# STATES OF JERSEY

# COMMERCIAL PROPERTIES AND LEASES: IMPROVED ADMINISTRATION (P.68/2025) – AMENDMENT

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**Lodged au Greffe on 5th November 2025**
**by the Council of Ministers**
**Earliest date for debate: 25th November 2025**

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**STATES GREFFE**

COMMERCIAL PROPERTIES AND LEASES: IMPROVED ADMINISTRATION (P.68/2025): AMENDMENT

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**1 PAGE 2, PARAGRAPH (a) –**

For the word "introduced" substitute the words "explored, as part of the delivery of the Retail Roadmap,".

For the words "to present to the Assembly an options paper identifying mechanisms, including fiscal mechanisms," substitute the words "to work with the Comité des Connétables and update the Assembly on this work".

Delete the word "March".

**2 PAGE 2, PARAGRAPH (b) –**

For the words "providing recommendations for the implementation of improvements including, but not limited to", substitute the words "provide information for landlords and tenants on best practice in relation to".

Delete the word "March".

**3 PAGE 2, PARAGRAPH (c) –**

For the words "the creation of a digital", substitute the words "an assessment of the Jersey Land and Property Index's".

For the words "that contains details of the ultimate beneficial ownership of those properties", substitute the words "including retail properties, to identify areas of acute retail vacancy".

After the words "vacancy rates" delete the words ", and if necessary for the regulation of the commercial property market".

COUNCIL OF MINISTERS

**Note:** After this amendment, the proposition would read as follows –

(a) that a mechanism should be explored as part of the delivery of the Retail Roadmap, to discourage commercial properties from being left vacant for extensive periods and to request the Minister for Sustainable Economic Development to work with the Comité des Connétables and update the Assembly on this work before the end of 2026;

(b) to request the Minister for Sustainable Economic Development, in consultation with the Council of Ministers, to undertake a review of the structure of commercial leases in the Island identifying areas of concern and provide information for landlords and tenants on best practice in relation to minimum standards of repair, responsibility for maintenance, a standard template for a commercial lease and a set of best-practice principles for commercial landlords; and to report such recommendations back to the Assembly before the end of 2026; and

(c) further to the adoption of P.93/2020, to request the Council of Ministers to proceed with an assessment of the Jersey Land and Property Index's register of all commercial properties in the Island, including retail properties, to identify areas of acute retail vacancy for the purposes of aiding policy formation, reducing vacancy rates

## REPORT

I wish to acknowledge the well-intentioned nature of Deputy Miles' proposition and support the aim of reducing vacancy in commercial properties to enhance the vibrancy and economic resilience of our retail areas.

I am grateful to Deputy Miles for engaging with my department on this proposition and this amendment seeks to make proportionate and achievable interventions that balance a robust regulatory environment whilst maintaining Jersey's reputation as an attractive destination to invest and do business.

**Part a)**
Whilst Jersey enjoys an impressive 90% average occupancy rate of retail units, this is not evenly distributed and in some locations the vacancy rate will vary.

It is important to acknowledge that vacancy is a natural part of commercial turnover. Factors such as fit-outs, renovations, and ongoing negotiations frequently account for periods of inactivity in commercial property. We do however recognise the need to tackle extensive periods of vacancy and is keen to encourage greater meanwhile uses of vacant units, doing so is important to preserve the vibrancy of Jersey's retail spaces.

Work to facilitate meanwhile use has found success in the town centre, where the Parish and Government have worked closely with retailers and landlords as part of 'the Town Team'. This Amendment would seek to establish similar engagement with other Parishes with retail areas whilst simultaneously scoping fiscal mechanisms to address commercial property vacancy elsewhere on the Island.

**Part b)**
Commercial leases in Jersey are not publicly available unless the contracted period is over 9 years. This means that Government does not have access to the majority of commercial leases and so a detailed review is not possible.

Part b) of the unamended proposition would require changes to legislation to require commercial leases under 9 years to be published, this would require law drafting time, policy work and public consultation as well as consideration of the commercial implications of such a requirement.

This amendment would instead seek to collate what information is available and to publish a set of best practice guides for both landlords and prospective tenants. This enhanced transparency would help prospective tenants to identify poor commercial practices and avoid punitive leases.

It is envisaged that Jersey Business would undertake this review and to engage with both landlords and tenants to gather the required information. Their work should serve to clarify obligations for repairs and rates and provide for a standardised template for commercial leases.

**Part c)**
The Jersey Land and Property Index (JLPI) actively maintains a list of all properties, and this includes which properties are in commercial use. This is further subdivided into retail units and shops.

Whilst this data does not include a definitive list of vacant units, this amendment would see officers undertake an assessment of all retail properties to identify specific areas of high vacancy which will then be used to inform the actions to be undertaken under part a) of the proposition, as amended.

Members will be aware of the resource implications associated with P.93/2020 which were estimated at £500,000[1] to establish the register with further unknown resourcing requirements to maintain and update it.

Further complications arise in tracking ultimate beneficial ownership as whilst Jersey Trusts cannot own property in their own right, trustees may own companies on behalf of beneficiaries that then own real property. The Jersey Financial Services Commission do not hold a register of non-Jersey companies which own property in Jersey.
Ultimate beneficial ownership is also liable to change frequently depending on trust structures and there is also no obvious trigger that would prompt the keeper of a register of beneficial ownership about a change in beneficial ownership for example in the case of changes to beneficiaries of a trust.

**Financial and staffing implications**

Parts a) and b) of the proposition, as amended, could be delivered using resources from within the Department for the Economy and Jersey Business. Nevertheless this would necessitate a reprioritisation of the Department's work as officers are required to cease delivering other projects.

Part c) of the original unamended proposition would require very significant resource implications as noted in P.93/2020, it would further require an annual commitment to maintain and update the register.

This amendment would reduce the resource implications but would still require a significant piece of work to undertake a vacancy count for all areas of high retail density. This is already performed in the town centre and represents one full day's work by two officers. Extending it to other areas of retail activity, even if as a one-off assessment, would carry further resourcing implications for the Government to undertake.

**Children's Rights Impact Assessment**

A Children's Rights Impact Assessment (CRIA) has been prepared in relation to this amendment and is available to read on the States Assembly website.

[1] Adjusted for inflation this figure would be C.£666,000 today.