to officers to elicit improvements to substandard rented accommodation in Jersey. The [Statutory Nuisances \(Jersey\) Law 1999](#) allows officers to ensure rented accommodation is “wind and water tight” and the [Loi \(1934\) sur la Santé Publique](#) has provision for closing houses under certain very serious circumstances.

The proposed legislation provides Ministerial powers to enact subordinate legislation based on best practice to protect the health and safety of occupants of and visitors to Rented Dwellings.

The required powers fall into 2 broad categories –

- Powers to introduce minimum health and safety standards with respect to rented dwellings.
- Provision that the States may make Regulations to establish a scheme of licensing rented dwellings, and in particular to enable the Minister to issue and charge for licences.

Other examples of powers, in brief, but not all –

- defines a rented dwelling for the purposes of the Law;
- makes the Minister for the Environment responsible for promoting the health and safety of persons in and about rented dwellings, and makes provision for officers to be authorized to take action on the Minister’s behalf;
- empowers the Minister to make Orders to promote such matters. In relation to health and safety, Orders may prescribe what structural or other defects to be found in rented dwellings will be regarded as hazards,

the method of assessing risks posed by these hazards and the level of risk that is acceptable for any hazard;

- provides for the Minister to prepare, issue and revise codes of practice to provide practical guidance in respect of any provision of the Law or its Orders and to arrange printing and distribution of such codes.

Enforcement in support of the control measures is provided by power to apply penalties or sanctions, either criminal or administrative.

A range of stakeholders was consulted following the publication of a previous draft of this Law. All the concerns or adverse comment returned have been considered. The major concerns around energy efficiency, water usage and the inclusion of Owner Occupied properties have been addressed by their removal.

The Draft Public Health and Safety (Rented Dwellings) (Jersey) Law 201- has been drafted to achieve the Minister's decision and are considered compliant with Human Rights legislation.

### **Collective responsibility under Standing Order 21(3A)**

The Council of Ministers has a single policy position on this proposition, and as such, all Ministers, and the Assistant Minister for the Environment, are bound by the principle of collective responsibility to support the proposition, as outlined in the Code of Conduct and Practice for Ministers and Assistant Ministers ([R.11/2015](#) refers).

### **Financial and manpower implications**

The draft Law will be implemented without any increase to the current Department of the Environment financial budgets and without any change to the current Department of the Environment manpower levels.

The draft Law provides that the States may make Regulations to establish a scheme of licensing rented dwellings, and in particular to enable the Minister to issue and charge for licenses.

### **Human Rights**

The notes on the human rights aspects of the draft Law in the **Appendix** have been prepared by the Law Officers' Department and are included for the information of States Members. They are not, and should not be taken as, legal advice.

## APPENDIX TO REPORT

### **Human Rights Notes on the Draft Public Health and Safety (Rented Dwellings) (Jersey) Law 201-**

These Notes have been prepared in respect of the draft Public Health and Safety (Rented Dwellings) (Jersey) Law 201- (the “**draft Law**”) by the Law Officers’ Department. They summarise the principal human rights issues arising from the contents of the draft Law and explain why, in the Law Officers’ opinion, the draft Law is compatible with the European Convention on Human Rights (“**ECHR**”).

**These notes are included for the information of States Members. They are not, and should not be taken as, legal advice.**

From a human rights perspective, the draft Law engages the right to a fair trial (Article 6 ECHR), the right to respect for private life (Article 8 ECHR) and the right to property (Article 1 of the First Protocol ECHR). The draft Law is considered compatible with the ECHR for the reasons set out below.

#### **Appeals against Minister’s determinations (Article 2(6)) and notices (Article 11)**

Article 2(6) of the draft Law provides that a person may appeal against a determination of the Minister as to whether or not a dwelling is a rented dwelling. That appeal may be made to the Royal Court and the Court may affirm the Minister’s determination or dismiss the appeal on such terms as it thinks fit, including substituting its own determination for the Minister’s. Article 11 of the draft Law provides that a person to whom a notice is given under Article 7(2)(b) (i.e. an improvement notice or a prohibition notice) may appeal to the Royal Court on any one of a number of stated grounds. These include that the issue of a notice was unreasonable in all the circumstances or the issued notice was defective in a material respect. On determining an appeal, the Royal Court may either cancel or affirm the notice (with modifications), or direct the Minister to substitute a different type of notice.

Article 6(1) ECHR entitles an individual to a fair and public hearing in the determination of his civil rights or obligations or any criminal charge against him. For the safeguards guaranteed by Article 6 ECHR to be applicable there must be a ‘determination of civil rights or obligations’. The making of a determination under Article 2 of the draft Law that a dwelling is a rented dwelling will result in that dwelling being subjected to the regulatory and enforcement provisions of the draft Law. The issue of a notice under Article 7 will impact on the owners of premises in some cases by requiring them to make improvements or to prevent the use of all or part of property. The exercise of these regulatory and enforcement provisions amount to measures affecting property rights and interests, and will constitute a determination of the civil rights of owners and occupiers of dwellings for Article 6(1) ECHR purposes. As a result, Article 6 ECHR is applicable in the context of the determinations of the Minister under Article 2 and the issue of notices by authorized persons under Article 7.

Article 6(1) ECHR requires that civil rights be determined by an ‘independent and impartial tribunal’. The process for making determinations under Article 2 and the process for the imposition of notices by authorized persons, as a whole, will be compatible with Article 6 ECHR where the Minister’s and authorized person’s determinations of civil rights are “subject to subsequent control by a judicial body that has full jurisdiction and...provide[s] the guarantees of Article 6(1)” and “has the ability to quash the impugned decision or to remit the case for a new decision by an impartial body”. The body in question here is the Royal Court, which will hear appeals under Article 2(6) and Article 11 of the draft Law.

The ability to appeal to the Royal Court under these provisions is sufficient to make the process of determining civil rights under the draft Law compatible with Article 6 ECHR. The appeal provision in Article 2(6) is not specific as to the ground of the appeal, so might be brought on a point of law, due to an alleged mistake as to relevant facts or for the reason that the Minister’s decision was considered unreasonable. The flexibility should mean that the Court can adjust the scope of review to meet Article 6 ECHR standards. Moreover, the Court has the power to make its own determination in substitution of the Minister’s determination, which further enhances compatibility with Article 6 ECHR.

Article 11 of the draft Law provides detailed grounds on which an appeal may be made. Those grounds include that the issue of a notice was ‘unreasonable’ but also that there was a defect in the notice or some other mistake in the facts on which the notice is based. These grounds of appeal, although specific in nature, cover a wide spectrum of factual and legal grounds which should enable the Court to undertake a sufficient review of the issue of a notice for Article 6 ECHR purposes. Article 11 of the draft Law also provides the Court with the power to affirm notices with modifications or to substitute a different type of notice, and these powers ensure the Court has sufficient scope to address shortcomings in the issuing of a notice, which further secures compatibility with Article 6 ECHR in determining the civil rights of those to whom the notices are issued.

Article 2(6)(a) of the draft Law provides that an appeal against the Minister’s determination under Article 2(5) of the draft Law must be made to the Royal Court within the period of 28 days following the receipt of the determination. Limiting the period within which an appeal can be brought in this manner is, in principle, compatible with Article 6 ECHR, however any limitation period must pursue a legitimate aim and meet the test of proportionality. The rationale for the time limits in the appeal provision at Article 2(6), like other such limitation periods, is to ensure that appeals are brought within a reasonable time, to protect against long periods of uncertainty, and to ensure that appeals are heard when the facts to which they relate are still current. The practice of putting a time limit on appeals is a common one, both in Jersey and English legislation, and a 28 days period to appeal a determination should be considered compatible with Article 6 ECHR principles.

#### **Power to enter premises (Article 6(2)(a), 12(2) and 14(2))**

Article 6 of the draft Law provides a power for authorized persons to undertake an assessment of a dwelling, including an assessment of any prescribed hazards in that dwelling. The powers of investigation include the power (at Article 6(2)(a)) for authorized persons to enter a rented dwelling, and to direct that the dwelling or parts of it shall remain undisturbed for the purposes of the investigation. In addition, Articles 12(2) and 14(2) of the draft Law provides that an authorized person may enter any part of a dwelling specified in a notice for the purpose of taking action which the

Minister may take under Article 12 or for taking remedial action under Article 14, respectively.

The powers of entry into private dwellings in Article 6, 12 and 14 will engage the Article 8(1) ECHR rights of the occupants of the premises, which protects the right to private and home life. The connected power to take photographs raises obvious Article 8 ECHR issues in relation to residential premises. An interference with the Article 8(1) right must be justified under Article 8(2), meaning it must be (a) in accordance with the law; (b) in pursuit of one of the legitimate aims set out in Article 8(2); and (c) necessary in a democratic society. ‘Necessity’ requires the identification of a pressing social need and the existence of “relevant and sufficient” reasons to justify the interference at issue. A measure will only be proportionate to the legitimate aim if supported by sufficiently persuasive reasons.

The nature of the interference constituted by the entry powers would be deemed to be ‘in accordance with the law’; those powers have a basis in domestic law and can be viewed as sufficiently precise and accessible, therefore being foreseeable. In terms of the legitimate aim of the powers, it is expressed in Article 6(1) to be intended to be exercised for the purposes of ensuring that minimum standards of health and safety of persons are met and in order to investigate hazards; the Article 12 and 14 entry powers are linked to emergency remedial action to remove hazards that pose an imminent risk of serious harm. These objectives clearly come within the ‘protection of health’ aim which is classed as legitimate in Article 8(2) ECHR.

‘Necessary in a democratic society’ requires there to be a pressing social need for the interference in question. In the present case, the protection of tenants and others in rented dwellings against hazards and ensuring minimum standards of health and safety is a ‘pressing social concern’, and it follows that ensuring authorized person have the power to gain access to dwelling to conduct investigations so as to enforce standards and address hazards is necessary.

Given this necessity, the powers in Articles 6, 12 and 14 to enter premises are, in principle, proportionate to the legitimate aim of those powers, and it will be important that the powers are exercised in a proportionate manner in practice. However, identifying procedural safeguards which would mitigate the exercise of powers interfering with the Article 8(1) ECHR right to private life is an important step in determining whether any interference is ‘necessary in a democratic society’. Safeguards ensure that a state remains within its margin of appreciation in fixing the applicable regulatory framework and minimises the extent of the interference of individual rights.

There are a number of features in Articles 6 and 14 around the powers to enter dwellings which perform a safeguard function. The purpose for which authorized persons may exercise the power of entry is clearly spelt out in Article 6(1) and 14(1), and must be exercised at a reasonable time, together with other persons, equipment or materials, and upon notice to the occupiers (in the case of the Article 6 power, except, for example, in cases of emergency, must be 24 hours prior notice). The fact that what constitutes an ‘emergency’ is specifically defined in Article 6(8) is a further important safeguard to the exercise of that power. The statement in Article 6(2) of the extent of the investigatory powers that can be exercised once entry is gained to premises is an additional framing of the power which operates to limit the Article 8 ECHR interference (and photographs may only be taken if considered necessary for the purposes of any examination or investigation under Article 6(2)(c)). The same can be said of the powers of entry in Articles 12 and 14, where the powers that may be

exercised once entry is gained is specifically aimed at remedying identified hazards. The requirement to obtain a warrant to enter premises, by force if necessary to exercise the Article 6 powers, in cases where, for example, entry has been refused, serves to bolster the ECHR compatibility of the entry power in these circumstances. Finally, the detailed notice provisions in Articles 12 and 14 around the taking of action enables the occupant in question to understand the extent of the action to be taken, which will further serve to mitigate the Article 8 ECHR interference.

### **Power to require production of documents (Article 13)**

Article 13 of the draft Law provides the power for an authorized person to request, by notice, the production of documents. Article 8 ECHR protects personal data as part of the individual's private life and covers, in particular, all forms of communication, including correspondence, which will be engaged by the slightest degree of interference. The nature of the documents which might be requested is not detailed expressly in Article 13 of the draft Law, but it will be such documents as is required for "any purpose connected with the exercise of any function under this Part" or "for the purpose of investigating whether an offence has been committed" (Article 13(1)). This is a wide power to request documents and such documents might give information on the number, identity, age or state of health of occupants of residential premises, or documents disclosing the financial interests of occupants in the property which are all matters within the scope of Article 8 ECHR.

The justification for the interference with the Article 8 ECHR right in the exercise of the power in Article 13 is near identical to that set out as regards the entry power in Article 6. The power is expressed in clear terms and the purpose for requesting documents comes with the Article 8(2) ECHR legitimate objective of protecting health – i.e. documents may be requested in order to enforce a legislative scheme which is aimed at maintaining health and safety standards and addressing hazards in dwellings. The power to require documents is a further element of the investigatory provision in the draft Law and it has been discussed above that such provision is 'necessary' in order to meet the legitimate Article 8(2) ECHR aim. Again, the power must be exercised in a proportionate manner, but the couching of the power in terms of enforcement of the legislative scheme, and the requirement for requests to be made in specified terms, should avoid trivial and burdensome requests being made. The fact that the documents may only be requested for purposes connected with the exercise of functions under the draft Law and for the purposes of investigating offences is an important Article 8 ECHR safeguard as it should prevent information being used for other non-connected purposes, which would amount to a disproportionate interference with the Article 8 ECHR right.

### **Enforcement action (Article 7) and notices (Article 9 and 10)**

Articles 7 and 9 of the draft Law enable an authorized person to issue improvement notices requiring a person to take action to remove a hazard or reduce the risk posed by the hazard to an acceptable level. Those Articles also enable a prohibition notice to be issued stating that the use of the dwelling as living accommodation is prohibited, unless and until action is taken to address a hazard. Failure to comply with a notice is a criminal offence (Article 15(1)(a)).

The giving of improvement and prohibition notices will routinely engage property rights under A1P1 ECHR and the right to private life under Article 8 ECHR. From an Article 8 ECHR perspective, the justification for interferences with the right to private life has been explained above, and that rationale would apply to the interference

constituted by the issue of these notices. Notable aspects of Article 7 and 9 of the draft Law which should serve to ensure that the interference with the Article 8 ECHR right is justifiable are, among others, that the purpose and objective of issuing notices is clear – the removal of hazards to protect health and safety – and Articles 9 and 10 are very specific as to how notices are to be framed and managed, which will ensure that action required to be taken or a prohibition to be applied is clear.

From an A1P1 ECHR perspective, imposing a mandatory obligation on a person to take action, which might involve making improvements to property, and preventing a person from using parts of property will amount to an interference with the right to property. For an interference with the A1P1 ECHR right to be justified it must be in accordance with law and for ‘the general interest’. The measure must also be proportionate to the aim pursued.

The measures taken pursuant to the Article 7 and 9 enforcement powers would be deemed to be in accordance with the law as they are based on sufficiently precise and foreseeable powers couched in clear legislative provisions. In the context of A1P1, a general interest has been found in measures taken for public safety grounds and the enforcement powers in Articles 7 and 9 are designed to meet that objective. The power to ensure that improvements to dwellings are made or that parts of dwellings are not occupied if there is a risk of harm is an essential power in order to meet that public safety objective. It should be appreciated that, where property rights are concerned, states have a considerable margin of appreciation in determining the existence of a general public concern and in implementing measures designed to meet it, so in imposing such enforcement measures, albeit that interferes with certain property rights, is required for an identifiable public interest, and the States would be afforded a substantial degree of deference in this regard.

Proportionality requires a fair balance to be struck between the means employed in furtherance of the general interest identified and the protection of fundamental rights. The requisite balance will not be struck if the person concerned has had to bear an “individual and excessive burden”. The enforcement provisions will be imposed against premises which are occupied for accommodation purposes, and so there will be a greater likelihood of a burden being placed on the occupants in such cases. Although the power to require improvements and prohibit occupation of parts of premises is a relatively wide power, the imposition of these measures is proportionate, in principle, considering the importance of ensuring public safety, the fact that the powers are couched in terms of a specific enforcement objective, and given the wide margin of appreciation in property matters. It will, however, be essential for the powers to be exercised in a proportionate manner in practice.

A key provision from an ECHR perspective in the process around the giving of notices is Article 7(3) which requires a notice to be accompanied by a statement of reasons for the decision to give the notice, including the reason why the authorized person decided to issue the particular notice in question rather than a notice of any other type described in Article 9. This provision operates to address a number of ECHR requirements. Firstly, it addresses the Article 6(1) ECHR duty to give reasons for decisions. Secondly, as regards the interference with Article 8 ECHR and A1P1 ECHR rights, providing reasons for giving a particular kind of notice serves to counter the risk of a disproportionate interference, as the consideration, and communication, of the reasons for giving a notice is a check on unnecessary measures being pursued, and ensures the subject of the notice isn’t faced with an unreasoned, and therefore burdensome, interference.

### **Power of Minister to undertake work (Article 12) and emergency remedial action (Article 14)**

Articles 12 and 14 of the draft Law provides that the Minister may take emergency remedial action where there is a hazard in or about a rented dwelling that involves an imminent risk of serious harm to the health or safety of the occupier of the dwelling or of any other residential premises, and action is immediately necessary to remove the risk of serious harm.

The power to take such action will constitute an interference with the right to property in A1P1 ECHR and the Article 8 ECHR right to private life. The action which the Minister may take under Article 12 and 14 on entering a property might include making improvements, through building or other work, and where this involves destruction of property, there would be a deprivation of property for the purposes of A1P1 ECHR, in addition to the disruption of the home life of the occupants. The justification for the interference with the Article 8 ECHR and A1P1 ECHR rights follows an identical pattern to the provisions analysed above – there is a clear public safety protection purpose behind these powers; the powers are necessary to meet that objective; and the taking of measures to specifically address and resolve those concerns is proportionate in principle. The assessment of proportionality is aided by the fact that the Article 12 power is to only be exercised where a person has failed to undertake remedial action (i.e. so its scope is limited to only very specific circumstances), and the Article 14 power to undertake emergency remedial work must be pre-empted by notification to the occupier and subsequent further detailed notices around the work undertaken by the Minister.

### **Licensing Regulations (Article 5)**

Article 5 of the draft Law provides that the States may by Regulations establish a scheme for the purpose of further ensuring the health and safety of rented dwellings and, among other things, make provision enabling the Minister to license dwellings and impose charges in respect of the issue of licenses for rented dwellings. While this power is a regulation making power, so does not immediately engage human rights, any system of licensing dwellings implemented by regulations made pursuant to the Article 5 power will undoubtedly amount to an interference with the A1P1 ECHR property rights of the owners of dwellings. The making of such regulations would share the same legitimate objectives of the draft Law, namely public safety and, should those regulations be made, it will presumably be because it is felt there is a necessity to regulate the rented dwelling sector in order to enhance standards and safety, which would in principle satisfy the ‘necessity’ element of the justification assessment. Whether the imposition of the regulations would be proportionate cannot be assessed at this time, of course, however the taking of a regulation making power in this context, framed as it is in the draft Law, is compatible with the ECHR.

## **Explanatory Note**

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This draft Law would introduce minimum health and safety standards with respect to rented dwellings, and provide an enforcement mechanism where such dwellings fail to reach the required standards.

### Part 1 – Introductory

This Part contains the interpretation provisions. In particular, *Article 2* defines what is a “rented dwelling” for the purposes of this Law. Any issue as to whether or not a dwelling falls within the definition is to be determined by the Minister for the Environment on the application of either the person having control of the dwelling or the occupier, and an appeal may be brought to the Royal Court against such a determination.

### Part 2 – Standards of health and safety

*Article 3* makes the Minister for the Environment responsible for promoting the health and safety of persons in and about rented dwellings, and makes provision for officers to be authorized to take action on the Minister’s behalf. *Article 3* also empowers the Minister to make Orders to promote such matters. In relation to health and safety, Orders may prescribe what structural or other defects to be found in rented dwellings will be regarded as hazards, the method of assessing risks posed by these hazards and the level of risk that is acceptable for any hazard.

*Article 4* provides for the Minister to prepare, issue and revise codes of practice to provide practical guidance in respect of any provision of the Law or its Orders and to arrange printing and distribution of such codes. Failure of a person to follow guidance contained in a code does not of itself render the person liable to proceedings but the code is admissible in all criminal proceedings and may be taken into account where relevant.

*Article 5* provides that the States may make Regulations to establish a scheme of licensing rented dwellings, and in particular to enable the Minister to issue and charge for licences.

### Part 3 – Enforcement

*Article 6* sets out the powers of authorized persons acting on behalf of the Minister in relation to the inspection of rented dwellings, for the purposes of ensuring that minimum standards of health and safety of persons are met, and investigating any prescribed hazards. *Article 6(4)* includes power for the Bailiff or a Jurat to issue a warrant in appropriate cases.

*Article 7* requires an authorized person to identify prescribed hazards, assess the level of risk posed by each hazard and take appropriate action. This may consist of hazard awareness advice (the first level of enforcement) or the issuing of a notice. Orders may prescribe circumstances in which the issue of a notice may be compulsory.

*Article 8* provides that hazard awareness advice means information or advice which may be given by an authorized person as to a course which the authorized person considers will remove the hazard or reduce the risk posed by it to an acceptable level.

*Articles 9 and 10* are concerned with the next level of enforcement. Under *Article 9*, the authorized person may issue an improvement notice (requiring action to be taken to remove the hazard or to reduce the risk posed by it to an acceptable level) or a prohibition notice (banning use of the dwelling for occupation, until such action is taken). There are provisions specific to individual types of notices, and matters to be specified in each type of notice are set out.

*Article 10* sets out the additional provisions that must or may be included in notices, including directions as to the remedial action that might be taken, and provision enabling a notice to be varied or withdrawn if there is a change of circumstances. There is provision relating the powers of issuing notices under this Law to similar powers under the Planning and Building (Jersey) Law 2002.

*Article 11* confers a right of appeal to the Royal Court where a notice has been issued under *Article 7*, and sets out 8 grounds (both procedural and substantive) on which such an appeal may be brought.

*Article 12* empowers the Minister to undertake remedial action where a person has failed to undertake it, and to recover the cost of the action from that person.

*Article 13* confers power on the Minister or an authorized person to give notice requiring production of documents in connection with the exercise of functions under Part 3 or the investigation of possible offences under Part 4. It enables such documents to be copied, and those copies to be retained, by the person to whom they are produced.

*Article 14* confers power on the Minister to take emergency remedial action in any case where the Minister considers that there is a hazard which creates an imminent risk of serious harm to the health or safety of an occupier of the dwelling, and that such action is necessary to avert such harm. Before taking the action, the Minister must issue 2 notices, respectively giving warning of the intended entry to take the action (an “emergency entry notice”) and specifying the action to be taken and the date of commencement, etc. (an “emergency action notice”).

#### Part 4 – Criminal liability

*Article 15* creates offences of contravening a requirement or prohibition imposed by a notice, obstructing an inspector and pretending to be an authorized person. There is further provision to charge continuing offences and for secondary parties to be liable.

*Article 16* provides a defence if the person charged proves that the offence was due to an act or default of another person and makes that other person liable instead. It is also a defence to the charge of contravening a notice for the person to show that he or she was unaware of the notice or took all reasonable steps to comply with it.

*Article 17* is a standard provision concerning liability of partnerships and bodies corporate.

#### Part 5 – Miscellaneous

*Article 18* provides that (without prejudice to any other right of action) nothing in the Law is to be construed as giving a civil right of action in respect of a contravention of a provision of the Law.

*Article 19* is a standard provision concerning the service of notices.

*Article 20* is a general provision concerning the extent of the Minister's powers to make Orders.

*Article 21* provides that the Law takes effect in addition to other public health legislation.

*Article 22* sets out the title of the Law and provides for it to come into force by means of an Appointed Day Act.



Jersey

## **DRAFT PUBLIC HEALTH AND SAFETY (RENTED DWELLINGS) (JERSEY) LAW 201-**

### **Arrangement**

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Jersey

## **DRAFT PUBLIC HEALTH AND SAFETY (RENTED DWELLINGS) (JERSEY) LAW 201-**

**A LAW** to promote the health and safety of persons in rented dwellings, and for connected purposes.

*Adopted by the States* [date to be inserted]

*Sanctioned by Order of Her Majesty in Council* [date to be inserted]

*Registered by the Royal Court* [date to be inserted]

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

### **PART 1**

#### **INTRODUCTORY**

##### **1 Interpretation**

(1) In this Law, unless the context otherwise requires –

“authorized person” means a person authorized by the Minister under Article 3(2);

“dwelling” has the meaning given by Article 2(1)(a);

“hazard” means any risk of harm to the health or safety of an actual or potential occupier of a dwelling that arises from a deficiency in the dwelling or in any land or building in the vicinity of the dwelling;

“Minister” means the Minister for the Environment;

“notice” means a notice issued under Article 7;

“person having control”, in relation to a dwelling, means any of the following –

(a) the owner;

- (b) a person entitled to receive rent for use of the property by another, or who would be entitled to receive rent if the dwelling were let under any agreement by the terms of which rent were due;
- (c) a person responsible for repairs to the property;
- (d) a person responsible for allowing one or more other persons to occupy the building for any period of time, whether or not such person acts under an agreement or arrangement with any of the persons described in paragraph (a) to (c);

“prescribed hazard” means a type of hazard prescribed by Order made under Article 3(2)(b);

“remedial action” means action required by a notice as described in Article 9(1).

- (2) The States may by Regulations amend the following definitions –
  - (a) “person having control” in this Article; and
  - (b) “rented dwelling” in Article 2.

## 2 Meaning of “rented dwelling”

- (1) For the purposes of this Law, “dwelling” –
  - (a) means any building or other structure, whether temporary or permanent, or any part thereof, used or capable of being used as living accommodation by one or more persons, together with –
    - (i) any yard, garden, outhouses and appurtenances belonging to or usually enjoyed with that building or structure, and
    - (ii) in the case of a building or structure in multiple occupation, any part or facilities used or enjoyed by the occupiers jointly or in common; but
  - (b) does not include –
    - (i) a caravan, or
    - (ii) a vehicle or vessel.
- (2) A dwelling which is described in this Law as “rented” is a dwelling occupied, by a person who is not the person having control of the dwelling, as living accommodation –
  - (a) for any period exceeding 30 days (which need not be continuous) in any calendar year;
  - (b) in return for any reward (which need not be in money) or in connection with any employment, as further described in subparagraph (c)(ii); and

reference to a “rented dwelling” may include, but is not limited to –

- (i) a lodging house within the meaning given to that expression by Article 1 of the Lodging Houses (Registration) (Jersey) Law 1962<sup>1</sup>, and
- (ii) a dwelling occupied as living accommodation by a person in connection with that person’s employment (whether the employment is permanent or temporary, whether or not under a

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contract, including a zero-hours contract, and whether or not the employment is with the person having control of the dwelling).

- (3) For the purposes of this Article, and subject to paragraph (4), a building is said to be in multiple occupation where it is occupied by persons who do not form a single household, exclusive of any part of the building occupied as a separate dwelling by persons who form a single household.
- (4) Where a person who is both the owner and occupier of a dwelling permits the dwelling also to be occupied, for reward, by up to 2 other persons, that dwelling is not a rented dwelling for the purposes of this Law.
- (5) Any issue as to whether or not a dwelling is a rented dwelling is to be determined by the Minister, upon an application being made in writing to the Minister by either –
  - (a) the person having control of a rented dwelling; or
  - (b) the person occupying a rented dwelling.
- (6) An appeal against the Minister's determination under paragraph (5) may be made to the Royal Court –
  - (a) within the period of 28 days following receipt of the determination;
  - (b) by either of the persons mentioned in that paragraph,and on hearing the appeal, the Royal Court may affirm the Minister's determination or dismiss the appeal, in whole or in part and on such terms as it thinks fit, including substituting its own determination for the Minister's.

## PART 2

### HEALTH AND SAFETY IN RENTED DWELLINGS

#### **3 Duty of Minister to promote health and safety in relation to rented dwellings**

- (1) The Minister shall be responsible for introducing measures to ensure minimum standards of health and safety to be met by rented dwellings.
- (2) For the purpose of carrying out the duty imposed by paragraph (1), the Minister –
  - (a) shall authorize persons to take action on the Minister's behalf in accordance with this Law and any enactment made under it; and
  - (b) may make Orders for the purposes of securing the health and safety of persons in or about rented dwellings.
- (3) Orders under paragraph (2)(b) may prescribe –
  - (a) the types of hazards that may be present in dwellings for the purposes of this Law;
  - (b) the method of assessing the risks posed by prescribed hazards;
  - (c) the level of risk that that is acceptable for any prescribed hazard.

**4 Codes of practice**

- (1) The Minister may, after consultation with such persons or bodies as appear to the Minister to be representative of the interests concerned –
  - (a) prepare and issue codes of practice for the purpose of providing practical guidance in respect of any provision of this Law or any Order made under this Law; and
  - (b) revise any such code by revoking, varying, amending or adding to the provisions of the code.
- (2) The Minister shall cause any code prepared under this Article to be printed and distributed, and may make such arrangements as the Minister thinks fit for its distribution, including causing copies to be put on sale to the public at such price as the Minister considers to be reasonable.
- (3) A failure on the part of any person to follow any guidance contained in a code issued under this Article shall not of itself render that person liable to proceedings of any kind, but –
  - (a) any such code shall be admissible in evidence in criminal proceedings; and
  - (b) if any provision of the code appears to the court conducting any proceedings to be relevant to any question arising in the proceedings, it shall be taken into account in determining that question.

**5 Licensing Regulations**

- (1) The States may by Regulations establish a scheme for the purpose of further ensuring the safety of rented dwellings, and the health and safety of persons occupying such dwellings, in accordance with this Law, and without prejudice to that general purpose such Regulations may make provision including, but not limited to, provision enabling the Minister –
  - (a) to license dwellings to be used as rented dwellings; and
  - (b) to impose charges –
    - (i) in respect of the issue of licences for rented dwellings, and
    - (ii) in relation to enforcement action arising out of a breach of the Regulations or a requirement of any licence.
- (2) Regulations under this Article may further –
  - (a) create offences of, and impose penalties for, breach of a provision of the Regulations or of any licence; and
  - (b) make such transitional, consequential, incidental or supplementary provisions as the States may consider necessary or expedient.

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**PART 3**  
**ENFORCEMENT**

**6 Powers of investigation**

- (1) The Minister by any authorized person may, for the purposes of –
  - (a) ensuring that minimum standards of health or safety of persons are met by a rented dwelling; or
  - (b) investigating any prescribed hazard to the health and safety of persons occupying a rented dwelling,  
carry out or cause to be carried out an assessment of that dwelling, including assessment of any prescribed hazards in the dwelling.
- (2) Subject to the production, if required, of evidence of the authorized person's authority, for the purposes mentioned in paragraph (1) the authorized person may –
  - (a) at any reasonable time and upon notice to the occupiers of the dwelling in accordance with paragraph (3), enter a rented dwelling;
  - (b) on entering the dwelling be accompanied by –
    - (i) any other person, and
    - (ii) any equipment or materials,  
that the authorized person considers necessary for any purpose for which the power of entry is being exercised;
  - (c) make such examination and investigation as may in the circumstances be necessary, including investigation about the identity of the person having control of the dwelling;
  - (d) direct that the dwelling, or any part of it, or anything in it, shall be left undisturbed (whether generally or in particular respects) for so long as is reasonably necessary for the purpose of any examination or investigation under sub-paragraph (c);
  - (e) take such measurements and photographs, and make such recordings, as the authorized person considers necessary for the purpose of any examination or investigation under sub-paragraph (c);
  - (f) take and retain samples of –
    - (i) any articles or substances found in the dwelling, and
    - (ii) the atmosphere in, or in the vicinity of, the dwelling; and
  - (g) require any person whom the authorized person has reasonable cause to believe to be able to give any information relevant to any examination or investigation under sub-paragraph (c) to answer such questions as the authorized person thinks fit to ask.
- (3) An authorized person shall not seek access to any rented dwelling unless the authorized person has given 24 hours' notice of the proposed entry to the occupier or, if the authorized person thinks fit, the person having control of the dwelling, if different, except –

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- (a) in an emergency;
  - (b) where the occupier or person having control of the dwelling consents to entry by the authorized person without prior notice; or
  - (c) where notice was given but the occupier or person having control of the dwelling consents to entry by the authorized person at the end of a period of less than 24 hours.
- (4) If it is shown to the satisfaction of the Bailiff or a Jurat by information on oath that the authorized person has reasonable grounds for seeking entry to a rented dwelling, but –
- (a) admission to the dwelling has been refused;
  - (b) refusal of admission to the dwelling is anticipated;
  - (c) the dwelling is unoccupied or the occupier, whether or not the person having control, is temporarily absent;
  - (d) the case is one of emergency; or
  - (e) giving notice under paragraph (3) would defeat the object of the entry,
- the Bailiff or Jurat, as the case may be, may issue a warrant authorizing a police officer, an authorized person and such other persons as the warrant may specify to enter the dwelling, if need be by force.
- (5) On leaving any unoccupied dwelling entered by virtue of this Article the authorized person shall leave it as effectively secured against unauthorized entry as it was prior to entry.
- (6) A warrant issued in pursuance of paragraph (4) shall continue in force until the purpose for which the entry is required has been satisfied or for a period not exceeding 28 days, whichever is the later.
- (7) The period described in paragraph (6) for which a warrant shall continue in force may involve access to the dwelling on more than one occasion during that period and the authorized person may, on each occasion, be accompanied by –
- (a) any other person; and
  - (b) any equipment or materials,
- that the authorized person considers necessary for the purpose for which the entry is required.
- (8) A reference in this Article to an emergency is a reference to a situation where the authorized person has reasonable cause to believe that –
- (a) circumstances exist which are likely to represent an imminent risk of serious harm to the health or safety of persons in or about the dwelling; and
  - (b) immediate entry to the dwelling is necessary to verify the existence of those circumstances or to ascertain their cause and effect a remedy.

## **7 Risk assessment and enforcement action**

- (1) The authorized person shall –

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- (a) identify any prescribed hazards in a dwelling;
  - (b) assess the level of risk posed by any prescribed hazard; and
  - (c) take such action (if any) in accordance with paragraph (2) as the Minister considers appropriate, having regard to all the relevant circumstances including the cost of taking action to remove the hazard or reduce the risk posed by it to an acceptable level.
- (2) The authorized person may –
- (a) give, to the person having control of the dwelling or to the occupier or to both, hazard awareness advice in accordance with Article 8; or
  - (b) subject to paragraph (3), give, to the person having control of the dwelling, a notice of a type described in Article 9.
- (3) A notice such as mentioned in paragraph (2)(b) must be accompanied by a statement of reasons for the decision to give the notice, which must include the reason why the authorized person decided to issue the particular notice in question rather than a notice of any other type described in Article 9.
- (4) The Minister may by Order prescribe circumstances in which the giving of a particular notice or type of notice is compulsory.

## **8 Hazard awareness advice**

Hazard awareness advice shall consist of information or advice as to a course of action which the authorized person considers will remove the hazard or reduce the risk posed by it to an acceptable level.

## **9 Notices**

- (1) The types of notice that may be given under Article 7(2)(b) are –
- (a) an improvement notice requiring the person to whom it is addressed to take action, within such period (ending not earlier than the period within which an appeal against the notice can be brought under Article 11) as is specified in the notice –
    - (i) to remove the hazard, or
    - (ii) to reduce the risk posed by the hazard to an acceptable level; and
  - (b) a prohibition notice stating that use of the dwelling (whether the whole or such part of it as may be specified in the notice) as living accommodation is prohibited, unless and until action is taken –
    - (i) to remove the hazard, or
    - (ii) to reduce the risk posed by the hazard to an acceptable level.
- (2) An improvement notice may be expressed to take effect only on the happening of a specified event.
- (3) A prohibition notice shall take effect –
- (a) at the end of the period specified in the notice; or

- (b) if the notice so declares, immediately.
- (4) A notice shall specify in relation to the hazard (or each of the hazards to which it relates) –
  - (a) whether the authorized person considers he or she was obliged to issue it by virtue of a provision of an Order under Article 7(4) (and if so, the relevant provision) or did so as a matter of discretion;
  - (b) the nature of the prescribed hazard;
  - (c) the deficiency giving rise to the hazard;
  - (d) the dwelling at which the hazard is present;
  - (e) the date by which the remedial action required (if any) must be started or completed.
- (5) A notice shall also contain a statement describing the right of appeal under Article 11 and the period within which an appeal may be made.

#### **10 Supplementary provisions relating to notices**

- (1) A notice may include directions as to the action (if any) that might be taken to remove the hazard or reduce the risk posed by it to an acceptable level.
- (2) If directions are included in a notice they may be framed –
  - (a) to any extent by reference to an approved code of practice or any other published guidelines approved by the Minister; and
  - (b) so as to afford the recipient a choice between different types of remedial action.
- (3) If there has been a change in the circumstances that gave rise to a notice, an authorized person may vary or withdraw a notice as the person thinks fit, giving details of and reasons for any variation.
- (4) Where a notice has been given, but is not to take immediate effect –
  - (a) it may be withdrawn at any time before the end of the period specified in the notice, under Article 9(1)(a) or (3)(a) as the case may be; and
  - (b) the period so specified may be extended or further extended by an authorized person at any time when an appeal against the notice is not pending.
- (5) The withdrawal of a notice shall not affect the power of an authorized person to give a further notice in respect of the same hazard or in respect of other hazards in the same dwelling.
- (6) Despite the foregoing provisions of this Law, a notice shall not be given if –
  - (a) in the opinion of the authorized person, it would be more appropriate for the Chief Officer to serve a dangerous building notice under Article 66 of the Planning and Building (Jersey) Law 2002<sup>2</sup> or a land condition notice under Chapter 6 of Part 6 of that Law; or

- (b) such a notice as mentioned in sub-paragraph (a) has already been served by the Chief Officer.
- (7) In so far as it is required, planning and building permission in accordance with the Planning and Building (Jersey) Law 2002<sup>3</sup> shall be taken to have been granted to undertake work in compliance with a notice.

## **11 Appeals against notices**

- (1) A person to whom a notice is given under Article 7(2)(b) may, within 21 days from the date of its issue, or from the date of issue of any variation of the notice (whichever is the later), appeal to the Royal Court, on all or any of the following grounds, namely that –
  - (a) the giving of a notice, or of a notice of the particular type which was in fact issued, was unreasonable in all the circumstances;
  - (b) subject to paragraph (2), the notice given was defective in a material respect;
  - (c) the notice given was not accompanied by a statement of reasons in accordance with Article 7(3);
  - (d) the person was not the proper person to be served with such a notice;
  - (e) the hazard or risk alleged in the notice does not in fact exist;
  - (f) the requirements of or conditions in the notice exceed what is reasonably necessary to remove any alleged hazard or reduce any alleged risk;
  - (g) without prejudice to the generality of sub-paragraph (f), any time period imposed by the notice for compliance with its requirements (including any directions under Article 10) falls short of the time which should reasonably be allowed for such compliance;
  - (h) without prejudice to the generality of sub-paragraphs (b) or (f), the remedial action required by the notice to be taken does not fairly or reasonably relate to the alleged hazard or risk.
- (2) Where an appeal is brought on any ground stated in paragraph (1), the appellant shall not be entitled to allege, in any further or other proceedings instituted after the appeal, that the notice which is the subject of the appeal was not duly served.
- (3) On determining an appeal under this Article the Royal Court may either cancel or affirm the notice, or direct the Minister to substitute a different type of notice (whether under this Law or under the Planning and Building (Jersey) Law 2002<sup>4</sup>).
- (4) If the Royal Court affirms the notice, it may do so either in its original form or with such modification as the Royal Court may in the circumstances think fit.
- (5) The Royal Court may direct that the notice shall be suspended until the determination of the appeal.

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**12 Power of Minister to undertake work**

- (1) If, by the end of the period of compliance specified in an improvement notice, a person has failed to undertake remedial action as required by the notice, then whether or not the person is convicted of an offence under Article 15, the Minister may –
  - (a) take the necessary remedial action; and
  - (b) recover from that person, as a debt due to the Minister, the expenses reasonably incurred by the Minister in doing so.
- (2) An authorized person may enter any part of the dwelling specified in the notice for the purposes of taking any action which the Minister may take under this Article.
- (3) The right of entry under paragraph (2) may be exercised at any reasonable time, but before exercising it the Minister must give, in accordance with paragraph (4), a notice of the intended exercise.
- (4) A notice under this Article must identify the improvement notice to which it relates and state –
  - (a) the dwelling and hazard concerned;
  - (b) that the Minister intends to enter the dwelling, for the purpose of taking remedial action;
  - (c) the action which the Minister intends to take; and
  - (d) the power under which the Minister is entitled to enter the dwelling and take the action.
- (5) The notice must be given to the person to whom the improvement notice was given, and a copy of the notice must be served on any other person who is an occupier of the dwelling.
- (6) The notice and any copy must be served sufficiently in advance of the intended entry as to give the recipients reasonable notice of the intended entry.
- (7) A copy of the notice may also be served on any other person having control of the dwelling.

**13 Power to require production of documents**

- (1) The Minister or an authorized person may –
  - (a) for any purpose connected with the exercise of any function under this Part; or
  - (b) for the purpose of investigating whether an offence has been committed under Part 4,issue a notice in accordance with paragraphs (2) and (3) to any relevant person.
- (2) A notice under this Article may require a relevant person to produce, to a person specified in the notice and no later than a date so specified, any documents –
  - (a) which are specified or described in the notice, or within a class of document so specified or described; and

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- (b) which the Minister reasonably believes to be within the relevant person's custody or control.
  - (3) The notice must contain information about the consequences of failing to comply with the notice.
  - (4) Nothing in this Article confers power to require any person to produce a document which the person would be entitled to refuse to produce in proceedings in court on the grounds of legal professional privilege.
  - (5) In this Article, "relevant person" means –
    - (a) a person having control of a rented dwelling; and
    - (b) a person occupying a rented dwelling.
  - (6) Documents produced under this Article may be copied, and those copies may be retained, by the person to whom they are produced.

#### **14 Power of Minister to undertake emergency remedial action**

- (1) In any case where the Minister or an authorized person considers that –
  - (a) a hazard in or about a rented dwelling involves an imminent risk of serious harm to the health or safety of any occupier of the dwelling or of any other residential premises; and
  - (b) action (in this Article, "emergency remedial action") is immediately necessary to remove the risk of serious harm,then, whether or not an improvement or prohibition notice has been issued in respect of the dwelling, the Minister may take such emergency remedial action in accordance with this Article.
- (2) An authorized person may enter any part of the dwelling specified in the notice for the purposes of taking any action which the Minister may take under this Article.
- (3) The right of entry under paragraph (2) may be exercised at any reasonable time, but before exercising it the Minister must issue and serve, in accordance with paragraphs (4) and (5), a notice (an "emergency entry notice") of the intended exercise.
- (4) An emergency entry notice must state –
  - (a) the dwelling and hazard concerned;
  - (b) that the Minister intends to enter the dwelling, for the purpose of taking emergency remedial action;
  - (c) the action which the Minister intends to take; and
  - (d) the power under which the Minister is entitled to enter the dwelling and take the action.
- (5) An emergency entry notice must be given to every person who, to the Minister's knowledge –
  - (a) is an occupier of the dwelling in relation to which the Minister intends to take the emergency remedial action;

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- (b) if the hazard in relation to which the Minister intends to take that action is in the common parts of a building, is an occupier of any living accommodation of that building; and
  - (c) is any other person having control of the dwelling,
- but it may be regarded as sufficiently served for the purposes of this paragraph if it is affixed to some conspicuous part of the dwelling or building.
- (6) Within the period of 7 days beginning with the date on which the Minister intends to begin the emergency remedial action, the Minister must give a further notice (an “emergency action notice”), fulfilling the requirements in paragraph (7), and must serve the emergency action notice on the same persons as those on whom the emergency entry notice was served under paragraph (5).
  - (7) An emergency action notice under paragraph (6) must state –
    - (a) the nature of the hazard and the premises on which it exists;
    - (b) the deficiency which, in the Minister’s opinion, gives rise to the hazard;
    - (c) the premises in relation to which emergency remedial action is to be taken;
    - (d) the nature and expected duration of the emergency remedial action;
    - (e) the date on which the notice is issued, and (if different) the date on which the emergency remedial action is expected to begin; and
    - (f) the power under which the emergency action notice is served and the action is taken.
  - (8) The Minister may recover from the person having control of the premises in question, as a debt due to the Minister, expenses reasonably incurred by the Minister in taking emergency remedial action.

## PART 4

### CRIMINAL LIABILITY

#### 15 Offences

- (1) A person who –
  - (a) contravenes any requirement or prohibition imposed on the person by a notice (including any such notice as varied by an authorized person or modified on appeal);
  - (b) intentionally obstructs the exercise or performance of any person’s powers or duties under this Law; or
  - (c) pretends to be an authorized person,is guilty of an offence and liable to a fine of level 3 on the standard scale.
- (2) An offence under paragraph (1) may be charged by reference to a day or any longer period of time and a person may be convicted of a second

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offence or subsequent offences under paragraph (1) by reference to any period of time following the preceding conviction for such an offence.

## **16 Defences**

- (1) A person charged with an offence under this Law who proves to the satisfaction of the court that that the offence was due to an act or default of some other person who committed it without his or her consent, connivance or wilful default, shall be acquitted of the offence.
- (2) Where paragraph (1) applies, the person to whose act or default the offence was attributable may be charged with and convicted of the offence by virtue of this paragraph.
- (3) In proceedings against a person for an offence under Article 15(1)(a) it shall be a defence to show that the person took all reasonable measures to secure compliance with the notice.

## **17 Offences by bodies corporate etc.**

- (1) If an offence under this Law committed by a limited liability partnership, a separate limited partnership or a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of –
  - (a) a person who is partner of the partnership, or a director, manager, secretary or other similar officer of the body corporate; or
  - (b) any person purporting to act in any such capacity,the person shall also be guilty of the offence and liable in the same manner as the partnership or body corporate to the penalty provided for that offence.
- (2) If the affairs of a body corporate are managed by its members, paragraph (1) shall apply in relation to acts and defaults of a member in connection with his or her functions of management as if the member were a director of the body corporate.

## **PART 5**

### **MISCELLANEOUS**

## **18 Civil liability**

Without prejudice to any right of action that exists apart from this Law, and except as specified in this Law, nothing in this Law shall be construed as conferring a right of action in any civil proceedings.

## **19 Service of notices**

- (1) Any notice required by this Law to be given to any person may be given to or served on the person in question –

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- (a) by delivering it to the person;
  - (b) by leaving it at the person's proper address;
  - (c) by sending it by post to the person at that address; or
  - (d) by sending it to the person at that address by facsimile, electronic transmission or other similar means that produces a document containing the text of the communication in legible form or is capable of doing so.
- (2) Any such notice may –
    - (a) in the case of a company incorporated in Jersey, be served by being delivered to its registered office;
    - (b) in the case of a partnership, company incorporated outside Jersey or unincorporated association, be given to or served on the secretary or other similar officer of the partnership, company or association or any person who purports to act in any such capacity, by whatever name called, or on the person having the control or management of the business, as the case may be.
  - (3) For the purposes of this Article and of Article 7 of the Interpretation (Jersey) Law 1954<sup>5</sup> in its application to this Article, the proper address of any person to or on whom a notice is to be given or served by post shall be the person's last known address or, where a notice is served as described in paragraph (2), the last known address of the registered office (if there is one) or main business address of the company, partnership, or unincorporated association.
  - (4) If the person to or on whom any notice is to be given or served has notified the Minister of an address within Jersey, other than the person's proper address within the meaning of paragraph (3), as the one at which the person or someone on the person's behalf will accept documents, that address shall also be treated for the purposes of this Article and Article 7 of the Interpretation (Jersey) Law 1954 as the person's proper address.

## 20 Orders

- (1) The Minister may by Order make provision for the purpose of carrying this Law into effect and in particular, but without prejudice to the generality of the foregoing, for prescribing any matter which may be prescribed under this Law.
- (2) An Order made under this Law may contain such transitional, consequential, incidental or supplementary provisions as the Minister considers are necessary or expedient.

## 21 Saving provision

This Law shall have effect in addition to, and not in derogation from –

- (a) the Loi (1934) sur la Santé Publique<sup>6</sup>;
- (b) the Fire Precautions (Jersey) Law 1977<sup>7</sup>;
- (c) the Statutory Nuisances (Jersey) Law 1999<sup>8</sup>;

- (d) the Planning and Building (Jersey) Law 2002<sup>9</sup>; and
- (e) any other enactment relating to public health and safety.

## **22 Citation and commencement**

This Law may be cited as the Public Health and Safety (Rented Dwellings) (Jersey) Law 201- and shall come into force on such day as the States may by Act appoint.

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- 1 *chapter 05.450*
  - 2 *chapter 22.550*
  - 3 *chapter 22.550*
  - 4 *chapter 22.550*
  - 5 *chapter 15.360*
  - 6 *chapter 20.875*
  - 7 *chapter 23.150*
  - 8 *chapter 22.900*
  - 9 *chapter 22.550*