



Jersey

**PUBLIC HEALTH AND SAFETY
(RENTED DWELLINGS – MINIMUM
STANDARDS AND PRESCRIBED
HAZARDS) (JERSEY) ORDER 2018**

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PUBLIC HEALTH AND SAFETY (RENTED DWELLINGS – MINIMUM STANDARDS AND PRESCRIBED HAZARDS) (JERSEY) ORDER 2018

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PUBLIC HEALTH AND SAFETY (RENTED DWELLINGS – MINIMUM STANDARDS AND PRESCRIBED HAZARDS) (JERSEY) ORDER 2018

THE MINISTER FOR THE ENVIRONMENT, in pursuance of Articles 3(2), 7(4) and 20 of the [Public Health and Safety \(Rented Dwellings\) \(Jersey\) Law 2018](#), orders as follows –

Commencement [[see endnotes](#)]

1 Interpretation

In this Order –

“Law” means the [Public Health and Safety \(Rented Dwellings\) \(Jersey\) Law 2018](#);

“category 1 hazard” means a hazard of the nature prescribed by Article 2(2);

“habitable room” means a room used for living or sleeping purposes but does not include a kitchen having a floor area of less than 6.5 square metres;

“rental period” has the meaning given by Article 5(3).

2 Prescribed hazards

- (1) A hazard is a prescribed hazard for the purposes of the Law where the risk of harm is associated with the occurrence, in or at the dwelling in question, of any of the matters or circumstances listed in Schedule 1.
- (2) A category 1 hazard is a hazard assessed as being of the highest seriousness.
- (3) For the purposes of this Article –
 - (a) “harm” means harm which is within any of the Classes numbered 1 to 4 as set out in Schedule 2; and
 - (b) the risk of harm, and the seriousness of a hazard, are to be assessed in accordance with such guidance or code of practice as may be issued by the Minister under Article 4 of the Law for the purposes of this Order.

3 Enforcement action where category 1 hazard exists

- (1) Paragraph (2) applies where –
 - (a) an authorized person has identified hazards in a dwelling and has assessed one or more of such hazards as being a category 1 hazard; and
 - (b) the case is such as described in Article 14(1) of the Law.
- (2) Where this paragraph applies, the authorized person on behalf of the Minister must, as soon as reasonably practicable, issue and serve an emergency entry notice in accordance with Article 14.

4 Enforcement of minimum standards

Without prejudice to the application and operation of Article 3, the person having control of a rented dwelling must ensure that the dwelling complies with the minimum standards set out in Articles 5 and 6 at all times during which it is used as a rented dwelling.

5 Minimum standards: detection of smoke etc.

- (1) A smoke detection alarm fulfilling the standard EN 14604 must be installed on each storey of a rented dwelling, whether or not a storey includes a habitable room.
- (2) A carbon monoxide detection alarm fulfilling the standard EN 50291 must be installed in each habitable room of a rented dwelling where there is a facility for the combustion of oil, gas, wood, coal or any similar fossil fuel (or any derivative products of any of these fuels).
- (3) An alarm installed under paragraph (1) or (2) must be kept in fully working order and in a case where such an alarm is battery powered, it must be operational at the commencement of every period (a “rental period”) during which the dwelling is used as a rented dwelling.

6 Minimum standards: gas safety

- (1) Where there is a gas supply to a rented dwelling, whether or not any appliances are connected to that supply and whether or not the supply is in actual use, an annual gas safety inspection of the dwelling must be carried out in accordance with this Article by a person registered on the United Kingdom Gas Safe Register.
- (2) A gas safety inspection must include –
 - (a) any installed pipework for the supply of gas;
 - (b) any gas appliances provided in the dwelling by the person having control of the dwelling; and
 - (c) any alarms for the detection of gas,but need not include gas appliances installed and owned by the occupier of the dwelling nor any flues connected by the occupier to such appliances.

- (3) Subject to paragraph (4), a copy of the record of the gas safety inspection must be provided –
 - (a) to an existing occupier, within 28 days of the date of the inspection; or
 - (b) to a new occupier, upon the start of his or her occupation.
- (4) Where the rental period of the dwelling is a period of less than 28 days, a legible copy of the record of the gas safety inspection must be displayed in a prominent position within the dwelling.
- (5) The person having control of a rented dwelling must keep a copy of the record of any gas safety inspection for a period of at least 2 years or until 2 further gas safety inspections have been carried out, whichever is the sooner.
- (6) For the purposes of paragraph (1), “annual” means at any time within 10 months to one year after a previous gas safety inspection carried out in accordance with paragraph (2) in respect of the dwelling (but if a further gas safety inspection is carried out within a period of less than 10 months after any such inspection, that further inspection shall thereafter be treated as the previous gas safety inspection for the purposes of this paragraph).

7 Minimum standards: electrical safety

- (1) Where there is an electrical supply to a rented dwelling, whether or not any appliances are connected to that supply and whether or not the supply is in actual use, an electrical safety inspection of the dwelling must be carried out in accordance with this Article by a competent person.
- (2) An electrical safety inspection must include the inspection of –
 - (a) any fixed electrical installation; and
 - (b) any electrical appliances (other than detection alarms to which Article 5 applies) provided in the dwelling by the person having control of the dwelling,but need not include the inspection of electrical appliances installed and owned by the occupier of the dwelling.
- (3) Paragraph (3A) applies where –
 - (a) no electrical safety inspection of a dwelling already in use as a rented dwelling has been carried out in accordance with this Article; and
 - (b) in relation to that dwelling there is an existing rental period.¹
- (3A) Where this paragraph applies, an electrical safety inspection of the dwelling must be carried out as soon as reasonably practicable, but in any event no later than 31st December 2023.²
- (4) Paragraph (4A) applies where no electrical safety inspection of a dwelling has been carried out in accordance with this Article, and –
 - (a) the dwelling comes into use as a rented dwelling for the first time; or
 - (b) the dwelling has already been in use as a rented dwelling, and a new rental period commences in relation to it.³

- (4A) Where this paragraph applies, an electrical safety inspection of the dwelling must be carried out –
- (a) on or before the commencement of any new rental period, including the first rental period, of that dwelling; or
 - (b) as soon after the commencement of such a period as is reasonably practicable,
- but in any event no later than 31st December 2023.⁴
- (4B) For the purposes of paragraphs (4) and (4A) it does not matter whether or not a new rental period –
- (a) commences immediately following an existing rental period; or
 - (b) is, or is expressed to be, by way of renewal of an existing rental period.⁵
- (4C) After the first electrical safety inspection of a rented dwelling (the “first inspection”) has been carried out, whether under paragraph (3A), (4A) or otherwise, no further electrical safety inspection is required to be carried out before the end of the period of 5 years beginning with the date of the first inspection.⁶
- (4D) If, at the end of the period of 5 years beginning with the date of the first inspection, the dwelling remains in use as a rented dwelling (whether such use is continuous or not), an electrical safety inspection must be carried out –
- (a) as soon as is reasonably practicable after the expiry of that period; and
 - (b) for as long as the dwelling is in use (whether such use is continuous or not) as a rented dwelling, as soon as is reasonably practicable after the end of each period of 5 years beginning with the date of a previous electrical safety inspection carried out in accordance with this Article.⁷
- (5) Subject to paragraph (6), a copy of the record of the electrical safety inspection must be provided –
- (a) to an existing occupier, within 28 days of the date of the inspection; or
 - (b) to a new occupier, upon the start of his or her occupation.
- (6) Where the rental period of the dwelling is a period of less than 28 days, a legible copy of the record of the electrical safety inspection must be displayed in a prominent position within the dwelling.
- (7) The person having control of a rented dwelling must –
- (a) keep a copy of the record of any electrical safety inspection for a period of at least 5 years or until 2 further electrical safety inspections have been carried out, whichever is the sooner; and
 - (b) provide a copy of the record to the Minister upon request, within a reasonable time of receiving such a request from the Minister.
- (8) For the purposes of this Article –
- “competent person” means –
- (a) in relation to the inspection of fixed electrical installations, a person who is registered as a competent electrical installation

engineer with any of NAPIT Registration Ltd., NICEIC Group Ltd. or BRE Certification Ltd., on the basis of holding a current certificate of competence issued by a third party certification body accredited by the United Kingdom Accreditation Service to EN ISO/IEC 17024 or EN 45013 (or to such other equivalent standard as the Minister may consider appropriate);

- (b) in relation to the inspection of portable appliances –
 - (i) such a person as described in sub-paragraph (a), or
 - (ii) a person who is otherwise qualified in relation to Portable Appliance Testing in such a manner as the Minister may consider appropriate;

“fixed electrical installation” means fixed electrical cables or fixed electrical equipment located on the consumer’s side of the electricity supply meter (whether inside or relating to a dwelling).

8 Obligations of persons carrying out inspections etc.

In carrying out any inspection or assessment for the purposes of this Order or otherwise under the Law, a person must –

- (a) have regard to any guidance or code of practice issued for the purpose by the Minister under Article 4 of the Law;
- (b) inspect a rented dwelling with a view to preparing an accurate record of its state and condition;
- (c) keep such a record, and the record of the inspection and assessment, in written or electronic form; and
- (d) provide a copy of the record to the person having control of the rented dwelling to which the record relates.

9 Citation

This Order may be cited as the Public Health and Safety (Rented Dwellings – Minimum Standards and Prescribed Hazards) (Jersey) Order 2018.

SCHEDULE 1

(Article 2(1))

MATTERS AND CIRCUMSTANCES**1 Damp and mould growth**

Exposure to house dust mites, damp, mould or fungal growths.

2 Excess cold

Exposure to low temperatures.

3 Excess heat

Exposure to high temperatures.

4 Asbestos and MMF

Exposure to asbestos fibres or manufactured mineral fibres.

5 Biocides

Exposure to chemicals used to treat timber and mould growth.

6 Carbon monoxide and fuel combustion products

Exposure to carbon monoxide, nitrogen dioxide, sulphur dioxide or smoke.

7 Lead

The ingestion of lead.

8 Radiation

Exposure to radiation.

9 Uncombusted fuel gas

Exposure to uncombusted fuel gas.

10 Volatile organic compounds

Exposure to volatile organic compounds.

11 Crowding and space

A lack of adequate space for living and sleeping.

12 Entry by intruders

Difficulties in keeping the dwelling secure against unauthorized entry.

13 Lighting

A lack of adequate lighting.

14 Noise

Exposure to noise.

15 Domestic hygiene, pests and refuse

- (1) Poor design, layout or construction such that the dwelling cannot readily be kept clean.
- (2) Exposure to pests.
- (3) Inadequate provision for the hygienic storage and disposal of domestic waste.

16 Food safety

Inadequate provision of facilities for the storage, preparation and cooking of food.

17 Personal hygiene, sanitation and drainage

- (1) Inadequate provision of facilities for maintaining good personal hygiene.
- (2) Inadequate provision of sanitation and drainage.

18 Water supply

An inadequate supply of water which is free from contamination and suitable for drinking.

19 Falls associated with bathing etc.

Falls associated with toilets, baths, showers or other facilities for personal hygiene.

20 Falling on level surfaces etc.

- (1) Falling on a level surface.

- (2) Falling where the change in level between surfaces is less than 300 millimetres.

21 Falling on stairs etc.

Falling on stairs, steps or ramps where the change in level between surfaces is 300 millimetres or more.

22 Falling between levels

Falling between levels where the difference in levels is 300 millimetres or more.

23 Electrical hazards

Exposure to electricity.

24 Fire

Exposure to uncontrolled fire and associated smoke.

25 Flames, hot surfaces etc.

- (1) Contact with controlled fire or flames.
- (2) Contact with hot surfaces, objects, liquid or vapours.

26 Collision and entrapment

Collision with, or entrapment of body parts in, doors, windows or other structural features.

27 Explosions

An explosion at the dwelling.

28 Position and operability of amenities etc.

The position and operability of amenities, fittings and equipment.

29 Structural collapse etc.

The collapse of whole or part of the dwelling.

SCHEDULE 2

(Article 2(3)(a))

CLASSES OF HARM

1 Class 1

Such extreme harm as is reasonably foreseeable as a result of the hazard in question, including but not limited to –

- (a) death from any cause;
- (b) lung cancer;
- (c) mesothelioma and other malignant tumours;
- (d) permanent paralysis below the neck;
- (e) regular severe pneumonia;
- (f) permanent loss of consciousness;
- (g) burn injuries of 80% or more.

2 Class 2

Such severe harm as is reasonably foreseeable as a result of the hazard in question, including but not limited to –

- (a) cardio-respiratory disease;
- (b) asthma;
- (c) non-malignant respiratory disease;
- (d) lead poisoning;
- (e) anaphylactic shock;
- (f) cryptosporidiosis;
- (g) legionnaires' disease;
- (h) myocardial infarction;
- (i) mild stroke;
- (j) chronic confusion;
- (k) regular severe fever;
- (l) loss of a hand or foot;
- (m) serious burns;
- (n) loss of consciousness for days.

3 Class 3

Such serious harm as is reasonably foreseeable as a result of the hazard in question, including but not limited to –

- (a) eye disorders;
- (b) rhinitis;

- (c) hypertension;
- (d) sleep disturbance;
- (e) neuropsychological impairment;
- (f) sick building syndrome;
- (g) regular and persistent dermatitis, including contact dermatitis;
- (h) allergy;
- (i) gastro-enteritis;
- (j) diarrhoea;
- (k) vomiting;
- (l) chronic severe stress;
- (m) mild heart attack;
- (n) malignant but treatable skin cancer;
- (o) loss of a finger;
- (p) fractured skull and severe concussion;
- (q) serious puncture wounds to head or body;
- (r) severe burns to hands;
- (s) serious strain or sprain injuries;
- (t) regular and severe migraine.

4 Class 4

Such moderate harm as is reasonably foreseeable as a result of the hazard in question, including but not limited to –

- (a) pleural plaques;
- (b) occasional severe discomfort;
- (c) benign tumours;
- (d) occasional mild pneumonia;
- (e) broken fingers;
- (f) slight concussion;
- (g) moderate cuts to face or body;
- (h) severe bruising to body;
- (i) regular serious coughs or colds.

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement
Public Health and Safety (Rented Dwellings – Minimum Standards and Prescribed Hazards) (Jersey) Order 2018	R&O.114/2018	1 December 2018
Public Health and Safety (Rented Dwellings – Minimum Standards and Prescribed Hazards) (Amendment) (Jersey) Order 2020	R&O.62/2020	14 May 2020

Table of Endnote References

¹ Article 7(3)	<i>substituted by R&O.62/2020</i>
² Article 7(3A)	<i>inserted by R&O.62/2020</i>
³ Article 7(4)	<i>substituted by R&O.62/2020</i>
⁴ Article 7(4A)	<i>inserted by R&O.62/2020</i>
⁵ Article 7(4B)	<i>inserted by R&O.62/2020</i>
⁶ Article 7(4C)	<i>inserted by R&O.62/2020</i>
⁷ Article 7(4D)	<i>inserted by R&O.62/2020</i>