



Control of Housing and Work (Jersey) Law 2012 - Licensed

Insights - 23/04/2013

What is it?

Licensed status under the CHW Law is the equivalent of 1(1)(j) or "essential employee" status under the Housing (Jersey) Law 1949 and its associated Regulations ("Housing Law"). The application process for a new or additional Licensed post for a business remains similar to that under the Housing Law but new posts are likely to be harder to obtain. In addition if a business does not use all of its Licensed posts it is likely that the number will be reduced

A person with Licensed status can only obtain employment in a Licensed position. Licensed status will entitle a person to buy and/or rent Registered or Qualified accommodation; restrictions may be placed upon the Qualified property which they can rent or buy.

A person with Licensed status will lose that status if he or she:

- no longer does work of the description for which the licence was granted; or
- has their Licensed status revoked by their employer; or
- breaches any conditions imposed upon the licence; or
- acquires Entitled status.

Similarities to the Housing Law

The main similarities are:

- Licensed status can be time-limited and/or restrict the Licensed person to only renting accommodation;
- A Licensed person may only acquire one property which must be occupied as his or her principal

place of residence; and

- The Licensed person will be obliged to sell the property if Licensed status is lost.

Differences from the Housing Law

The main differences are:-.

- The employer will be permitted under its business license to employ one or more Licensed persons in general capacities (e.g. Finance Director, Corporate Lawyer etc) with the benefit of the Licensed status being allocated by the employer to an individual who will then be employed to do a job that falls within the relevant description. The initial allocation will be the number of J category posts that the relevant business holds at the time the CHW Law comes into force;
- The individual must apply for a registration card at which time the Minister can impose restrictions (i.e. buy and/or rent, time limits);
- The Licensed person and their spouse or civil partner will be able to rent or buy a Qualified unit of accommodation in their own name and not have to use the vehicle of a company.

This client briefing is only intended to give a summary and general overview of the subject matter. It is not intended to be comprehensive and does not constitute, and should not be taken to be, legal advice. If you would like legal advice or further information on any issue raised by this briefing, please contact one of the persons named at the end of this briefing or one of your usual Ogier contacts.

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