

GUERNSEY STATUTORY INSTRUMENT

2021 No. 154

**The States Housing (Statutory Tenancies) (Guernsey)
(Amendment) Regulations, 2021**

Made

8th December, 2021

Coming into operation

1st January, 2022

Laid before the States

, 2022

THE COMMITTEE FOR EMPLOYMENT & SOCIAL SECURITY, in exercise of the powers conferred on it by sections 2, 3 and 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 of the Statutory Tenancies Regulations.

1. (1) The States Housing (Statutory Tenancies) (Guernsey) Regulations, 2005^b are amended as follows.

(2) After regulation 8, insert –

"Determination of standard weekly rent.

8A. The standard weekly rent payable in respect of the occupation

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

^b G.S.I. No. 9 of 2005; as amended by Ordinance No. VII of 2009 and IX of 2016; G.S.I. No. 16 of 2006, No. 11 of 2007 and No. 59 of 2016. There are other amendments not relevant to these regulations.

of a property under a statutory tenancy shall be determined by the Committee in accordance with Schedule 6.

Appeals against determinations of standard weekly rent.

8B. A determination made by the Committee made under regulation 8A is a "relevant decision" for the purposes of regulation 16(d) of the States Housing (Tribunal and Appeals) (Guernsey) Regulations, 2005, and consequently a person aggrieved by such a determination may appeal against it to the Housing Appeals Tribunal under and in accordance with Part II of those regulations."

(3) For paragraph 1.1.10 of the Terms and Conditions of Statutory Tenancy set out at Schedule 2, substitute –

"1.1.10 "Standard Weekly Rent" means the standard weekly rent payable in respect of the occupation of the Property, determined by the Committee under and in accordance with the States Housing (Statutory Tenancies) (Guernsey) Regulations, 2005, as amended;"

(4) In paragraph 1.4.1 of the Terms and Conditions of Statutory Tenancy set out at Schedule 2 delete "in accordance with the provisions of the States Housing (Rent and Rebate) Scheme Regulations, 2005, as amended and", and delete paragraph 1.4.2.

(5) After Schedule 5, insert the Schedule 6 set out in the schedule to these Regulations.

Revocation of the Rent Rebate Regulations.

2. The States Housing (Rent and Rebate Scheme) (Guernsey) Regulations,

2005^c are revoked.

Citation and commencement.

3. These Regulations may be cited as the States Housing (Statutory Tenancies) (Guernsey) (Amendment) Regulations, 2021, and shall come into force on the 1st January, 2022.

Dated this 8th day of December, 2021



P. J. ROFFEY

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 ("the Statutory Tenancies Regulations") to introduce a revised method for determining the Standard Weekly Rent payable under a statutory tenancy for States residential property. They also provide for appeals against such determinations, and make minor necessary consequential amendments to the terms and conditions of statutory tenancies which are set out in a schedule to the Statutory Tenancies Regulations. These Regulations also revoke the States Housing (Rent and Rebate Scheme) (Guernsey) Regulations, 2005, as they are obsolete now that the transition period following the closure of the Rent Rebate Scheme is complete.

These Regulations come into force on 1st January, 2022.

^c G.S.I. No. 7 of 2005. There are amendments not relevant to these Regulations.

SCHEDULE

Regulation 1(5)

"SCHEDULE 6

Regulation 8A

DETERMINATION OF STANDARD WEEKLY RENT

1. This Schedule sets out how to determine the weekly rent payable by a person occupying States residential property ("**the Property**") under a statutory tenancy (the "**Standard Weekly Rent**").

2. The Standard Weekly Rent in respect the Property is, subject to paragraph 6, the sum of -

- (a) the Base Rate,
- (b) the Thermal Efficiency Rate (which only applies in respect of certain properties, as set out in paragraph 4), and
- (c) the Additional Attribute Rate,

applicable in respect of the Property, calculated in accordance with paragraphs 3 to 5.

3. The **Base Rate** is calculated by reference to the number of bedrooms in the Property as follows -

Number of bedrooms in the Property	Base Rate
0	£132.99
1	£168.80
2	£219.95
3	£276.21
4	£342.71

4. The Thermal Efficiency Rate only applies in respect of properties the building of which was completed in or after 2009, and is calculated as follows –

Number of bedrooms in the Property	Thermal Efficiency Rate
0	£12.28
1	£14.32
2	£16.37
3	£18.41
4	£20.46

5. The Additional Attribute Rate is the sum of the Relevant Property Attribute Rates applicable to the Property, calculated as follows –

Relevant Property Attribute	Relevant Property Attribute Rate
The Property has more than one bath or shower room	£5.12 for each bath or shower room in excess of one
The Property has an enclosed garden	£10.23
The Property has a patio, a balcony, or a patio and a balcony*	£5.12
The Property has shared communal facilities**	£5.12
The Property has an allocated parking space	£10.23
The Property is a house	£10.23

* This Relevant Property Attribute (patio, balcony, or patio and balcony) does not apply if the Property also has an enclosed garden. As such, if the Property has both an enclosed garden and a patio, balcony, or patio and balcony, £10.23 is due in respect of the enclosed garden but £0 is due in respect of the patio, balcony or patio and balcony.

** This Relevant Property Attribute (shared communal facilities) means a shared lounge, laundry room, or on-site services specified by the Committee for this purpose on the States of Guernsey website.

6. (1) This paragraph only applies where a person –
- (a) was a statutory tenant occupying the Property on 31st December, 2021,
 - (b) continues in occupation of the Property under a statutory tenancy after 31st December, 2021, and
 - (c) the Standard Weekly Rent in respect of the Property calculated in accordance with paragraphs 2 to 5 is more than £10 greater than the weekly rent payable in respect of the Property on 31st December, 2021 ("the **Former Weekly Rent**").

(2) Where this paragraph applies, the rent payable in respect of the Property with effect from 1st January 2022 is the Former Weekly Rent (adjusted by reference to the annual inflation percentage figure for Guernsey in June 2021, as measured by changes in the RPIX index, published on the States of Guernsey website) plus £10, and with effect from 1st January each year thereafter the rent payable in respect of the Property shall increase by £10 (or part thereof) until the rent payable is the Standard Weekly Rent in respect of the Property calculated in accordance with paragraphs 2 to 5."