

**WRITTEN QUESTION TO THE MINISTER FOR PLANNING AND ENVIRONMENT
BY DEPUTY M. TADIER OF ST. BRELADE
ANSWER TO BE TABLED ON TUESDAY 24th FEBRUARY 2015**

Question

Does the Minister consider that enough was done by his predecessors to tackle the problem of non-occupied, derelict or dilapidated properties and what action, if any, will he be proposing to tackle these issues?

Answer

I don't think it is appropriate for me to comment on what my predecessors have or haven't done in relation to non-occupied, derelict or dilapidated buildings, but I am happy to clarify the legal powers I have and to clarify my views regarding such matters.

The first part of the question refers to non-occupied properties and I am not aware of any powers the Minister for Planning and Environment has in relation to non-occupied properties.

Article 84 of the Planning and Building (Jersey) Law 2002 is one of a number of Articles under Chapter 6 of the Law that deal with the condition of land (which in this context includes buildings on the land), and confers powers on the Minister for Planning and Environment to abate any problem through the service of a notice.

Article 84 of the Planning and Building (Jersey) Law states;

Minister may require repair or removal of ruinous or dilapidated buildings.

(1) If it appears to the Minister that a building is in a ruinous or dilapidated condition it may serve a notice requiring that the building or a specified part of it be demolished, repaired, decorated or otherwise improved and that any resulting rubbish be removed."

Article 91 of the Law requires the Minister to specify in sufficient detail the works to be carried out, and a reasonable time to complete them depending on what is required. Articles 93 and 94 state that it is an offence not to comply with a notice, and that in default, the Minister may undertake the works and recover his reasonably incurred costs from the person failing to undertake the work. There is no right for the owner to claim compensation under these provisions, but there is an appeal to the Royal Court on the grounds that the action taken by or on behalf of the Minister is unreasonable with regard to all the circumstances.

The Law does not define what constitutes a "ruinous or dilapidated building". They are ordinary words, and the Royal Court is likely to apply the ordinary meanings to them. In order for a building to be ruined or ruinous I feel that the property would effectively have to be a wreck incapable of occupation or the possibility of occupation. A dilapidated building is likely to be a building in an extreme state of disrepair. Each case is different, and will depend on the evidence of and the degree of ruination or dilapidation. In this context it might be reasonable to state that if a building is wind and watertight it is unlikely to be in such a state of ruination or dilapidation as to trigger action by way of Article 84.