

# Control of Housing and Work (Jersey) Law 2012 (the CHW Law) - Categories of Property

Under the CHW Law residential accommodation in Jersey is classified as either Qualified or Registered. These categories are fairly similar to what we previously called "qualified" and "unqualified" under the Housing (Jersey) Law 1949 and its associated Regulations ("Housing Law"). Whilst the Housing Law only regulated particular property transactions such as leasing and buying property the CHW Law also regulates the occupation of dwelling units. The CHW Law obliges the Chief Minister to keep a register showing the housing category of each unit and if any conditions or concessions apply to such unit. The register is expected to be on line and accessible by members of the public free of charge.

## 1. Qualified

All residential accommodation in Jersey is designated Qualified unless it comes within the Registered category.

Property inherited after the date that the CHW Law came into effect is deemed to be Qualified but there is a concession that it can nonetheless be occupied by the person who inherits it regardless of their residential status.

Qualified accommodation is subject to any conditions and concessions as may have been agreed or imposed by the Housing Minister under the Housing Law i.e. an "if let" condition.

## 2. Registered

Registered accommodation comprises residential property which:

- is on land acquired prior to 4 April 1949 (when the Housing Law came into effect) and the accommodation was in existence on (or was lawfully being constructed on) 28th July 1998; or the accommodation has been, or shall be, lawfully constructed after 28th July 1998 in accordance in every respect with permission granted before 28th July 1998 by the then Planning and Environment Committee; or
- was acquired by dégrèvement, or subrogation from a tenant après dégrèvement prior to 10 June 1993; or
- was inherited by a company prior to 10 June 1993; or
- was inherited by an individual prior to 10 March 2006;

provided that in each case it has not subsequently become subject to a condition under the Housing Law or the CHW Law.

The CHW Law also provides that any Registered accommodation will become Qualified on the date that it is subject to a "specified transaction" i.e. a freehold conveyance.

## 3. Conditions

Some of the conditions which were regularly attached to consents under the Housing Law were abolished by the CHW Law i.e. no diminution in the area or number of units of accommodation, or on certain units having to be occupied by specified individuals

No register of properties is presently available but it is likely that the register will simply flag that the accommodation is subject to a condition or concession and that any detail will have to be requested from the Population Office. The Minister can impose or vary a condition or concession either at the request of the owner of the property or of his own volition.

The definition of "owner" for the purpose of a share transfer apartment is the holding company rather than the owner of the particular shares and therefore the holding company would have to make any application in respect of an apartment.

The Minister cannot make a determination that would make existing lawful occupation unlawful, and his decision is subject to an appeal process.

*The information and expressions of opinion contained in this guide are not intended to be a comprehensive study or to provide legal advice and should not be treated as a substitute for specific advice concerning individual situations.*

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