

GUERNSEY STATUTORY INSTRUMENT

2016 No. 59

**The States Housing (Statutory Tenancies) (Guernsey)  
(Amendment) Regulations, 2016**

*Made* 6<sup>th</sup> December, 2016  
*Coming into operation* 1<sup>st</sup> January, 2017  
*Laid before the States* , 2017

**THE COMMITTEE FOR EMPLOYMENT & SOCIAL SECURITY**, in exercise of the powers conferred on it by sections 2 and 5 of the States Housing (Tenancies, Rent and Rebate Scheme) (Guernsey) Law, 2004<sup>a</sup> and all other powers enabling it in that behalf, hereby makes the following regulations:-

**Amendments to Regulations of 2005.**

1. The States Housing (Statutory Tenancies) (Guernsey) Regulations, 2005<sup>b</sup> ("the principal Regulations") are amended as follows.

2. In Regulation 9(1) of the principal Regulations, for paragraph (b), substitute the following paragraph –

"(b) on giving the tenant 28 days' notice from, but excluding, the Saturday following the notice given by the Chief Officer, in accordance with the terms and conditions of the statutory tenancy."

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<sup>a</sup> Order in Council No. IV of 2005; amended by Ordinance No. IX of 2016

<sup>b</sup> G.S.I. No. 9 of 2005; amended by No. 16 of 2006 and No. 11 of 2007.

3. In Schedule 2 to the principal Regulations, in the Terms and Conditions –

- (a) in clause 1.4.1, for "7", substitute "28".
- (b) in clause 1.12, for "seven", substitute "28", and
- (c) for clause 1.15, substitute the following clause –

"1.15 This Tenancy can be terminated by either the Tenant or the Committee giving 28 days' notice, from but excluding, the Saturday following service of the notice".

4. In Schedule 4 to the principal Regulations, in Item 2 of the Notice for Amending, Modifying or Disapplying Terms, Conditions & Particulars of Statutory Tenancy, for "7", substitute "28".

#### **Interpretation.**

5. (1) In these Regulations, unless the context requires otherwise –

- (a) "**Terms and Conditions**" means the Terms and Conditions of the Statutory Tenancy in Schedule 2 to the principal Regulations, and
- (b) any other expression has the meaning given to it by the principal Regulations.

(2) 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.

#### **Transitional and savings.**

6. (1) Despite the amendments made by Regulations 3(a) and (b) and

4 to clauses 1.4.1 and 1.12 of the Terms and Conditions and Item 2 of the Notice in Schedule 4 to the principal Regulations, a notice to vary the Tenancy or vary the amount of the Rent given by the Committee at any time before the commencement of these Regulations has effect as if those amendments had not been made.

(2) Despite –

- (a) the amendment made by Regulation 2 to Regulation 9(1) of the principal Regulations, and
- (b) the substitution of clause 1.15 of the Terms and Conditions by Regulation 3 of these Regulations,

a notice to terminate the Tenancy given by either the Committee or the Tenant at any time before the commencement of these Regulations has effect as if neither that amendment nor the substitution had been made.

**Citation.**

7. These regulations may be cited as the States Housing (Statutory Tenancies) (Guernsey) (Amendment) Regulations, 2016.

**Commencement.**

8. These regulations come into force on the 1<sup>st</sup> January, 2017.

Dated this 6th day of December, 2016



DEPUTY M. K. LE CLERC

President of the Committee for Employment & Social Security  
For and on behalf of the Committee

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the States Housing (Statutory Tenancies) (Guernsey) Regulations, 2005, by replacing the requirement for 7 days' notice of termination of tenancy with a requirement for 28 days' notice of such termination, calculated from the Saturday following service of the notice.

In addition, these Regulations replace the requirement for 7 days' notice of variation of the Terms and Conditions of Statutory Tenancy (including variations to rent), with a requirement for 28 days' notice of such variation.

These Regulations also consequentially replace the reference to 7 days' notice, in the Notice for Amending, Modifying or Disapplying Terms, Conditions & Particulars of Statutory Tenancy in Schedule 4, with a reference to 28 days' notice.

Finally, these Regulations include transitional provisions to save the effect of a notice to vary or terminate the Statutory Tenancy given before these Regulations come into force.