

GUERNSEY STATUTORY INSTRUMENT

2006 No. 16

**The States Housing (Statutory Tenancies) (Guernsey)
(Amendment) Regulations, 2006**

<i>Made</i>	<i>5th April, 2006</i>
<i>Coming into operation</i>	<i>6th May, 2006</i>
<i>Laid before the States</i>	<i>, 2006</i>

THE HOUSING DEPARTMENT, in exercise of the powers conferred on it by section 2 of the States Housing (Tenancies, Rent and Rebate Scheme) (Guernsey) Law, 2004¹ and all other powers enabling it in that behalf, hereby makes the following regulations:-

Amendment to Regulations of 2005.

1. The States Housing (Statutory Tenancies) (Guernsey) Regulations, 2005² are amended as follows -

- (a) in regulation 9(1)(a), for the words “(a) to (d)” substitute “(a) to (e)”.
- (b) for regulation (9)(3)(c), substitute -

¹ Order in Council No. IV of 2005.

² GSI. No. 9 of 2005.

“(c) where, following a review of the occupancy of the relevant States residential property, the Chief Officer decides-

(i) to reallocate the property, or

(ii) that the tenant no longer meets the criteria for eligibility under the States Housing Allocation Policy, or”

(c) after regulation (9)(3)(c), insert a new regulation (d) as follows -

“(d) where the Chief Officer is authorised to dispose of, demolish or redevelop a property, or”

(d) after the new regulation (9)(3)(d), reletter the pre-existing paragraph (d) as paragraph “(e) and, in that paragraph, for the words ”Schedule 3”, substitute the words “Schedule 2”.

(e) in Schedule 2 -

(i) in clause 1.2, after the words “water rates” insert the words “occupiers and refuse rates, building insurance premium” and, after the words “as amended.” appearing at the end of the clause, insert the following sentence “For the purposes of clause 1.5 Rent also includes any arrears of Rent due to the Department in respect of any previous tenancy of a States residential property.”,

- (ii) in clause 2.4, after the final word “property” insert “the cost of such insurance to be paid by the Tenant”,
 - (iii) in clause 2.5, delete the words “and the Occupier’s Rate levied in respect of the Property”.
- (f) in Schedule 3, for the box referring to “**The Rent**” substitute the following box -

The Rent:	<p>Based upon a 52 week year the weekly payments for the Property are:</p> <p>Standard Weekly Rent:</p> <p>Water Rates:</p> <p>Occupiers and Refuse rates:</p> <p>Building Insurance Premium:</p> <p>Other charges: -----</p> <p>Total Rent -----</p>
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- (f) for Schedule 5, substitute the attached Schedule.

Interpretation.

2. (1) In these Regulations, unless the context requires otherwise, expressions have the same meanings as in the States Housing (Statutory Tenancies)

(Guernsey) Regulations, 2005.

(2) The Interpretation (Guernsey) Law, 1948³ applies to the interpretation of these Regulations.

(3) Any reference in these Regulations to an enactment is a reference thereto as from time to time amended, re-enacted (with or without modification), extended or applied.

Citation and commencement.

3. These regulations may be cited as the States Housing (Statutory Tenancies) (Guernsey) (Amendment) Regulations, 2006 and shall come into force on the 6th May, 2006.

³ Ordres en Conseil Vol. XIII, p. 355.

SCHEDULE 5

FORMS PRESCRIBED FOR THE PURPOSES OF the States Housing (Statutory Tenancies) (Guernsey) Regulations, 2005 made under section 2 of the States Housing (Tenancies, Rent and Rebate Scheme) (Guernsey) Law, 2004

NOTICE TO QUIT

- *This form is used by the States Housing Department where the termination of a statutory tenancy is intended under the States Housing (Statutory Tenancies) (Guernsey) Regulations, 2005*
- *This notice must be served on the statutory tenant in accordance with the provisions of regulation 16 of the States Housing (Statutory Tenancies) (Guernsey) Regulations, 2005.*

1. To

(Name of statutory tenant)

2. The States hereby terminates your statutory tenancy with effect from..... (Date) and intends to apply to the court for an order evicting you from:

.....
.....
.....

(Address of property)

3. The States intends to seek possession on the following ground(s) set out in regulation 9 of the States Housing (Statutory Tenancies) (Guernsey) Regulations, 2005, which read(s):

.....
.....
.....

[Give the full text (as set out in the States Housing (Statutory Tenancies) (Guernsey) Regulations, 2005) of each ground which is being relied on. Continue on a separate sheet if necessary.]

4. An explanation of why each ground is being relied on is:

.....
.....
.....

[Give a full explanation of why each ground is being relied on. Continue on a separate sheet if necessary.]

5. Notice served by: *[To be signed and dated for and on behalf of the States]*

Signed:

Dated:

Name:

Address:
.....
.....

Telephone:

What to do if this notice is served on you:

This notice requires you to give up possession of your home. You should read it very carefully. There is no right of appeal to the Housing Appeals Tribunal against service of a Notice to Quit, following a decision of the States to terminate a statutory tenancy under the States Housing (Statutory Tenancies) (Guernsey) Regulations. However, this is without prejudice to the powers of the Royal Court to order any stay of eviction.

If you need advice about this notice or wish to contest the States' decision you are advised to approach the Citizen's Advice Bureau or to seek the advice of an Advocate immediately.

Dated this 5th day of April, 2006

DEPUTY D.B. JONES
Minister of the Housing Department
For and on behalf of the Department

EXPLANATORY NOTE

(This note is not part of the Regulations)

These regulations amend the States Housing (Statutory Tenancies) (Guernsey) Regulations, 2005 by adding new circumstances for termination of States tenancies (contained in regulation 1(b), which makes amendments to provide for the Chief Officer to decide that the tenant no longer meets the criteria for eligibility under the States Housing Allocation Policy and regulation 1(c), which makes amendments to provide for the Chief Officer, where authorised, to dispose of, demolish or redevelop a property). The regulations also amend Schedules 2 (Terms and Conditions of Statutory Tenancy), Schedule 3 (Particulars of Tenancy Agreement) and Schedule 5 (Notice to Quit).