

STATES OF JERSEY



DRAFT RESIDENTIAL TENANCY AMENDMENT LAW 202- (P.24/2025): FIFTH AMENDMENT (P.24/2025 AMD.(5)) – CHILDREN’S RIGHTS IMPACT ASSESSMENT

**Presented to the States on 26th August 2025
by the Minister for Housing**

STATES GREFFE

CHILDREN'S RIGHTS IMPACT ASSESSMENT (CRIA)

PART 1: SCREENING

Name and title of Duty Bearer:	Minister for Housing
Type of Duty Bearer: (Minister, Elected Member or States Assembly Body)	Minister
Assessment completed by (if not completed by duty bearer):	Strategic Housing and Regeneration Officer
Date:	22/08/2025

- 1) Name and brief description of the proposed decision
The subject of your CRIA may be a proposed law, policy or proposition and in accordance with the Law is referred to in this template as the '**decision**'
- What is the problem or issue the decision is trying to address?
 - Do children experience this problem differently from adults?

This Draft Residential Tenancy (Jersey) Amendment Law 202- (P.24/2025) Amendment, proposed by the Minister for Housing ("the Minister's second amendment to the Draft Amendment Law"). The Minister's second amendment to the Draft Amendment Law seeks to bring forward two minor amendments to the Draft Residential Tenancy (Jersey) Amendment Law 202- ("Draft Amendment Law") to respond to concerns raised regarding the potential resourcing implications of Article 6G(2)(n)(ii). Children will experience this as the children of tenants or children neighbouring nuisance tenants, so they may experience it somewhat differently to adults.

- 2) Which groups of children and young people are likely to be affected?
Groups of children could include early years, primary or secondary education; young adults; children with additional learning needs; disabled children; children living in poverty; children from particular ethnic backgrounds; migrants; refugees; care experienced children and LGBTQ+ children

Children and young people living in rented dwellings in Jersey and those in the surrounding community.

- 3) What is the likely impact of the proposed decision on children and on their rights?
- Identify any potential positive OR negative impacts and include indirect impacts on children and their rights as described in the UNCRC
 - Will different groups of children be affected differently by this decision?

These two minor amendments remove the requirement of police or other enforcement officer attendance at an instance of repeat or serious nuisance in the residential unit or interference with the reasonable peace, comfort, or privacy of a neighbour to the residential unit. Because the notice reason is coupled with a short notice period to end the tenancy (7 days), there must be a sufficiently high bar for the notice reason to be met, so this amendment also ensures that any nuisance and interference is either repeated or serious in nature and introduces a requirement for the landlord to give the tenant written notice to do one or both of the following: (a) immediately stop specific conduct; (b) take a specific action within a specified

period of at least 7 days after receiving the notice. Anything the landlord requests of the tenant must be reasonable. Then, if the tenant has not corrected the nuisance or interference as requested by the notice, the landlord would be within their right to issue 7 days written notice to end the tenancy under Article 6F(1)(n). This notice reason engages Articles 3 (best interests of the child), 6 (right to life, survival and development), and 27 (right to an adequate standard of living).
4) Is a full Children's Rights Impact Assessment required? If you have identified impacts on children and their rights, a full CRIA should be completed. If no impacts are identified then a Full CRIA is not required, but please explain your rationale and how you reached this conclusion
Yes, because children living in rental accommodation will be among those affected by the Draft Amendment Law and therefore the Minister's second amendment to the Draft Amendment Law

If screening determines that a full CRIA is needed, complete Part 2

Part 2: FULL CHILDREN'S RIGHTS IMPACT ASSESSMENT

5) What will be the impacts (positive or negative) of the proposed decision on children's rights?			
For each of the UNCRC articles described below, click to identify any that may be relevant ☒			
Category	UNCRC Article	Impact? YES NO	
Guiding Principles	Non-discrimination (Art 2)	☐	☐
	Best interests of the Child (Art 3) to be a top priority	X	☐
	Right to Life survival and development (Art 6)	X	☐
	Respect for the child's views (Art 12)	☐	☐
Civil Rights & Freedoms	Right to birth registration, name and nationality (Art 7)	☐	☐
	Right to an identity (Art 8)	☐	☐
	Freedom of expression (Art 13)	☐	☐
	Freedom of thought, conscience, and religion (Art 14) Every child has the right to think and believe what they choose	☐	☐
	Freedom of association (Art 15) Every child has the right to meet with other children and to join groups and organisations	☐	☐
	Right to Privacy (Art 16) including family and home life	☐	☐

	Access to information from the media (Art 17) Right to access reliable information from a variety of sources, in a format that children can understand	☐	☐
	Protection against torture or other cruel, degrading or inhumane treatment or punishment (Art 37(a))	☐	☐
Family Environment and Alternative Care	Respect for the responsibilities, rights and duties of parents (or where applicable, extended family or community) to guide their child as they grow up (Art 5)	☐	☐
	Responsibilities of both parents in the upbringing and development of their child (Art 18)	☐	☐
	Children must not be separated from their parents against their will unless it is in their best interests (Art 9)	☐	☐
	Family reunification (Art 10)	☐	☐
	Abduction and non-return of children abroad (Art 11)	☐	☐
	Right to a standard of living that is good enough to meet the child's physical and social needs and support their development (Art 27)	X	☐
	Special protection for children unable to live with their family (Art 20)	☐	☐
	Best interests of the child in the context of Adoption (Art 21)	☐	☐
	Review of treatment whilst in care (Art 25) If a child has been placed away from home for the purpose of care or protection (for example, with a foster family or in hospital), they have the right to a regular review of their treatment, the way they are cared for and their wider circumstances.	☐	☐
	Protection from violence, abuse or neglect (Art 19)	☐	☐
Basic Health and Welfare	Recovery from trauma and reintegration (Art 39) Children who have experienced neglect, abuse, exploitation, torture or who are victims of war must receive special support to help them recover their health, dignity, self-respect and social life.	☐	☐
	Rights of disabled children (Art 23)	☐	☐
	Right to health and health services (Art 24)	☐	☐
	Right to social security (Art 26)	☐	☐
Education, Leisure and	Right to adequate standard of living (Art 27)	X	☐
	Right to education (Art 28)	☐	☐
	Goals of education (Art 29)	☐	☐

Cultural Activities	Education must develop every child's personality, talents and abilities to the full		
	Leisure, play and culture (Art 31) Every child has the right to relax, play and take part in cultural and artistic activities	☐	☐
Special Protection Measures	Special protection for refugee children (Art 22)	☐	☐
	Children and armed conflict (Art 38 and Optional Protocol #1) Governments must do everything they can to protect and care for children affected by war and armed conflict.	☐	☐
	Children and juvenile justice (Art 40) Right to be treated with dignity and respect, right to legal assistance and a fair trial that takes account of age.	☐	☐
	Inhumane treatment and detention (Art 37 (b)-(d)) Children should be arrested, detained or imprisoned only as a last resort and for the shortest time possible.	☐	☐
	Recovery from trauma and reintegration (Art 39) Children who have experienced neglect, abuse, exploitation, torture or who are victims of war must receive special support to help them recover their health, dignity, self-respect and social life	☐	☐
	Child labour and right to be protected from economic exploitation (Art 32)	☐	☐
	Drug abuse (Art 33)	☐	☐
	Sexual exploitation (Art 34)	☐	☐
	Abduction, sale and trafficking of children (Art 35)	☐	☐
	Protection from other forms of exploitation including for political activities, by the media or for medical research (Art 36)	☐	☐
	Children belonging to a minority or an indigenous group (Art 30)	☐	☐
	Optional Protocol on the sale of children, child prostitution and child pornography	☐	☐
	Optional protocol on the involvement of children in armed conflict	☐	☐

6) Information and research What evidence has been used to inform your assessment?		
Evidence collected (include links to relevant publications)	What did the evidence tell you?	What are the data gaps, if any?

Life on the rock lifeontherock080721.pdf	For over a quarter of children surveyed, housing was demarked as one of the top five issues that would make Jersey a better place. Rented housing was a key issue within this	Life on the rock was qualitative in nature and focused on a small number of children's voices, which may not have been representative of all children's experiences in Jersey. Further, not all of the children interviewed lived in rental accommodation.
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7) Engagement with children What groups of children and young people (or those who speak on their behalf, such as social workers, teachers or youth workers) have been directly or indirectly involved in developing the decision?		
Groups consulted	How they were involved	What were the findings?
Initial consultation (2023): Landlords, tenants, Government officers, social housing providers, organisations in the industry (children were not actively engaged with directly but there were many responses on children's behalf, leading to 'children' becoming its own subtheme in the report). It should be remembered that many of these groups are parents themselves and will have at least secondhandedly experienced children's issues raised.	Through an anonymised online survey and/or physical 'postcards' submitted to Housing Policy.	Landlords felt that nuisance should be a reason for notice. There was mention of tenants experiencing revenge eviction, whilst landlords rejected the idea that they are commonplace.

EHI Scrutiny panel consultation (2025): Landlords, industry professionals, government officials, tenants	Through email submissions (for landlords, industry professionals, and government officials) and a survey in English and Portuguese for tenants.	Tenants generally agreed with the notice provisions, but some were concerned about a landlord using notice reasons unjustly. Tenants were concerned that the nuisance reason for notice and the 7-day notice ground could mean they would be taken advantage of, e.g., if their child was playing a musical instrument or making various noises that could constitute a nuisance. Tenants shared experiences of revenge evictions. Landlords and industry professionals generally refuted the concept of a revenge eviction. Some submissions expressed concern about the necessity of police/enforcement officer attendance in order for the nuisance ground to operate as a reason for notice.¹
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8) Assessing Impact on children's rights Based on the information collected and analysed above, what likely impact will the proposed decision have on the specific children's rights identified in question 5)?		
Relevant UNCRC Articles (rights) identified in Q5	Describe the positive or negative impacts on these rights	Which group(s) of children are likely to be affected?
- Art 3 (best interests of the child)	The Draft Amendment Law will include reasons for notice, which will mean that landlords must give tenants specific reasons for notice. Knowingly or recklessly giving a tenant a false or misleading reason for notice will be an offence. This	Children living in rental accommodation, or neighbouring rental accommodation.

¹ [2025-05-16-Jersey-Landlords-Association.pdf](#) pp.14-15, [2025-05-15-Les-Vaux-Housing-Trust-Redacted-Version.pdf](#) p.7, [2025-05-20-Comite-des-Connetables.pdf](#)

- Art 6 (life, survival and development) - Art 27 (right to an adequate standard of living)	protects against ‘revenge’ / ‘no fault’ evictions, which will enhance the security of tenure of tenants and their children (Art 3; Art 6). The new tenancy type (periodic by default, with an initial term option of up to 3 years) will also enhance tenants’ security of tenure by making it easier for tenants to stay in one place which has the further effect of children being able to feel like the place that they live is a home, and to have consistency/continuation of where they go to school (Art 3; Art 6). The nuisance reason for notice involves 7 days’ notice being given. The Minister’s second amendment to the Draft Amendment Law seeks to ensure that a high threshold for this reason for notice being served is built into legislation, thus protecting tenants and their children from this ground being used without sufficient justification. This is achieved by including a requirement for nuisance/interference to be repeated or serious and requiring the landlord to give the tenant written notice that specifies exactly what they must stop doing and/or exactly what actions they can take to rectify it (within a reasonable period relative to the request of 7+ days), and ensuring that this ground can only be used if the tenant does not correct the stated issue (Art 3; Art 6). On the other hand, it is noted that nuisance behaviour can be a serious problem within communities/neighbourhoods, and if it is sufficiently serious,	
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	this should be able to be dealt with effectively, for the benefit of the surrounding community (including children who may be affected, e.g., where a tenant having loud parties every night keeps neighbouring children up at night, impacting their sleep and perhaps school/home life – Art 27).	
9) Weighing positive and negative impacts • If a negative impact is identified for any area of rights <u>or</u> any group of children and young people, what options are there to modify the proposed decision to mitigate the impact? • Could any positive impacts be enhanced?		
Anything that risks a tenant's security of tenure (such as notice grounds for tenancy termination – which may ultimately lead to an eviction) may negatively impact the children of those tenants. This impact has been mitigated by ensuring there are safeguards built into the nuisance reason for notice that ensure that steps must be taken, and this ground can only be used in the most serious of cases where a tenant has caused serious or repeated nuisance / interference in the residential unit / surrounding area and not listened to the landlord's request for this to be corrected. By requiring the landlord to give written notice for the tenant to stop the conduct and action any remedial steps, the tenant is given a chance to rectify their mistake and an opportunity to recognise that what they are doing could lead to notice being issued for the tenancy to end. The ultimate safeguard will be the Court (if a matter escalates to eviction proceedings), who will have regard for ECHR principles and the rights of children. An important requirement for the operation of this proposed amendment is that the requests that the landlord makes of the tenant in their written notice must be <i>reasonable</i>, meaning: any conduct that the tenant must stop must be reasonable (as according to the nature of the serious or repeated nuisance); any action that the tenant must take to correct the effect of the conduct must be reasonable; and the tenant must be given a reasonable time period (relative to the request) to action this. This ensures that nothing requested of the tenant would be unreasonable, or unduly onerous, providing further protections to mitigate any impacts on their (and their children's) security of tenure.		
10) Conclusions In summary, what are your key findings on the impact of the proposed decision on the rights of Jersey children?		
This amendment to the Article 6G(2)(n), which applies to Article 6F(1)(n) (tenant's illegality or nuisance – 7 days' notice), removes the involvement of people/enforcement officers but at the same time, strengthens the notice ground, further protecting tenants' rights whilst ensuring that there is a clear path for landlords to regain vacant possession in instances of serious or repeated nuisance		

behaviour. This serves a dual purpose in the context of children's rights by protecting children's security of tenure and ensuring that children in the surrounding community are not unduly impacted by nuisance behaviour.