

GUERNSEY STATUTORY INSTRUMENT

2010 No. 43

**The States Housing (Tribunal and Appeals) (Guernsey) (Amendment)
Regulations, 2010**

<i>Made</i>	23 April, 2010
<i>Coming into operation</i>	23 April, 2010
<i>Laid before the States</i>	, 2010

THE HOUSING DEPARTMENT, in exercise of the powers conferred on it by section 5 of the States Housing (Tenancies, Rent and Rebate Scheme) (Guernsey) Law, 2004^a and all other powers enabling it in that behalf, hereby makes the following regulations:-

Amendment to Regulations of 2005.

1. The States Housing (Tribunals and Appeals) (Guernsey) Regulations, 2005^b are amended by substituting, for the form set out in Part I of Schedule 2, the form set out in the Schedule to these regulations.

Citation and commencement.

2. These regulations may be cited as the States Housing (Tribunal and Appeals) (Guernsey) (Amendment) Regulations, 2010 and shall come into force on the 23 April, 2010.

^a Order in Council No. IV of 2005.

^b GSI. No. 8 of 2005, as amended by GSI Nos. 15 of 2006 and 12 of 2007.

SCHEDULE 2

PART I

Regulation 9

NOTICE OF APPEAL TO THE HOUSING APPEALS TRIBUNAL

1. Please complete this form and return it with your supporting documents to:
The Clerk to the Housing Appeals Tribunal, PO Box 43, Sir Charles Frossard House, La Charroterie, St Peter Port, Guernsey, GY1 1FH.
2. If you need advice or a copy of the legislation please contact the Clerk to the Housing Appeals Tribunal on 717367.

Your Contact Details

I / We (*delete as appropriate*) wish to appeal to the Housing Appeals Tribunal against a decision of the Housing Department / Guernsey Housing Association dated (*insert the date of the letter setting out the decision of the Housing Department or Guernsey Housing Association*). Please note that you should submit your appeal within 28 days of receiving the letter. If you miss the deadline please contact the Clerk to the Housing Appeals Tribunal on 717367 as soon as possible.

Your name(s)			
Your address			
Your daytime telephone		Your Email	

If you wish to have a representative with you at the hearing please give their contact details and let your representative know that the Clerk to the Tribunal will contact them.

Representative's Contact Details

Name			
Contact Address			
Daytime telephone		Email	

Hearing Arrangements

A Housing Appeals Tribunal hearing is normally held in public but the Tribunal can order part or all of a hearing to be held in private if it considers there is sufficient reason why the public and media should be excluded. If you want the hearing to take place in private please tick this box and also include your reason(s) on a separate piece of paper. The Clerk to the Tribunal will contact you.

Grounds For Appeal

All appeals have to be in accordance with Regulation 7 of the States Housing (Tribunal and Appeals) (Guernsey) Regulations, 2005 which say there are **four legal grounds** under which a person can appeal to the Housing Appeals Tribunal Panel. Please indicate the **grounds** for your appeal by ticking the appropriate box (or boxes) below.

1) *"the decision was ultra vires or unreasonable in law"*

2) *"a material error as to the facts has been made"*

3) *"there was a material procedural error"*

4) *"there was some other error of law, including bad faith or lack of proportionality"*

Please note that the Appeals Procedure Leaflet gives more information about each of these grounds of appeal. If you are still unsure, please contact the Clerk to the Tribunal on 717367.

Detail Of Appeal Case

The Housing Appeals Tribunal needs you to explain the facts that you will put forward in support of your appeal on the above grounds. Please include this information below (and continue on a separate sheet of paper, if necessary):

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Please list below all the documents that you are including in support of your appeal.

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Your Signature(s).....Date.....

Dated this 23 April, 2010



DEPUTY D. B. JONES

Minister of the States 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 (Tribunal and Appeals) (Guernsey) Regulations, 2005 so as to substitute a new form of Notice of Appeal to the Housing Appeals Tribunal.