



Population Office

Control of Housing and Work (Jersey) Law 2012

Marriage and Relationship Breakdown Policy

This policy was developed because of the increasing number of applications of this nature and specifically, to ensure that they were dealt with in a fair and consistent manner. The rationale behind it was that, provided the unqualified spouse or partner had been co-habiting and resident for the specified period, at the time of the marriage, or the commencement of co-habitation as man and wife, such person would have had the expectation of being able to house themselves and any children in satisfactory and suitable housing conditions. The fact that, for whatever reason, the relationship or marriage had broken down was felt, on housing grounds, to have a material and detrimental effect on the children of the relationship or marriage, many of whom had been born and bred in the Island.

The policy is reactive to the breakdown of a relationship where the unqualified partner or spouse could be faced with having to move into uncontrolled accommodation with any children of the relationship or marriage, and is not retrospective or applicable where the spouse or partner has Licensed status.

Policy

Because of the hardship otherwise caused to minor children of a marriage or common-law relationship if entitlement is not granted, Entitled status is granted to an unqualified spouse or partner provided that:-

- (a) the unqualified spouse or partner has been married to, and/or living with, the Entitled spouse or partner in the Island for at least the previous five years; and
- (b) the unqualified spouse or partner has been continuously ordinary resident in Jersey for at least the previous seven years; and
- (c) the unqualified spouse or partner has care and control of the child(ren) either by means of a legal separation or a Court Order. Any permission granted to occupy accommodation will be conditional upon the unqualified spouse or partner in question continuing to have care and control of the minor child(ren).

In the case of a common-law relationship breakdown, no Court Order will be granted but care and control of any child of the relationship must still be with the applicant on a full time basis.