

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

PROJET DE LOI

Entitled

THE OPEN MARKET HOUSING REGISTER (GUERNSEY) (AMENDMENT) LAW, 2026

The States are asked to decide:-

Whether they are of the opinion to approve the draft Projet de Loi entitled "The Open Market Housing Register (Guernsey) (Amendment) Law, 2026", and to authorise the Bailiff to present a most humble petition to His Majesty praying for His Royal Sanction thereto.

EXPLANATORY MEMORANDUM

This Projet amends the Open Market Housing Register (Guernsey) Law, 2016 ("the Law") in several respects. First, it confers a power on the Committee for Housing ("the Committee") to make regulations prescribing how applications for an Inscription In Principle under section 3A of the Law shall or may be considered and determined, and specifies that such regulations may require or permit the use of a ballot process where the number of applications in a specified period has exceeded a prescribed maximum that may be granted.

Second, it makes amendments to section 3B (which is concerned with the transfer of existing inscriptions to development properties) to enable applications to be made where the person or persons who own the relevant development land do not own the existing Part A "donor" property/ies, in circumstances where they have the written authority of the owner/s of those properties for the transfer. The amendments also specify – for the purpose of avoiding the creation of potential difficulties under the Population Management (Guernsey) Law, 2016 - that in those circumstances, the existing Part A property/ies donor properties must either be unoccupied, or occupied only by "unrestricted qualified residents", that is, Permanent Residents or Established Residents within the meaning of the Population Management Law. (The amendments also confer power to amend that definition by regulations, allowing any relevant future amendment to the Population Management Law to be addressed quickly if necessary.) In addition, the amendments to section 3B also make clear that the deletion of the existing Part A donor property/ies from the Open Market Housing Register can occur before the inscription of the development property/ies, rather than at the same time, by reference to the existing provision at section 7 of the Law enabling the owner of an Open Market dwelling to apply to the Committee for it to be deleted from the Register.

Third, the Projet amends section 16 of the Law to confer on the Committee power to make regulations providing for a fee to be charged on the granting of an application under that section for a property to be transferred from Part D of the Register (houses in multiple occupation) to Part A. That regulation-making power is consistent with the existing regulation making power at section 3A of the Law in respect of applications for inscription in Part A.

Finally, at section 2 and the Schedule the Projet makes several minor and largely consequential amendments to the Open Market Housing Register (Deletion of Inscriptions) Ordinance, 2019, which sets out the process governing applications for a dwelling to be deleted from the Open Market Register.

The Projet shall come into force on a date specified by regulations of the Committee.

PROJET DE LOI

ENTITLED

The Open Market Housing Register (Guernsey) (Amendment) Law, 2026

THE STATES, in pursuance of their Resolutions of the 24th June, 2026^a have approved the following provisions which, subject to the Sanction of His Most Excellent Majesty in Council, shall have force of law in the Island of Guernsey.

Amendment of the Open Market Housing Register Law.

1. (1) The Open Market Housing Register (Guernsey) Law, 2016^b ("**the Law**") is amended as follows.

(2) In section 3A(8) for "under this section" substitute "under subsection (1)", and after section 3A(8) insert –

"(8A) The Committee may by regulations prescribe how applications made under subsection (1) shall, or may, be considered and determined; and regulations under this subsection may require or permit the use of one or more specified processes (including, but not limited to, a ballot, conducted in such manner as the Committee thinks fit, provided that the Committee is satisfied that it is fair and equitable) for determining which

^a Article XI of Billet d'État No. X of 2026.

^b Order in Council No. VII of 2016; this enactment has been amended.

applications shall or may be granted in any specified period in circumstances where –

- (a) a maximum number of applications which may be granted in a specified period has been prescribed in regulations under this section, and
- (b) the number of applications made in that period has exceeded that maximum."

(8B) For the avoidance of doubt, the conduct of, or participation in, a ballot conducted under regulations made under subsection (8A) shall not be gambling for the purposes of the Gambling (Guernsey) Law, 1971, or any legislation made thereunder, or any other enactment."

(3) In section 3B(1)(a) after ""**existing Part A property**"" insert "and **"existing Part A properties"** being construed accordingly", and after section 3B(1) insert –

"(1A) Subject to subsection (1B), in circumstances where a person ("P") –

- (a) owns land in respect of which planning permission within the meaning of the Land Planning and Development (Guernsey) Law, 2005 has been granted for the construction of two or more prospective new build properties, and

- (b) has the written authority of the owner ("O") of one or more existing Part A properties to make the application referred to below,

the Committee may, on application being made to it by or on behalf of P in a form prescribed by the Committee by regulations and on payment being made of any fees so prescribed, grant an Inscription In Principle in respect of one or more of the prospective new build properties under this section.

(1B) The Committee may not grant an Inscription In Principle on an application being made under subsection (1A) unless –

- (a) it has received the written authority referred in paragraph (b) of subsection (1A) or a copy thereof, and is satisfied that O consents to the application, and
- (b) it is satisfied that –
 - (i) the relevant one or more existing Part A properties were unoccupied at the time the application was made and have remained unoccupied since, or
 - (ii) the relevant one or more existing Part A properties are occupied only by unrestricted qualified residents,

and in this section "**unrestricted qualified residents**" means persons who are

Permanent Residents or Established Residents within the meaning of the Population Management (Guernsey) Law, 2016.

(1C) The Committee may publish guidance in respect of specific circumstances in which it shall consider a property to be "occupied", or "unoccupied", for the purposes of subsection (1B), including, but not limited to, in respect of properties used as holiday homes and properties undergoing renovation."

(4) After section 3B(3), insert –

"(3A) Subsection (1A) also applies where more than one person owns –

(a) the land referred to in subsection (1A)(a), or

(b) the property or properties referred to in subsection (1A)(b),

and in such cases the application referred to in subsection (1A) shall be made by or on behalf of each owner of the land referred to in subsection (1A)(a) and written authority is required to be received by the Committee from each owner of the property or properties referred to in subsection (1A)(b); and, for the avoidance of doubt, the Committee shall provide accordingly in the form prescribed by it by regulations under subsection (1A)."

(5) For subsections (4) to (6) of section 3B, substitute -

"(4) Subject to subsection (5), a prospective new build

property in respect of which an Inscription In Principle has been granted under subsection (1) or (1A) shall be inscribed in Part A if, within six years of the date of the granting of the Inscription In Principle -

- (a) the construction of the property and all other properties on the land referred to in paragraph (b) of subsection (1) or paragraph (a) of subsection (1A) (as the case may be) is completed, and
- (b) any fees prescribed by the Committee by regulation in respect of such inscription have been paid.

(5) A prospective new build property in respect of which an Inscription In Principle has been granted under subsection (1) or subsection (1A) shall be inscribed in Part A where the construction of the property or any other property on the land referred to in paragraph (b) of subsection (1) or in paragraph (a) of subsection (1A) (as the case may be) is completed after six years of the date of the granting of the Inscription In Principle if (and only if) –

- (a) the Committee is satisfied that, in all the circumstances, it would be inequitable not to so inscribe the property, and
- (b) any fees prescribed by the Committee by regulation in respect of such inscription have been paid.

(6) On the inscription of a property in Part A under subsection (4) or subsection (5), the inscription of an existing Part A property identified for this purpose in the application shall be deleted from the Register (if an existing Part A property owned by the applicant and identified for this purpose in the application has not already been deleted from the Register pursuant to an application in the appropriate form under section 7(1)); and for the avoidance of doubt, the inscription of each property in Part A under this section requires the deletion of an existing Part A property."

(6) In section 3B(7), the first time it appears for "subsection (1)(b)" substitute "subsections (1)(b) and (1A)(a)", and in paragraph (b) at the end insert "or subsection (1A)(a) (as the case may be)".

(7) In section 3B(9), for "The form prescribed by the Committee under subsection (1)" substitute "The forms prescribed by the Committee under subsections (1) and (1A)".

(8) In section 3B(10), at the end of paragraph (c) delete "and", and after paragraph (c) insert –

"(ca) amend the definition of "unrestricted qualified residents" in subsection (1B), and".

(9) In section 16 (transfers to and from Part D), after subsection (2) insert –

"(2A) The Committee may make regulations providing that a fee in a sum not exceeding £750,000 shall be payable on the granting of an application made under subsection (2)".

Amendment of Deletion of Inscriptions Ordinance.

2. (1) The Open Market Housing Register (Deletion of Inscriptions) Ordinance, 2019^c is amended as follows.

(2) In section 2 (deletion from the Register), at the end of paragraph (a) delete "and", at the end of paragraph (b) for "Register," substitute "Register (but does not form part of the Fort George estate), and", and after paragraph (b) insert –

"(c) (if a requirement has been imposed on the applicant under section 1(2)(b)) the Committee has received such further information as it considers necessary to enable it to determine the application,".

(3) For the form set out in the Schedule to the Ordinance, substitute the form set out in the Schedule.

Citation.

3. This Law may be cited as the Open Market Housing Register (Guernsey) (Amendment) Law, 2026.

Commencement.

4. (1) This Law shall come into force on the day appointed for this purpose by regulations made by the Committee for Housing; and different dates may be appointed for different provisions and for different purposes.

^c Ordinance No. XXI of 2019.

(2) Regulations made under subsection (1) shall be laid before the States as soon as practicable after being made.

SCHEDULE

Section 2(3)



The Open Market Housing
Register (Guernsey) Law,
2016 ("the Law")

**APPLICATION FOR DELETION OF A DWELLING FROM THE OPEN MARKET HOUSING
REGISTER**

1. Name of Owner(s) of
2. Address of Owner(s) of the dwelling
.....
.....
.....Postcode.....
3. Situation, name and/or number of dwelling to which this application relates if
different from above
.....
.....Postcode.....
4. Previous name of dwelling if changed by you.....
5. Cadastre No.....
6. Date of inscription of dwelling in Housing Register.....
7. If this application is linked to an application under section 3B ("New inscriptions in
Part A – transfer of existing inscriptions to development properties") of the Law, set
out the details of that application below.
.....
.....
.....

Owner's signature Date.....

**If the dwelling is Company-owned the Signatory must be duly authorised and must state
his or her capacity.**