

# Are you in Control? What you need to know about the Control of Housing and Work (Jersey) Law

After much debate and consultation, the Control of Housing and Work (Jersey) Law will come into effect on 1st July 2013. It consolidates and supplements the Housing (Jersey) Law 1949 and the Regulation of Undertakings and Development (Jersey) Law 1973.

## What does this mean to you?

The new Law enables the States to control immigration through regulating

- the ownership and occupation of residential property in Jersey,
- the establishment of and ownership of businesses; and
- the number of unqualified employees engaged in businesses.

## Registration Cards

Registration cards will be introduced under the new Law so that lawyers, employers and landlords can confirm your work and housing status before you move house or start a new job.

You will need a registration card:

- before starting a new job
- before renting or buying property
- if you are 16 or older and have just moved to the Island and have been resident here for 3 months

These cards will be issued by either the Population Office or the Social Security Department and you will need to show a valid registration card to your lawyer or landlord before buying or leasing property. As there is no photograph on the registration card you will also have to verify your identity with your passport or driving licence. A fee will be charged to new migrants on their first application for a card but most individuals will not have to pay for their card.

People with permanent Entitled status (see below) will not need to renew their cards; everyone else will need to have them validated and updated when they change house or job.

You must notify the Chief Minister within three months of any change of address, whether from another address in Jersey or from outside of Jersey. There is also an obligation on any person "in control" of residential accommodation to provide the Chief Minister with details of any occupier who will be in residence for a period of more than 3 months, the address of the unit and, if known, the date that the individual will leave that unit of accommodation.

It will be an offence to sell, deface, destroy or forge a registration card or to make a false statement to obtain one.

## Consent for property transactions

Consent will not be required for a residential property transaction except for:

- acquisitions by a company
- persons who are seeking Entitled status (see below) under either social or economic grounds or on the grounds of hardship
- persons with Licensed status (see below) acquiring or renting property

## Property categories

All existing 'A-H', 'A-J' and 'A-K' properties will become 'Qualified' property. Property inherited after the date that the Law comes into effect will be deemed to be Qualified but there will be a concession that it can be occupied by the person who inherits it regardless of their residential status.

In general, all other residential property will be designated 'Registered' (i.e. what we presently know as 'unqualified').

The category of all residential property will be recorded in a publicly accessible database.

## Housing and Work Categories explained

### **Entitled**

Someone who has lived in Jersey for 10 years (please see below for more details).

A person with Entitled status can buy, sell or lease any property. They can work anywhere and do not need a licence to be employed.

An employer can employ an unlimited number of Entitled persons.

### **Licensed**

Someone who is an 'essential employee'.

A person with Licensed status can buy, sell or lease any property in their own name (i.e. no longer need to buy through a company or rent through an employer).

An employer needs a licence to employ a Licensed person.

### **Entitled for Work Only**

Someone who has lived in Jersey for five consecutive years immediately before the date the card is issued, or is married to someone who is Entitled, Licensed, or Entitled to Work.

A person who has an 'Entitled to Work' status can buy property jointly with an Entitled, or Licensed spouse or civil partner. They can lease 'Registered' property as a main place of residence.

A person who is 'Entitled to Work' can work anywhere and does not need a licence to be employed.

### **Registered**

Someone who does not qualify under the other categories. These individuals can lease Registered property as a main place of residence or occupy Qualified property as a lodger of a Licensed or Entitled person.

An employer needs a licence to employ a Registered person.

### **Entitled status: how you can qualify and the requirements to gain and keep your status**

Entitled status can be gained and lost in different ways:

#### **I was born in Jersey**

To gain Entitled status you must live in Jersey for a combined period of 10 years. Once you gain your status, it is permanent.

#### **I wasn't born in Jersey**

To gain Entitled status you must live in Jersey for a continuous period. You will keep your status so long as the total amount of time you spend living away from Jersey doesn't exceed five years. Once you've lived in Jersey continuously for 30 years, your status is permanent.

#### **I wasn't born in Jersey, but moved here before I was 20 and have an Entitled parent**

You must live in Jersey for a combined period of 10 years before you reach 40. Once you gain your status, it is permanent.

#### **I wasn't born in Jersey but moved here before I was 16**

To gain Entitled status you must live in Jersey for a continuous period of 10 years. Once you gain your status, it is permanent.

### **Qualifying for Entitled status on social, economic or hardship grounds**

Some people may qualify for Entitled status on social, economic or hardship grounds. These are exceptional cases which are decided by the Minister for Housing.

#### **What do I need to do?**

Current J-Category people who own a property through a company or rent through their employer will be entitled to own property or to lease in their own name but will not be obliged to transfer their property or assign their lease.

Anyone who occupies unqualified property under a basic licence agreement will be able to have a lease (which can provide better security and terms) instead.

The good news is that most of us won't need to do anything at all unless we are moving home or changing job, when a registration card will have to be applied for.

*For an informal chat please do not hesitate to contact us on +44 1534 514056 or email [info@ogierproperty.com](mailto:info@ogierproperty.com).*

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