

General Information	
Ministerial Decision Type	Miscellaneous
Report Title	Public Health & Safety (Rented Dwellings)(Licensing)(Jersey) Regulations 2023: Rent Safe Refunds
Minister	Environment
Signatory	Select Signatory.
Lead Department	Infrastructure, Housing and Environment (IHE)
Lead Directorate	Regulation (IHE)
Ministerial Decision Summary: Public or Absolutely/Qualified Exempt	Public Select if more than one Absolutely/Qualified Exemption.
Date decision made if different to date 'Ministerial Decision Summary' signed.	Select date.
Report and Supplemental Report Details	
Report Author	Michelle Humphreys-Foott
Date of Report	06/09/2024
Supplementary Report Title <i>(If applicable)</i>	
Supplementary Report Author <i>(If applicable)</i>	
Date of Supplementary Report <i>(If applicable)</i>	Select Date of Supplemental Report. Select Date of Supplemental Report.
Ministerial Decision Report: Public or Absolutely/Qualified Exempt	Public Select if more than one Absolutely/Qualified Exemption.
Relevant Case/Application/URN <i>(Only complete if making a decision related to an appeal/case/application)</i>	Insert Relevant Case/Application.
Relevant Proposition Number <i>(Only complete if presenting Comments or if lodging an Amendment)</i>	P.40/2023
Relevant Scrutiny Report <i>(Only complete if presenting a ministerial response)</i>	Insert S.R. number.
Associated Law(s) and/or Subordinate Legislation	Public Health and Safety (Rented Dwellings)(Licensing) Regulations 2023

Action required if recommendation agreed	Department to take necessary action.
Resource Implications	There are no new financial and/or manpower implications.

Introduction

The rent safe scheme was operational since 2018. The Minister brought this scheme to a close as of 31st March 2024 by MD-ENV-2024-251. The Minister made a commitment to refund the application fees for persons who applied for a rent safe prior to the scheme closing by MD-ENV-2024-563.

Detail

The Minister honoured the comment made by the previous Minister by MD-ENV-2024-563.

A key point of note was that the process must be a refund rather than a waiver. After consulting with the Law Officers Department, the distinction was made that there is no legal basis within the Public Health and Safety (Rented Dwellings)(Jersey) Law 2018, nor subordinate legislation to allow for a waiver of the fee.

Recommendation

It is recommended that the Minister closes the ability to refund Rent Safe properties on the 30th November 2024. The date of the 30th November 2024 takes into account that the end of the transitional period was the 31st July 2024 and that all those requiring a licence for an existing rented dwelling should have applied by the end of the transitional period. The closure for refunds on the 30th November 2024 gives sufficient time for communications to be circulated of the closure to ensure that those who may be entitled to a refund can apply before closure.