

ORDER IN COUNCIL

IX
1993.

ratifying a Projet de Loi

ENTITLED

The Rent Control (Amendment) (Guernsey) Law, 1993

(Registered on the Records of the Island of Guernsey
on the 24th August, 1993.)



1993

The Rent Control (Amendment) (Guernsey) Law, 1993

THE STATES, in pursuance of their Resolution of the 25th November, 1992^a, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Island of Guernsey.

Amendment of 1976 Law

1. In the Rent Control (Guernsey) Law, 1976^b-

- (a) in section 1(1)(a) after "prescribe" insert ", other than a dwelling-house inscribed in Part A of the Housing Register";
- (b) in section 2(3) after "the said amounts" insert "; and where the matter is referred to the Rent Officer by a person who is a tenant at the time when the reference is made, the Rent Officer may proceed to make his determination notwithstanding any termination or purported termination of the tenancy after that time";
- (c) after section 2(3) insert the following subsection-

"(3A) A tenant of a controlled dwelling may not refer a matter to the Rent Officer under this section unless he has been in lawful occupation of the dwelling throughout the period of 3 months (or such other period as the States may by Ordinance prescribe) immediately preceding the date of the reference.";
- (d) after section 2(5) insert the following subsection-

^a Article XIII of Billet d'État No. XXI of 1992.

^b Ordres en Conseil Vol.XXVI, p.31; and No.V of 1989.

"(6) The Rent Officer may, if he considers it expedient or desirable to do so, when considering the amount to be paid for any item mentioned in subsection (1)(a), (b), (c) or (d) (being items which form part of the recoverable rent of the controlled dwelling in question), decline to determine a separate amount in respect of that item; and in such a case the Rent Officer may determine an aggregate amount to be paid for that item and all or any of the other such items.";

(e) after section 3(2) insert the following subsections-

"(2A) Where an application to the Rent Officer under this section is made by a person who is a tenant of the controlled dwelling in question at the time when the application is made, the Rent Officer may proceed to make his assessment or re-assessment notwithstanding any termination or purported termination of the tenancy after that time.

(2B) A tenant of a controlled dwelling may not make an application to the Rent Officer under this section unless he has been in lawful occupation of the dwelling throughout the period of 3 months (or such other period as the States may by Ordinance prescribe) immediately preceding the date of the application."

(f) after section 3 insert the following section-

"Assessments to lapse after 5 years.

3A. (1) Where the basic rent of a controlled dwelling is assessed by the Rent Officer under section 3, the assessment shall lapse upon the expiration of a period

of 5 years beginning on the date upon which the assessment is entered in the register, whether such date falls before or after the date of the commencement of the Rent Control (Amendment) (Guernsey) Law, 1993.

(2) The provisions of subsection (1) apply whether or not the amount to be paid in respect of the basic rent or any other item which forms a part of the recoverable rent of the dwelling has been varied pursuant to a determination or re-assessment by the Rent Officer under section 2 or 3, a review by the Committee under section 8 or 11 or an appeal to the Ordinary Court under section 10.

(3) On the expiration of the period mentioned in subsection (1) any entry in the register in relation to the basic rent or any other item which forms a part of the recoverable rent of the controlled dwelling concerned shall cease to be valid and shall be deleted from the register.

(4) The deletion of an entry in the register in relation to a controlled dwelling shall not prejudice the right of any person, at any time after the deletion, to make a fresh application to the Rent Officer under section 2 or 3 in respect of that dwelling for the assessment of a basic rent or for the determination of the amount to be paid for any other item which forms a part of the recoverable rent.

(5) The provisions of this Law as to re-assessment, review and appeal shall apply in relation to an assessment or determination made pursuant to a fresh application described in subsection (4).";

(g) in section 5(2) for "level 2" substitute "level 5";

- (h) after section 11 insert the following section-

"Display of registration notice.

11A. (1) Where there is in force an entry in the register in relation to the recoverable rent or any item forming a part thereof payable for a controlled dwelling, the landlord of the dwelling shall cause to be displayed at all times in a conspicuous place in the dwelling a duly completed notice in relation to the dwelling; and the notice shall be in such form and shall contain such particulars as the Committee may by order prescribe.

(2) The provisions of subsection (1) do not apply at a time when, pursuant to the provisions of section 3A(1), the assessment of the basic rent of the dwelling has lapsed and there is no valid entry in the register in relation to the recoverable rent or any item forming a part thereof payable for the dwelling.

(3) A person who without reasonable excuse, proof whereof shall lie on him, fails to comply with subsection (1) is guilty of an offence and liable on conviction to a fine not exceeding level 4 on the uniform scale.";

- (i) in section 13(1)-

- (i) after "relates shall" insert ",if he or the tenant so requires, or if the recoverable rent payable for the dwelling, or any part of that rent, is at any

time paid or required
to be paid in cash,";

(ii) for "at the
commencement of the
occupation of the
controlled dwelling
by the tenant"
substitute "when the
rent book is required
to be supplied"; and

(iii) for "thereof", where
secondly appearing,
substitute "of the
dwelling";

(j) in section 13(4) for "level 2" substitute
"level 5";

(k) in section 13(5) for "level 1" substitute
"level 4";

(l) in section 14(1) for "six months", wherever
appearing, substitute "12 months";

(m) in section 18(1) after "shall be guilty" insert
"subject to the provisions of section 18A";

(n) in section 18(1) and (2) for "level 2"
substitute "level 5";

(o) after section 18 insert the following section

"Deposit may be levied."

18A. (1) The landlord of a controlled dwelling to which an entry in the register relates may, at the commencement of the tenancy, and in addition to the recoverable rent payable for the dwelling, require the payment by the tenant, by way of security for the due performance of the terms of the tenancy, of a deposit not exceeding the amount of one calendar month's such rent.

(2) A deposit or any part thereof not duly repaid by the landlord on the termination of the tenancy shall be recoverable by the tenant as a civil debt."

Citation

2. This Law may be cited as the Rent Control (Amendment) (Guernsey) Law, 1993.