

Population Office

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Appeals Process

in relation to:

Control of Housing and Work (Jersey) Law, 2012

Issued: 9 September 2013



Appeals process

If an applicant is aggrieved by a –

- (a) condition relating to a person's residential and employment status;
- (b) determination of a persons' residential and employment status;
- (c) determination in respect of the categorisation of a unit of dwelling accommodation or the conditions relating to such categorisation;
- (d) refusal to grant consent for occupation of a unit of dwelling accommodation;
- (e) refusal to grant consent to a purchase by a legal person or the imposition of a condition;

they have the following courses of action available:-

Ministerial reconsideration

If the applicant considers the decision to be unreasonable, this should be set out in writing explaining why, with reference to the Law and Policy, and the Minister may be prepared to reconsider a decision; any additional relevant information to support the application should be provided at this time.

The applicant may also request a meeting with the Minister to discuss the application in person.

In reconsidering, the Minister will normally seek the views of the Housing and Work Advisory Group which includes:

- The Minister for Economic Development
- The Minister for Housing Minister
- The Minister for Social Security

or any Assistant Minister of the above.

The Minister will either maintain or amend his decision. The Minister will not normally reconsider a decision more than once.

Should an applicant wish to undertake the above course of action, they should write, within two months of the date of the decision notice, to the Population Office. Should the applicant continue to be unsatisfied with the decision of the Minister once the above process is complete, the following courses of action remain open:-

Hearing by a Board of Administrative Appeal

An application can be made to the Greffier of the States for the matter to be reviewed by a Board of Administrative Appeal. This procedure can apply to a decision made by any Minister or Department of the States. It is provided by the Administrative Decisions (Review) (Jersey) Law 1982.

If the Greffier of the States, after consultation with the Chairman of the Administrative Appeals Panel, considers that the circumstances of the case justify a review by a Board then a hearing will be arranged. This will hear evidence from both the complainant and the Minister. These proceedings are usually relatively informal and although a complainant may wish to present his/her case with the help of an agent or adviser, this is not strictly necessary. After the hearing, the Board will report its findings. If it considers the Minister's decision to be unreasonable, the Board can request that the Minister reconsiders the decision. It should be noted that the findings of a Board are not binding on the Minister, although the Minister will be required to justify his decision if he decides not to follow the Board's recommendations.

Statutory Appeal

Under Article 41 of the Law, any person aggrieved by a decision may, within two months of the date of the decision, or within such longer period as the Court may allow, appeal to the Court on the ground that the decision is unreasonable having regard to all the circumstances of the case.

Judicial Review

If an applicant wishes to challenge the Minister's decision, they are entitled to apply for leave to bring judicial review proceedings. Whether an application would satisfy the judicial review criteria is one on which the applicant should obtain their own independent legal advice. There is no set time for the bringing of an application for leave to apply for judicial review, but an application must set out the grounds for any delay, and delay may be a ground for refusing leave to apply.

Copies of the enactments referred to are available on the Jersey Legal Information Board website, www.jerseylegalinfo.je, or from the States Bookshop, the contact details for which are as follows:

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Halkett Place,
St. Helier,
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