

# Housing Considerations

Last reviewed: March 2017

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## Local Market and Open Market Houses

In Guernsey, there are two categories of property - those on the 'local market' and those on the 'open market'. Any buyer intending to buy and live in a local market property should satisfy himself that he possesses the necessary residential qualifications to do so.

People who do not have residential qualifications (eg born in Guernsey or having lived in the Island for a certain number of years) must live in either open market properties (without restriction) or in local market properties if they have been given a licence by the Housing Department (the **Department**).

Licences are normally only granted to persons who are considered to be essential to the community, usually because of the type of jobs they do, but there are some licences issued on compassionate grounds.

If a buyer neither complies with local market qualifications nor obtains a licence, he can only occupy an open market property. It is therefore important to ensure that the property is inscribed on the Housing Control Register (the **Register**) and the seller will normally give a legal promise that the property is on the register and that the seller is not aware of any reason as to why it should no longer be so registered.

In practice, a search is carried out by us to check that the property is on the register and it is also normal to request a representative of the Department to check the property to ensure that it still complies with the housing laws. We strongly advise you to have an inspection carried out by the Department.

You should note that occupation of an open market property by you must be in accordance with the Housing (Control of Occupation) (Guernsey) Law, 1994 (the **Law**) and in particular that the property must not become used or usable as more than one dwelling.

Caution must be exercised in sharing occupation with persons outside the purchaser's family and under no circumstances must a second kitchen be installed. For further information concerning open market transactions please refer to the Open Market Commentary from the States of Guernsey Housing Department.

## Open Market Commentary

- Department notes [very slightly amplified by us] for the guidance of owners of open market dwellings (Registered Dwellings).
- The Housing (Control of Occupation) (Guernsey) Law, 1994 contains, among other things, provisions as regards those dwellings which are eligible to remain inscribed in the Register.

## All Registered Dwellings

- The owner of any Registered Dwelling who wishes to alter the dwelling in any way, whether structurally or by change of use, is required by law to inform the Department in writing of the nature and extent of any such alterations at least seven days before such alterations are effected. The Department will need to see any relevant plans to clarify the proposals. This is in the interests of the owner as it is possible

that the works proposed are such that the open market status of the dwelling could be jeopardised. It could mean that the following applies.

- One of the most far-reaching provisions of the Law is that, if a dwelling is inscribed in Part A of the Register (ie it is used as one residential dwelling) and is used or made usable as more than one dwelling, the Department then has to delete the entry relating to that dwelling from the Register. This applies whether the matter has been brought about by alteration or otherwise. Another important provision is that if any registered dwelling is combined, whether by alteration or otherwise, with a local market dwelling so as to be used or made usable as a single dwelling, then the single dwelling is no longer eligible to be on the Register.
- Any person who purchases or otherwise acquires the ownership of a registered dwelling is required by law to inform the Department in writing of that fact and the date of it within 28 of the purchase or acquisition. Failure to do so is an offence.

### **Hotels/Guest Houses – Part B**

- There are slightly different provisions made in the Law as regards those Registered Dwellings which are inscribed in Part B of the Register, because they are being used as hotels or guest houses under a permit issued by the Commerce and Employment Department.
- Many hotels and guest houses are not eligible for inscription in Part A of the Register if they cease to be used as accommodation for tourists.
- Under the Law only qualified residents, the owner, principal tenant, manager and their immediate families and full-time staff of the hotel and tourists are now able to occupy without a licence. All other occupants require licences, which are subject to the Department's policies.
- The Department considers all applications for licences on their merits, in the light of circumstances and policies prevailing at the time of application.

### **Residential and Nursing Homes – Part C**

- An open market dwelling which is registered as a nursing or residential home by the Health & Social Services Department under the Nursing Homes and Residential Homes (Guernsey) Law, 1976 is inscribed in Part C of the Register.
- With the exception of its owners, and the manager and full-time staff of the home, persons who are not qualified residents require housing licences to occupy any dwelling on Part C of the Register.

### **Lodging Houses – Part D**

- Any open market dwelling in which at least one room is being occupied by a person (other than the owner or principal tenant) who is, for example, a lodger or sub-tenant, may be deemed by the Department to be a lodging house, and transferred to Part D of the Register.
- With the general exception of its owners, persons who are not qualified residents require housing licences to occupy any dwelling on Part D of the Register. The Department considers all applications for licences on their merits, in the light of circumstances and policies prevailing at the time of application.
- Owners of registered dwellings are advised to make themselves aware of the provisions of the Law as it affects their dwelling. If in doubt, owners should consult their legal advisers. These notes are not to be taken as an authoritative statement of all the provisions which apply to Registered Dwellings.

Copies of the Laws may be obtained from:

Her Majesty's Greffier, The Greffe,  
Royal Court House, St Peter Port,  
Guernsey, GY1 2PB  
Tel: +44 1481 725 277.

The States Housing Department can be contacted on +44 1481 717 000.

### **Contacts**

A full list of contacts can be found [here](#).

This guide 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 update, please get in touch with one of your usual contacts. © 2018 MOURANT OZANNES ALL RIGHTS RESERVED