

STATES OF JERSEY



Jersey

DRAFT COVID-19 (RESIDENTIAL TENANCY) (TEMPORARY AMENDMENT OF LAW) (JERSEY) REGULATIONS 202- (P.42/2020) AMENDMENT

**Lodged au Greffe on 8th April 2020
by the Environment, Housing and Infrastructure Scrutiny Panel**

STATES GREFFE

**DRAFT COVID-19 (RESIDENTIAL TENANCY) (TEMPORARY AMENDMENT
OF LAW) (JERSEY) REGULATIONS 202- (P.42/2020) AMENDMENT**

1 PAGE 9, REGULATION 1 –

In Regulation 1 delete the inserted Article 7F.

2 PAGE 9, REGULATION 1 –

In Regulation 1 renumber the inserted Article 7G as Article 7F.

ENVIRONMENT, HOUSING AND INFRASTRUCTURE SCRUTINY
PANEL

REPORT

[P.42/2020](#) – Draft Covid-19 (Residential Tenancy) (Temporary Amendment of Law) (Jersey) Regulations 202- was lodged by the Minister for Children and Housing on 8th April 2020, in light of the ongoing Covid-19 pandemic. If adopted, the draft Regulations would make temporary amendments to the [Residential Tenancy \(Jersey\) Law 2011](#) (“the Law”). The Panel received a briefing from the Minister and his officers on 7th April 2020, prior to the lodging of the draft Regulations, and would like to thank them for making themselves available to the Panel.

At the briefing the Panel raised a number of concerns with the Minister in regard to the draft Regulations and, as a result of these concerns, proposed two amendments. Subsequent to the briefing we were advised that, whilst the Minister agreed to amend proposed new Article 7D(1), prior to lodging, to include the requirement for a tenant to provide evidence of financial hardship, he did not support the Panel’s proposal to remove the Minister’s power to amend the draft Regulations by Order. The Panel agreed therefore to lodge its own amendment in respect of this particular matter.

Proposed new Article 7F provides the Minister for Children and Housing the power to amend Part 3A and to make further provisions by Order. During the briefing, the Panel sought the Minister’s opinion regarding this provision and its appropriateness. The Minister advised the Panel that the ability to amend the Regulations and make further provisions by Order allowed for flexibility in these uncertain times, and meant that amendments to the Regulations could be made swiftly, if necessary. It was further advised that any proposed changes to Part 3A or any further provisions would be shared with Scrutiny and other interested parties prior to being made. Despite these assurances, the Panel was still of the opinion that, given the nature of the draft Regulations, the power to amend or increase further provision should not lie solely with the Minister for Children and Housing. Furthermore, the Panel notes that following the decision of the States Assembly to approve [P.29/2020](#) – Draft Covid-19 (Enabling Provisions) (Jersey) Law 202- (*now published in Jersey’s Laws Enacted as [L.2/2020](#)*), any changes to emergency legislation by Regulations can now be enacted very quickly in order to respond to the current crisis. The Panel therefore questioned the necessity for the Order-making powers in order to speed up the process of amending or making further provisions to the draft Regulations.

It was the Panel’s original intention to amend proposed new Article 7F rather than to remove it entirely. However, having sought advice, it was agreed that it would be more appropriate to remove the provision for the Minister to amend by Order. The [Interpretation \(Jersey\) Law 1954](#) allows for any Regulations to be amended by further Regulations under the same Law and, therefore, it is automatically the case that these Regulations, once enacted, can be amended by Regulations at any time.

The Panel believes that it is appropriate that the States Assembly has the power to scrutinise any proposed changes or additions to the draft Regulations, as a result of the current circumstances, and hopes that Members will support its amendment.

Financial and manpower implications

There are no additional financial or manpower implications for the States arising from the adoption of this amendment to the draft Regulations.