



Jersey

**REGULATION OF UNDERTAKINGS
AND DEVELOPMENT (JERSEY)
LAW 1973**

Revised Edition

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Jersey

REGULATION OF UNDERTAKINGS AND DEVELOPMENT (JERSEY) LAW 1973¹

A LAW to control the carrying on of undertakings and to regulate further development

Commencement [[see endnotes](#)]

PART 1

INTERPRETATION

1

(1) In this Law –

“development” has the same meaning as in the Island Planning (Jersey) Law 1964;²

“floor space” means existing floor space or floor space which will be created, or floor space which has been or will be created by a related undertaking or related development;

“licence” means a licence granted under this Law;

“Minister” means the Minister for Economic Development;

“prescribed” means prescribed by Order made under this Law;³

“related development” means any development which relates or is to relate to the same building as that to which the development under consideration is to relate or which relates or is to relate to a building which is or is to be contiguous or adjacent to that other building and it is or is to be development comprised in, or for the purposes of, the same scheme or project;

“related undertaking” means any undertaking which is carried on for the purposes of or in connection with the undertaking under consideration or any undertaking situated in the same building, or in a building adjacent or

contiguous to the building, in which the undertaking under consideration is to be carried on and which is carried on by or on behalf of the same person;

“undertaking” means any trade, business or profession whether or not carried on for profit.

- (2) For the purposes of this Law, “person” includes a body corporate and members of a group of bodies corporate shall be treated as one person.
- (3) For the purposes of this Law, the floor space of any building shall be taken to be –
 - (a) in the case of a dwelling house, the total area of the floor or floors of the building bounded by the inner surfaces of the main enclosing walls thereof, but excluding any floor space in the roof which does not comply with Bye Law 100(b) of the Building Bye-Laws (Jersey) 1960,⁴ and any garage, open verandah, patio or outbuilding;
 - (b) in the case of any other building, the total area of all floors measured to the external faces of the walls.
- (4) For the purposes of Article 2(1)(a), a person also commences a new undertaking where an exemption under Regulations made under Article 2(3) from the requirement under that sub-paragraph to hold a licence is no longer available in respect of that undertaking.⁵

PART 2

REGULATION OF UNDERTAKINGS

2

- (1) Subject to the provisions of this Law, no person shall –
 - (a) commence a new undertaking;
 - (b) increase the number of persons engaged in an undertaking,unless the person has been granted a licence so to do.⁶
- (2) For the purposes of paragraph (1)(a), the introduction of any work or service which is ordinarily incidental to the work or service already performed or offered by an undertaking shall not be regarded as a change in the nature of that work or service.⁷
- (3) The States may by Regulations provide for exemptions from any of the provisions of this Part of this Law.⁸

3⁹

- (1) Any person carrying on an undertaking shall furnish to the Minister such information on the number and nature of persons engaged in that undertaking, in such form, at such intervals and with such particulars as may be prescribed.

- (2) If a person fails to comply with an Order under paragraph (1) or furnishes information in purported compliance with the Order which is false in a material particular the person shall be guilty of an offence and liable to imprisonment for a term not exceeding 6 months or to a fine not exceeding level 4 on the standard scale or where the offence consists of a failure after conviction thereof to a fine not exceeding level 2 on the standard scale together with a further fine not exceeding level 1 on the standard scale for each day on which the offence continues.

PART 3

REGULATION OF DEVELOPMENT

4

- (1) Subject to the provisions of this Law, but notwithstanding the provisions of any other enactment, no person shall carry out any development unless the person has been granted a licence authorizing the person so to do:

Provided that nothing in this Part shall apply to any development being the construction, adaptation or extension of any dwelling house, or any property intended to be used as a dwelling house, where the amount of floor space to be provided in any period of 24 months will be 1,500 square feet or less.¹⁰

- (2) The States may by Regulations –
- (a) vary the amount of floor space mentioned in paragraph (1);
 - (b) exempt from the provisions of this Part such development or class of development as may be specified in the Regulations.

PART 4

GENERAL

5

An application for a licence shall be in the form required from time to time by the Minister and shall contain or be accompanied by such particulars as the Minister may require.

6

- (1) The Minister may grant a licence either unconditionally or subject to such conditions as he or she considers appropriate, or may refuse the grant of a licence.
- (2) In deciding whether to grant a licence, to impose conditions, or to refuse to grant a licence the Minister shall have regard –

- (a) to the need to regulate and manage demand on the resources of Jersey, and to protect the integrity of Jersey in commercial and financial matters; and
 - (b) to the provisions of the Competition (Jersey) Law 2005¹¹ and to the decisions and directions of the Jersey Competition Regulatory Authority made or given under that Law.¹²
- (3) Any condition attached by the Minister to any licence shall be binding and enforceable against all persons for the time being having any estate or interest in the land on which the undertaking is to be operated or on which the development to which the licence relates is to be carried out.
- (4) Where the Minister refuses the grant of a licence, or attaches any condition to the grant of a licence, he or she shall furnish to the applicant a statement in writing of the reasons for that decision.
- (5) Subject to paragraph (6), a licence granted under this Article may be revoked by the Minister if he or she is satisfied that –
 - (a) any information furnished in connection with the application for the licence was false or misleading in a material particular; or
 - (b) there has been a failure to comply with any condition subject to which the licence was granted.
- (6) The Minister shall not revoke a licence unless he or she has given to the person for the time being operating the undertaking or carrying out the development to which the licence relates not less than 14 days notice in writing of the intention so to do and a statement in writing of the reasons for so doing.
- (7) Any person aggrieved by the decision of the Minister to refuse the grant of a licence, to revoke a licence or by any condition attached to the licence, may appeal, either in term or in vacation, to the Royal Court, in the case of a refusal to grant a licence or the attaching of any condition to the licence, within 2 months of the date of the notification of the Minister in the matter, and in the case of a revocation of a licence within 14 days of the date of the notification of the Minister in the matter on the ground that the decision of the Minister was unreasonable having regard to all the circumstances of the case.
- (8) If there is an appeal against revocation of a licence the revocation shall not take effect either until the appeal is abandoned or determined or until the expiration of a period of 6 months, whichever event occurs first.
- (9) If any person, after the date a revocation takes effect under this Article, carries on the undertaking or carries out the development, as the case may be, in respect of which the licence was granted the person shall be guilty of an offence and shall be liable to a fine, and if the offence continues after conviction the person shall be guilty of a further offence and liable to a fine for each day on which the offence continues.

7¹³

- (1) The Minister may make Orders for prescribing any matter which may be prescribed by this Law.

- (2) An Order made under this Law may –
 - (a) make different provisions in relation to different cases or circumstances;
 - (b) provide for exemptions from the requirement to furnish information;
 - (c) contain such incidental provisions as the Minister may consider to be necessary or expedient.
- (3) The Subordinate Legislation (Jersey) Law 1960¹⁴ shall apply to Orders made under this Law.

8

If any person contravenes any of the provisions of this Law, or if any person bound to comply with any condition subject to which a licence is granted fails to comply with that condition, or if any person, in furnishing information for the purposes of this Law, makes a statement which is false in any material particular, the person shall be guilty of an offence and shall be liable to imprisonment for a term not exceeding 2 years or a fine or both, and if the offence continues after conviction the person shall be guilty of a further offence and liable to a fine for each day on which the offence continues.¹⁵

9

- (1) Any person authorized in that behalf by the Minister may at all reasonable times, on the production if so required of evidence of the person's authority, enter on any land and make such enquiries, take such measurements and require the production of such documents, as the person thinks necessary in order to ensure that the provisions of this Law are being complied with.
- (2) If any person obstructs or impedes any person so authorized in the execution of the person's duties, the person shall be liable in respect of each offence to a fine not exceeding level 4 on the standard scale.¹⁶

10¹⁷

Neither the States, nor the Minister nor a person who is, or is acting as, an officer, servant or agent, in an administration of the States for which the Minister is assigned responsibility, or performing any duty or exercising any power on behalf of the Minister, shall be liable in damages for anything done or omitted in the discharge or purported discharge of any functions under this Law or any enactment made or purportedly made under this Law, unless it is shown that the act or omission was in bad faith.

11 Accessories and abettors¹⁸

Any person who knowingly and wilfully aids, abets, counsels, causes, procures or commands the commission of an offence punishable under this Law shall be liable to be dealt with, tried and punished as a principal offender.

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This Law may be cited as the Regulation of Undertakings and Development (Jersey) Law 1973.

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement
Regulation of Undertakings and Development (Jersey) Law 1973	L.20/1973	1 January 1974 (R&O.5903) (9 November 1973 for purpose of making Regulations)
Regulation of Undertakings and Development (Amendment) (Jersey) Law 1975	L.1/1975	21 March 1975
Regulation of Undertakings and Development (Amendment No. 2) (Jersey) Law 1985	L.11/1985	15 March 1985
Regulation of Undertakings and Development (Amendment No. 2) (Jersey) Regulations 1986	R&O.7588	10 December 1986
Regulation of Undertakings and Development (Amendment No. 3) (Jersey) Law 1987	L.5/1987	3 April 1987
Regulation of Undertakings and Development (Amendment No. 4) (Jersey) Law 1988	L.7/1988	1 March 1989 (R&O.7880)
Regulation of Undertakings and Development (Amendment No. 5) (Jersey) Law 1992	L.18/1992	18 December 1992
Regulation of Undertakings and Development (Amendment No. 6) (Jersey) Law 1994	L.16/1994	27 May 1994
Regulation of Undertakings and Development (Amendment No. 7) (Jersey) Law 1997	L.51/1997	9 March 1998 (R&O.9214)
Competition (Jersey) Law 2005	L.6/2005	1 May 2005 (R&O.22/2005)
States of Jersey (Amendments and Construction Provisions No. 4) (Jersey) Regulations 2005	R&O.44/2005	9 December 2005

Table of Renumbered Provisions

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(4B)	(6)
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(6)	(8)
(7)	(9)
5A	7
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7A	11
8(1)	12
(2)	spent, omitted from this revised edition

Table of Endnote References

- ¹ *This Law has been amended by the States of Jersey (Amendments and Construction Provisions No. 4) (Jersey) Regulations 2005. The amendments replace all references to a Committee of the States of Jersey with a reference to a Minister of the States of Jersey, and remove and add defined terms appropriately, consequentially upon the move from a committee system of government to a ministerial system of government*
- ² *chapter 22.225*
- ³ *Article 1(1)* *definition “prescribed” inserted by R&O.51/1997*
- ⁴ *R&O.4148*
- ⁵ *Article 1(4)* *inserted by L.51/1997*
- ⁶ *Article 2(1)* *substituted by L.18/1992; former paragraph substituted by L.1/1975, amended by L.7/1988*
- ⁷ *Article 2(2)* *amended by L.18/1992*
- ⁸ *Article 2(3)* *substituted by L.18/1992; former paragraph amended by L.7/1988*
- ⁹ *Article 3* *substituted by L.51/1997; former Article inserted by L.7/1988*
- ¹⁰ *Article 4(1)* *amended by L.1/1975, R&O.7588*
- ¹¹ *chapter 05.070*
- ¹² *Article 6(2)* *substituted by L.6/2005*
- ¹³ *Article 7* *inserted by L.51/1997*
- ¹⁴ *chapter 15.720*
- ¹⁵ *Article 8* *amended by L.5/1987, L.7/1988, L.51/1997*
- ¹⁶ *Article 9(2)* *amended by L.51/1997*
- ¹⁷ *Article 10* *inserted by L.51/1997*
- ¹⁸ *Article 11* *inserted by L.11/1985*