

# PROJET DE LOI

ENTITLED

## **The Rent Control (Guernsey) Law, 1976 \***

*[CONSOLIDATED TEXT]*

### **NOTE**

*This consolidated version of the enactment incorporates all amendments listed in the footnote below. It has been prepared for the Guernsey Law website and is believed to be accurate and up to date, but it is not authoritative and has no legal effect. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.*

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\* Ordres en Conseil Vol. XXVI, p. 31; as amended by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 278); the Rent Control (Amendment) (Guernsey) Law, 1993 (No. IX of 1993, Ordres en Conseil Vol. XXXIV, p. 447); the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003, Recueil d'Ordonnances Tome XXIX, p. 406); the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (No. IX of 2016). See also the Bills of Exchange (Guernsey) Law, 1958 (Ordres en Conseil Vol. XVII, p. 384); the Taxation of Real Property (Enabling Provisions) (Guernsey and Alderney) Law, 2005 (No. X of 2006).

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## **The Rent Control (Guernsey) Law, 1976**

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## **The Rent Control (Guernsey) Law, 1976**

**THE STATES**, in pursuance of their Resolution of the thirty-first day of July, nineteen hundred and seventy-four, 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.

### **Application of Law.**

**1.** (1) This Law shall apply to the following premises whether the same be let furnished or unfurnished –

- (a) every dwelling-house occupied by not more than one household, of which the Cadastre rateable value does not exceed fifty pounds or such other sum as the States may from time to time by Ordinance prescribe[, other than a dwelling-house inscribed in Part A of the Housing Register],
- (b) every tenement house and every dwelling-house occupied by more than one household, irrespective of the Cadastre rateable value thereof, and
- (c) such part of any premises, not wholly occupied as or being a dwelling-house or tenement house, as is occupied for dwelling purposes, irrespective of the Cadastre rateable value thereof:

Provided that this Law shall not apply to any premises –

- (i) in respect of which there is for the time being in force a boarding permit granted under the

Tourist Law, 1948<sup>a</sup>, or

- (ii) owned by the States of Guernsey, or
- (iii) let at a rent of which a substantial proportion is payable in respect of board.

(2) Every dwelling-house and tenement house and every part of every dwelling-house and tenement house to which this Law applies and every such part of any premises as is referred to in paragraph (c) of the preceding subsection is hereinafter referred to as a "**controlled dwelling**".

(3) The States may, from time to time, by Ordinance vary the classes of premises to which this Law applies.

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#### NOTES

*In section 1, the words in square brackets in paragraph (a) of subsection (1) were inserted by the Rent Control (Amendment) (Guernsey) Law, 1993, section 1(a), with effect from 24th August, 1993.*

*The following cases have referred to this Law:*

*M & K Furnishers Ltd. v. States Cadastre Committee* (1990) 9.GLJ.49;

*Cotterill v. Le Marquand* 2009–10 GLR 114;

*Cotterill v Ozanne* (2010) (Unreported, Court of Appeal, 23rd August) (Guernsey Judgment No 33/2010).

*In accordance with the provisions of the Taxation of Real Property (Enabling Provisions) (Guernsey and Alderney) Law, 2005, section 4(e), with effect from 13th November, 2006, this enactment is one of those that the States may repeal, amend, extend, adapt, modify or disapply by Ordinance made under the 2005 Law.*

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#### **Recoverable Rent.**

2. (1) The maximum rent which shall be chargeable and recoverable in respect of a controlled dwelling (hereinafter called "**the recoverable rent**") shall be the sum of the following items –

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<sup>a</sup> Ordres en Conseil Vol. XIII, p. 329; Vol. XXI, p. 104.

- (a) the basic rent determined in accordance with the provisions of this Law,
- (b) the following rates in cases only where the same are paid by the landlord –
  - (i) occupier's rate,
  - (ii) refuse collection rate,
  - (iii) water rate,
- (c) such amount in respect of the provision by the landlord of any services enjoyed by the tenant in connection with his occupation of the controlled dwelling as is a reasonable consideration in respect of the provision thereof,
- (d) such amount by way of hire of furniture and household effects comprised in the letting as is a reasonable consideration in respect of the provision thereof:

Provided that, as regards the items referred to in paragraphs (b), (c) and (d) of this subsection, only such part thereof as bears the same proportion to the annual amount thereof as an instalment of the basic rent falling due at any one time bears to the annual amount of such basic rent shall be recoverable with any such instalment of basic rent.

- (2) Any agreement entered into –
  - (a) in relation to any controlled dwelling where the rates referred to in paragraph (b) of the last preceding subsection have been assessed in respect of larger premises of which the controlled dwelling forms part, as to the proportion of the amount of the said rates to be borne by the landlord and the several tenants

respectively or by the several tenants respectively, or

- (b) as to the amount to be paid for the services referred to in paragraph (c) of the last preceding subsection or for the hire of furniture and household effects referred to in paragraph (d) of the said subsection,

shall be *prima facie* evidence of the reasonableness of such proportion or of such amounts, as the case may be.

(3) In the absence of any agreement as aforesaid as to the proportion of the amount of the rates referred to in paragraph (a) of the last preceding subsection or as to either or both of the amounts referred to in paragraph (b) of the said subsection the landlord or the tenants or any of them may refer the matter to the Rent Officer who shall determine the said proportion or, as the case may be, the said amounts[; 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].

[(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.]

(4) A reference to the Rent Officer under this section shall be made in writing and shall be in such form and shall contain such particulars as the Committee may from time to time by order prescribe.

(5) Where the Rent Officer has determined any matter referred to him under the provisions of subsection (3) of this section he shall –

- (a) record the particulars of such matter and his determination thereon in the register, and
- (b) serve upon the landlord and the tenant of the

controlled dwelling to which such determination relates a notice in writing containing a copy of such particulars and determination.

[(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.]

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## NOTES

*In section 2,*

*the words in square brackets in subsection (3) were inserted by the Rent Control (Amendment) (Guernsey) Law, 1993, section 1(b), with effect from 24th August, 1993;*

*subsection (3A) and subsection (6) were inserted by the Rent Control (Amendment) (Guernsey) Law, 1993, respectively section 1(c) and section 1(d), with effect from 24th August, 1993.*

*The following Order has been made under section 2:*

*Rent Control Order, 1976.*

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## **Assessment and re-assessment of basic rent by Rent Officer.**

3. (1) The landlord or the tenant of a controlled dwelling may apply to the Rent Officer to assess the amount which in the opinion of the Rent Officer is a fair and reasonable rent for such controlled dwelling without taking into account the payment of rates, the provision of services, furniture or household effects (in this Law called "**the basic rent**").

(2) Where the landlord or the tenant of a controlled dwelling in respect of which the basic rent has been assessed claims that the basic rent has, by change of circumstances peculiar to such controlled dwelling, become too high or too low, he may apply to the Rent Officer to re-assess such basic rent.

[(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.]

(3) An application to the Rent Officer under this section shall be made in writing and shall be in such form and shall contain such particulars as the Committee may from time to time by order prescribe.

(4) Upon receipt of an application under this section to determine the basic rent of a controlled dwelling, the Rent Officer shall, as soon as may be, consider the same and, after making such investigation as the circumstances may require, shall –

- (a) assess or re-assess the basic rent of such dwelling,
- (b) record the particulars of such rent in the register, and
- (c) serve upon the landlord and the tenant of such dwelling a notice in writing containing a copy of the said particulars and a statement referring to the obligations of the landlord under section thirteen of this Law (which relates to the provision of a rent book).

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#### **NOTES**

*In section 3, subsection (2A) and subsection (2B) were inserted by the Rent Control (Amendment) (Guernsey) Law, 1993, section 1(e), with effect from 24th August, 1993.*

*The following Order has been made under section 3:*



*Rent Control Order, 1976.*

*The following cases have referred to section 3:*

*M & K Furnishers Ltd. v. States Cadastre Committee* (1990)  
9.GLJ.49;  
*Cotterill v. Le Marquand* 2009–10 GLR 114.

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**[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).]

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**NOTE**

*Section 3A was inserted by the Rent Control (Amendment) (Guernsey) Law, 1993, section 1(f), with effect from 24th August, 1993.*

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**Recoverable rent to be expressed on a weekly basis.**

4. (1) Where in accordance with the provisions of this Law the Rent Officer assesses or re-assesses the amount of the basic rent of a controlled dwelling or determines the amount to be paid in respect of any other item which forms a part of the recoverable rent of a controlled dwelling, he shall express his decision in terms of the maximum amount which may be recovered for the period of one week.

(2) Where the landlord and the tenant of a controlled dwelling agree that the rent thereof shall be payable at periods other than weekly periods, the rate of the recoverable rent for any such period shall not exceed an amount which bears the same proportion to the amount recoverable for one week as such period bears to one week.

**Maximum rent of de-controlled dwellings.**

5. (1) Where, by virtue of an Ordinance made under the provisions of section one of this Law or by reason of an increase in the rateable value thereof, any premises cease to be a controlled dwelling, the rate of the rent payable in respect of such premises during the period of six months next following the date of such cessation shall not exceed by more than ten per centum the rate of the recoverable rent of the premises immediately before the said date.

(2) Any person who offers, solicits, demands, makes or accepts any premium, deposit or other payment (by whatever name called) in respect of the occupation of any premises to which the last preceding subsection relates in excess of the rate specified in that subsection shall be guilty of an offence and shall be liable, on conviction, to a fine not exceeding [[level 5] on the uniform scale] or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment and without prejudice to any other method of recovery, where the offence consists of the receipt of any such payment –

(a) the Court, in addition to the infliction of any such

penalty, may order that the amount so received shall, within such time and under such penalty as the Court may direct, be repaid to the person or persons by whom the payment was made, or

- (b) where the Court does not make such an order, the amount so received shall be recoverable by the person who paid it as a civil debt.

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## NOTES

*In section 5,*

*the words in square brackets in subsection (2) were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989;*

*the word and figure in square brackets within the square brackets in subsection (2) were substituted by the Rent Control (Amendment) (Guernsey) Law, 1993, section 1(g), with effect from 24th August, 1993.*

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### **Calculation of rents.**

6. In calculating the amount of any item of recoverable rent, or the maximum rent of a dwelling to which section five of this Law relates, an amount of one new halfpenny or more shall be deemed to be one new penny and any amount less than one new halfpenny shall be disregarded.

### **Register of rents.**

7. (1) The Rent Officer shall compile and keep up to date a register for the purposes of this Law and such register shall be available for inspection by the public at the office of the Committee on any weekday, other than Saturdays or Bank Holidays, during such hours as the Committee may from time to time determine.

(2) The register shall be in such form and shall contain such particulars with regard to each controlled dwelling of which the basic rent has been determined under the provisions of this Law as the Committee may from time to time by order prescribe.

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**NOTES**

*The following Order has been made under section 7:*

*Rent Control Order, 1976.*

*In accordance with the provisions of the Bills of Exchange (Guernsey) Law, 1958, section 1B, the reference in this section to a bank holiday shall be construed as a reference to a public holiday within the meaning of section 1(1) of the 1958 Law, with effect from 27th July, 1993.*

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**Review of Rent Officer's decision by the Committee.**

8. (1) Where the landlord or the tenant of a controlled dwelling is aggrieved by a decision of the Rent Officer under this Law, he may within one month of the date of such decision apply to the Committee to review the decision.

(2) An application under this section shall be made in writing and shall be in such form and shall contain such particulars as the Committee may from time to time by order prescribe.

(3) Upon receipt of an application under this section the Committee shall, as soon as may be, consider the same and, after making such investigation as the circumstances may require shall –

- (a) confirm the decision of the Rent Officer or substitute therefor such decision as the Committee shall deem just, and
- (b) serve upon the Rent Officer and the parties to the application a notice in writing of the decision of the Committee and the reasons for such decision.

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**NOTE**

*The following Order has been made under section 8:*

*Rent Control Order, 1976.*

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**Right of parties to be heard.**

**9.** Where a person –

- (a) refers a matter to the Rent Officer for determination under the provisions of section two of this Law, or
- (b) makes an application to the Rent Officer under the provisions of section three of this Law, or
- (c) makes an application to the Committee under the provisions of section eight of this Law,

the Rent Officer or the Committee, as the case may be, shall before determining such reference or application give to the landlord and the tenant of the controlled dwelling to which the reference or application relates an opportunity to appear and be heard in person or by a representative or, if such person should so prefer, to make written representations upon the reference or application.

**Appeals.**

**10.** (1) Any person aggrieved by a decision of the Committee made under the provisions of section eight of this Law may appeal therefrom to the Ordinary Court within the three months next following the date of the said decision on the grounds that the decision was wrong in law.

(2) Any appeal under the provisions of this section shall be instituted by way of summons which shall set out the grounds upon which the appellant relies and which shall be served upon the [the President] of the Committee to show cause why the decision appealed from should not be varied or set aside.

(3) On appeal the Ordinary Court may make such order as to it seems just and may direct the Rent Officer to make such amendment as the Court may deem appropriate to any relevant entry in the register.

(4) Any decision of the Ordinary Court under the provisions of this section shall be final.

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**NOTE**

*In section 10, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 7(a), with effect from 1st May, 2016.<sup>1</sup>*

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**Annual review of recoverable rents.**

**11.** (1) During the quarter of the year commencing on the first day of April next following the coming into force of this Law and during the corresponding quarter of each succeeding year the Committee shall review the amounts of all items, other than items relating to rates, of all recoverable rents entered in the register on or before the thirty-first day of March in the year of such review in order to determine whether such recoverable rents are, in the opinion of the Committee, fair in the circumstances prevailing at the time of the review.

(2) Where the Committee, having reviewed the amounts of all recoverable rents as aforesaid, is of opinion that some or all of such amounts are not fair, it may by an order in writing (hereinafter called a "**variation order**") vary the amounts of such recoverable rents or of any class or classes of such recoverable rents and may make different variations in respect of different classes of recoverable rents.

(3) Where the Committee in accordance with the foregoing provisions of this section makes a variation order it shall cause –

- (a) a copy of the variation order to be published in La Gazette Officielle, and
- (b) a copy of the variation order to be served upon the landlord and the tenant of every dwelling to which the order relates.

(4) Unless the Committee otherwise expressly provides, the date upon which any variation order shall come into force shall be the first day of July in the year of the review which resulted in the making of the order.

(5) In this section the expression "**item**" means an item of recoverable rent set out in paragraph (a), (b), (c) or (d) of subsection (1) of section two of this Law.

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**NOTE**

*The following Order has been made under section 11:*

*Rent Control (Variation) Order, 2015.*

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**[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.]

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**NOTES**

*Section 11A was inserted by the Rent Control (Amendment) (Guernsey) Law, 1993, section 1(h), with effect from 24th August, 1993.*

*The following Order has been made under section 11A:*

*Rent Control (Registration Notice) Order, 1993.*

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**Powers of inspection.**

**12.** (1) The Rent Officer, any member of the Committee and any

person duly authorised in writing in that behalf by the Committee on production of his authority, may on giving reasonable notice enter any controlled dwelling at any reasonable time for the purpose of making such inspection, examination and inquiry as may be necessary to enable the Rent Officer or the Committee to perform the duties or to exercise the powers imposed or conferred upon them by this Law.

(2) Any person who wilfully obstructs a person exercising the powers conferred on him by subsection (1) of this section, shall be guilty of an offence and liable, on conviction, to a fine not exceeding [level 2 on the uniform scale].

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**NOTE**

*In section 12, the words and figure in square brackets in subsection (2) were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989.*

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**Rent books.**

13. (1) The landlord of a controlled dwelling to which an entry in the register relates shall[, 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,] supply, free of charge, to the tenant thereof a book (hereinafter called a "**rent book**") in such form and requiring the entry of such particulars as the Committee may, from time to time, by order prescribe and shall enter therein, [when the rent book is required to be supplied] and whenever any variation in the recoverable rent [of the dwelling] is made in accordance with the provisions of this Law, the particulars so prescribed.

(2) The tenant shall be entitled to retain the rent book but shall, on being so requested by the landlord, surrender the rent book to the landlord or his authorised agent for the purpose of making any alteration required by the provisions of the last preceding subsection.

(3) Notwithstanding the provisions of subsection (2) of this section, a person who is in possession of a rent book shall, on being so requested by a person authorised in writing by the Committee in that behalf, produce such rent



book for examination.

(4) A person who contravenes or fails to comply with any of the provisions of subsection (1) of this section shall be guilty of an offence and liable, on conviction, to a fine not exceeding [[level 5] on the uniform scale].

(5) A person who contravenes or fails to comply with any of the provisions of subsections (2) or (3) of this section shall be guilty of an offence and liable, on conviction, to a fine not exceeding [[level 4] on the uniform scale].

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## NOTES

*In section 13,*

*the words in the first pair of square brackets in subsection (1) were inserted, and those in the third and fourth pairs of square brackets therein were substituted, by the Rent Control (Amendment) (Guernsey) Law, 1993, respectively section 1(i)(i), section 1(i)(ii) and section 1(i)(iii), with effect from 24th August, 1993;*

*the words in square brackets in subsection (4) were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989;*

*the word and figure within the square brackets in subsection (4) were substituted by the Rent Control (Amendment) (Guernsey) Law, 1993, section 1(j), with effect from 24th August, 1993;*

*the words in square brackets in subsection (5) were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989;*

*the word and figure within the square brackets in subsection (5) were substituted by the Rent Control (Amendment) (Guernsey) Law, 1993, section 1(k), with effect from 24th August, 1993.*

*The following Order has been made under section 13:*

*Rent Control Order, 1976.*

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## **Stay of proceedings for eviction.**

**14.** (1) No proceedings shall be commenced in the Ordinary Court by the landlord of a controlled dwelling in respect of which a reference or application has been made under the provisions of this Law for the eviction of the tenant of such dwelling within [12 months] of the date of the latest assessment, re-assessment

or review of the decision of the Rent Officer in respect of the basic rent thereof or, if an appeal has been lodged in respect of the basic rent of the dwelling under section ten of this Law, within [12 months] of the determination or abandonment of such appeal.

(2) The provisions of the foregoing subsection shall not apply if the Ordinary Court is satisfied that the eviction proceedings are founded upon matters wholly independent of the operation of this Law.

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#### NOTES

*In section 14, the words and figures in the first and second pairs of square brackets in subsection (1) were substituted by the Rent Control (Amendment) (Guernsey) Law, 1993, section 1(l), with effect from 24th August, 1993.*

*The following case has referred to section 14:*

*Cotterill v. Le Marquand 2009–10 GLR 114.*

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#### **Acceptance of rent after determination of lease.**

15. Where after the determination by notice or otherwise of an agreement relating to the occupancy of a controlled dwelling to which an entry in the register relates the tenant remains in occupation of such premises, rent in respect of the demised premises shall continue to run at the rate of the recoverable rent thereof immediately before such determination and the acceptance by or on behalf of the landlord of rent at such rate after such determination shall not prejudice the right of the landlord to be granted an eviction order in respect of such premises.

#### **Evidence.**

16. In any legal proceedings any document purporting to be a certified copy of an entry in the register shall be received in evidence and shall, unless the contrary is proved, be deemed to be the document which it purports to be and to have been signed by the person by whom it purports to have been signed, without proof of his identity, signature or official capacity, and shall be evidence of the matters therein stated.

#### **Service of notices, etc.**

**17.** Any notice or document sent or served for the purposes of this Law shall be validly served –

- (a) on any person, if delivered to him, left or sent by post addressed to him, at his usual or last known place of abode,
- (b) on any firm, if delivered to any partner of the firm, or left or sent by post to, the principal or last known place of business of the firm,
- (c) on any body corporate, if left at, or sent by post to, its registered office if situate in the Island of Guernsey or, if its registered office is not so situate, its principal or last known principal place of business in the Island.

**Offences.**

**18.** (1) Any person who offers, solicits, demands, makes or accepts any premium, deposit or other payment (by whatever name called) in respect of the occupation of a controlled dwelling to which an entry in the register relates in excess of the amount of the assessment for the time being specified in the register in relation to that dwelling shall be guilty [subject to the provisions of section 18A] of an offence and shall be liable, on conviction, to a fine not exceeding [[level 5] on the uniform scale] or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment and, without prejudice to any other method of recovery, where the offence consists of the receipt of any such payment –

- (a) the Court, in addition to the infliction of any such penalty, may order that the amount so received shall, within such time and under such penalty as the Court may direct, be repaid to the person or persons by whom the payment was made,
- (b) where the Court does not make such an order, the amount so received shall be recoverable by the person who paid it as a civil debt.

- (2) Any person –
- (a) who, in connection with an application, knowingly makes any false statement or recklessly makes any statement which is false in a material particular or produces or furnishes any information which he knows to be false, or
  - (b) who knowingly fails to produce or furnish any information which he is required to produce or furnish under the provisions of this Law or any Ordinance made thereunder,

shall be guilty of an offence and liable, on conviction, to a fine not exceeding [[level 5] on the uniform scale].

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#### NOTES

*In section 18,*

*the words in the first pair of square brackets in subsection (1) were inserted by the Rent Control (Amendment) (Guernsey) Law, 1993, section 1(m), with effect from 24th August, 1993;*

*the words in the second pair of square brackets in subsection (1) were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989;*

*the word and figure within the second pair of square brackets in subsection (1) were substituted by the Rent Control (Amendment) (Guernsey) Law, 1993, section 1(n), with effect from 24th August, 1993;*

*the words in square brackets in subsection (2) were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989;*

*the word and figure within the square brackets in subsection (2) were substituted by the Rent Control (Amendment) (Guernsey) Law, 1993, section 1(n), with effect from 24th August, 1993.*

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#### **[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.]

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**NOTE**

*Section 18A was inserted by the Rent Control (Amendment) (Guernsey) Law, 1993, section 1(o), with effect from 24th August, 1993.*

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**Offences by bodies corporate.**

**19.** Where a person convicted of an offence under this Law is a body corporate, every person who at the time of the commission of the offence was a director or officer of the body corporate, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence unless he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of the offence.

**Ordinances.**

**20.** (1) The States may, from time to time, by Ordinance make such provision as they may deem necessary or expedient for –

- (a) regulating the procedure to be followed in connection with the assessment, re-assessment, determination and review of recoverable rents,
- (b) empowering the Committee to make such orders as may be necessary or expedient for the effectual operation of any such Ordinance,
- (c) such incidental and supplementary matters for which the States may deem it necessary or expedient for the purposes of any such Ordinance to provide.

(2) Save as otherwise expressly provided by that Ordinance, any person who contravenes or attempts to contravene or fails to comply with any of the provisions of any Ordinance made under this Law or any order made under any such Ordinance or any direction or requirement given or imposed under or by virtue of that Ordinance or order shall be guilty of an offence under that Ordinance.

(3) The States may, from time to time, by Ordinance prescribe the penalties which shall be incurred by any person guilty of an offence under any Ordinance made under the provisions of this section and different penalties may be so prescribed for different offences.

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**NOTE**

*The following Ordinance has been made under section 20:*

*Rent Control Ordinance, 1976.*

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**Transitional provisions.**

**21.** (1) Where immediately before the coming into force of this Law a controlled dwelling was subject to rent control under any of the repealed Laws the maximum rent (by whatever name called) which might lawfully be recovered in respect of such controlled dwelling under the repealed Laws shall be deemed to be the recoverable rent of such controlled dwelling until such time as the recoverable rent thereof shall have been determined under the provisions of this Law.

(2) On the date of the coming into force of this Law the Rent Officer shall extract from the former register and shall enter in the register in respect of each controlled dwelling to which the last preceding subsection relates such particulars in such form as may be prescribed under the provisions of section seven of this Law and where the maximum rent of such controlled dwelling is expressed in the former register as being payable for periods other than periods of one week the Rent Officer shall calculate and enter in the register such rent expressed in terms of the maximum amount which may be recovered for the period of one week.

(3) Where immediately before the coming into force of this Law there was in use in respect of a controlled dwelling to which subsection (1) of this section relates a rent book in conformity with the requirements of the repealed Laws such rent book may continue to be used until such time as the recoverable rent of such controlled dwelling shall have been determined under the provisions of this Law and the provisions of section thirteen of this Law shall apply to the landlord and the tenant of the controlled dwelling as though the said rent book had been supplied by the landlord in pursuance of the provisions of the said section thirteen.

(4) In this section the following expressions have the meanings hereby respectively assigned to them, that is to say –

**"the former register"** means in the case of a controlled dwelling subject to control under the Rent Control Law (Guernsey), 1946<sup>b</sup>, the register maintained under section five thereof and in the case of a dwelling subject to control under the Rent Control (Tenement Houses) (Guernsey) Law, 1972<sup>c</sup>, the register maintained under section two thereof,

**"the repealed Laws"** means the Rent Control Law (Guernsey) 1946 and the Rent Control (Tenement Houses) (Guernsey) Law, 1972.

**Interpretation.**

**22.** (1) In this Law, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say –

**"basic rent"** has the meaning assigned to it by subsection (1) of section three of this Law,

**"Cadastre rateable value"** at any time means the Cadastre rateable value recorded in the Island Cadastre in operation at that time,

**"the Committee"** means the States [Committee for Employment &

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<sup>b</sup> Ordres en Conseil Vol. XII, p. 339.

<sup>c</sup> Ordres en Conseil No. VI of 1972.

Social Security],

**"controlled dwelling"** has the meaning assigned to it by subsection (2) of section one of this Law,

**"landlord"** means any person for the time being beneficially entitled to receive the rent of any controlled dwelling,

**"the Ordinary Court"** means the Royal Court sitting as an Ordinary Court,

**"recoverable rent"** has the meaning assigned to it by subsection (1) of section two of this Law,

**"the register"** means the register compiled by the Rent Officer under the provisions of section seven of this Law,

**"rent book"** has the meaning assigned to it by section thirteen of this Law,

**"Rent Officer"** means the Rent Officer for the time being appointed by the States [Policy & Resources Committee] and includes a Deputy Rent Officer acting by or under the authority of the Rent Officer,

**"services"** includes attendance, the provision of heating or lighting, the supply of hot water and any other privilege or facility connected with the occupancy of a controlled dwelling,

**"tenant"** means a person entitled to occupy a controlled dwelling under a contract of tenancy and includes any person deriving such title from a tenant,

**"tenement house"** means any premises which are used or designed or adapted for occupation as a dwelling by more than one household,

**"variation order"** has the meaning assigned to it by subsection (2) of



section eleven of this Law.

(2) Any reference in this Law to any other enactment shall, except where the context otherwise requires, be construed as a reference to that enactment as amended, repealed and replaced, extended or applied by any other enactment including this Law.

(3) Any power conferred by this Law to make any Ordinance or order shall be construed as including a power exercisable in the like manner to vary or repeal the Ordinance or order.

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## NOTES

*In section 22,*

*the words in square brackets in the definition of the expression "the Committee" in subsection (1) were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 7(a), with effect from 1st May, 2016;<sup>2</sup>*

*the words in square brackets in the definition of the expression "Rent Officer" in subsection (1) were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 10(a), with effect from 1st May, 2016.<sup>3</sup>*

*The functions, rights and liabilities of the Housing Department and of its Minister or Deputy Minister arising under or by virtue of this Law were transferred to and vested in, respectively, the Committee for Employment & Social Security and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 7(a), with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.<sup>4</sup>*

*The functions, rights and liabilities of the Policy Council and of its Minister or Deputy Minister arising under or by virtue of this Law were transferred to and vested in, respectively, the Policy & Resources Committee and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 10(a), with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.<sup>5</sup>*

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## **Repeals.**

23. The enactments set out in the Schedule to this Law are hereby repealed.

## **Citation and commencement.**

**24.** (1) This Law may be cited as the Rent Control (Guernsey) Law, 1976.

(2) This Law shall come into force on such day as shall be appointed in that behalf by Ordinance of the States.

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**NOTE**

*The Law was brought into force on 2nd August, 1976 by the Rent Control (Guernsey) Law, 1976 (Commencement) Ordinance, 1976, section 1.*

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SCHEDULE  
ENACTMENTS REPEALED

Section twenty-three

- The Rent Control Law (Guernsey) 1946<sup>d</sup>.  
The Rent Control Law (Guernsey) 1946, Amendment Law, 1947<sup>e</sup>.  
The Rent Control Law (Guernsey), 1946, Amendment Law, 1948<sup>f</sup>.  
The Rent Control (Guernsey) (Exemption of States Property) Law, 1955<sup>g</sup>.  
The Rent Control (Amendment) (Guernsey) Law, 1956<sup>h</sup>.  
The Rent Control (Tenement Houses) (Guernsey) Law, 1972<sup>i</sup>.  
The Rent Control (Amendment) (Guernsey) Law, 1972<sup>j</sup>.

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<sup>1</sup> These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 7(a), Schedule 2, paragraph 3(a), with effect from 6th May, 2004.

<sup>2</sup> These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 7(a), Schedule 2, paragraph 3(a), with effect from 6th May, 2004.

<sup>3</sup> These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 12(a), with effect from 6th May, 2004.

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<sup>d</sup> Ordres en Conseil Vol. XII, p. 339.

<sup>e</sup> Ordres en Conseil Vol. XIII, p. 103.

<sup>f</sup> Ordres en Conseil Vol. XIII, p. 378.

<sup>g</sup> Ordres en Conseil Vol. XVI, p. 152.

<sup>h</sup> Ordres en Conseil Vol. XVII, p. 135.

<sup>i</sup> Ordres en Conseil Vol. XXIII, p. 314.

<sup>j</sup> Ordres en Conseil Vol. XXIII, p. 535.

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<sup>4</sup> The functions, rights and liabilities of the Housing Department and its Minister arising under or by virtue of this Law were previously transferred to and vested in them, respectively, from the Cadastre Committee and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 7(a), Schedule 2, paragraph 3(a), with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.

<sup>5</sup> The functions, rights and liabilities of the Policy Council and its Minister arising under or by virtue of this Law were previously transferred to and vested in them, respectively, from the Civil Service Board and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 12(a), with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.