



**The States Housing (Tribunal and Appeals) (Guernsey)
(Amendment) Regulations, 2020**

<i>Made</i>	<i>15th September, 2020</i>
<i>Coming into operation</i>	<i>16th September, 2020</i>
<i>Laid before the States</i>	<i>, 2020</i>

THE COMMITTEE FOR EMPLOYMENT AND SOCIAL SECURITY, in pursuance of the Resolutions of the States of the 31st July, 2015^a, and the 24th April 2020^b, and 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^c, and all other powers enabling it in that behalf, hereby makes the following Regulations:-

Amendment to Regulations of 2005.

1. The States Housing (Tribunal and Appeals) (Guernsey) Regulations, 2005^d are further amended as follows.

2. For the heading of regulation 1, substitute "Establishment and constitution of the Panel."

^a Article XXIV of Billet d'État No. XIV of 2015.

^b Article XIII of Billet d'État No. X of 2020.

^c Order in Council No. IV of 2005; as amended by Ordinance No. IX of 2016.

^d G.S.I. No. 8 of 2005, as amended by Ordinance No. IX of 2016, G.S.I. No. 15 of 2006, No. 12 of 2007 and No. 43 of 2010.

3. In subparagraph (d) of Regulation 1(4), for "." substitute ","; and immediately after subparagraph (d) insert –

"(e) any person working in the service of the Committee for Employment & Social Security, whether as an employee, statutory office-holder, or otherwise."

4. Immediately after Regulation 1(4), insert –

"(5) A member of the Panel shall hold office until whichever is the earliest of -

(a) the date specified in that behalf in the Resolution of the States confirming the member's appointment,

(b) the member's death, or

(c) the member's resignation, effected in accordance with paragraph (6), or

(d) the member's removal from office, effected in accordance with paragraph (7).

(6) A member of the Panel may resign the member's office by giving not less than one month's written notice -

(a) in the case of the Chairman, to the Bailiff, or

(b) in the case of any other member, to the Chairman.

(7) The Full Court may, at the instance of Her Majesty's Procureur, remove a member of the Panel from office if it appears to the Court that the member -

- (a) has misbehaved in the member's office as such, or
- (b) is incapable of continuing as a member by reason of physical or mental illness, or
- (c) has been declared insolvent, or
- (d) has been unavailable without reasonable cause to sit as a member of the Panel for a period in excess of six consecutive months.

(8) When a person ceases to be a member of the Panel -

- (a) the vacancy does not affect the validity of anything done by the Tribunal, and
- (b) any appeal which has been commenced but not completed may be continued, even if the former member was a member of the Tribunal appointed to hear and determine the appeal."

5. In regulation 8(1)(a), for "regulation 17(3)(b)" substitute "regulation 17(3A)(b)".

6. In regulation 10(2), for "the person concerned" substitute "the person by whom the right of appeal relating to the decision is exercisable".

7. In regulation 17 -

- (a) in paragraph (2), the first time it appears, for "the person concerned"

substitute "the person by whom the right of appeal relating to the decision is exercisable ("A")", and in subparagraphs (b) and (c) of paragraph (2), and in paragraph (4), for "the person concerned" substitute "A",

(b) for paragraph (3), substitute –

"(3) If representations are made by A in accordance with paragraph (2)(b), the Committee, the Chief Officer or (as the case may be) the Association may, within 28 days of their receipt, request A to provide any further documents and information which it or the Chief Officer (as the case may be) considers are required to complete the review; and if such further documents and information are requested in accordance with this paragraph, A must provide them within 28 days.

(3A) Within 28 days of receipt of representations made in accordance with paragraph (2)(b), or, if further documents and information have been provided in accordance with paragraph (3), within 28 days of receipt of the documents and information, the Committee, the Chief Officer or (as the case may be) the Association shall consider the representations, and, if provided, the further documents and information; and, having done so, shall -

(a) confirm or vary the relevant decision, or rescind it and make a new decision as to the matter in question, and

(b) serve on A a notice in writing -

(i) stating the terms of, and the grounds for, the decision as confirmed or varied or, as the case may be, the new decision, and

(ii) giving particulars of the right of appeal conferred by regulation 7 against that decision.", and

(c) in paragraph (5), for "The period of 28 days mentioned in paragraph (2)(b)", substitute "One or more of the periods of 28 days mentioned in paragraphs (2)(b), (3) and (3A)".

8. Except in regulation 18(1), wherever it appears for "Royal Court" substitute "Ordinary Court".

9. In regulation 18(1), delete the definition of "Royal Court", and at the relevant places insert the following definition –

""Full Court" means the Royal Court sitting as a Full Court,".

Citation and commencement.

10. These Regulations may be cited as the States Housing (Tribunal and Appeals) (Guernsey) (Amendment) Regulations, 2020, and shall come into force on the 16th day of September, 2020.

Dated this 15th day of September, 2020



M. K. LE CLERC

President of the States Committee for Employment & Social Security

For and on behalf of the Committee

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the States Housing (Tribunal and Appeals) (Guernsey) Regulations, 2005, by providing for the resignation, and removal by the Royal Court in defined circumstances, of Housing Appeals Panel members, and by making further provision relating to the internal reviews of relevant decisions prior to an appeal to the Royal Court being made. These Regulations also prevent any person working in service of the Committee for Employment & Social Security from becoming a member of the Housing Appeals Panel.

These Regulations come into force on the 16th September, 2020.