COLLAS CRILL

Proposed policy for Guernsey's open market inscriptions

FEBRUARY 2025

Policy and guidance for Guernsey's Open Market Housing Register (**Register**) will be seen in this coming year when new proposals from the Committee for the Environment & Infrastructure (**E&I**) are debated by the States of Guernsey.

Background

Under the Open Market Housing Register (Guernsey) Law, 2016, E&I has the power to inscribe properties on the Register. However there was a lack of a policy setting out the circumstances in which an application for a new inscription should be granted and the cost payable associated with the application.

So, what is proposed?

1. New inscriptions on Part A

A new mechanism for Inscriptions in Principle (IIP), will allow properties to secure a conditional new inscription on Part A of the Register.

This is an amendment to the current requirement that properties can only be officially inscribed after receiving a completion certificate. An IIP will apply to two categories:

a. Prospective new-build properties – properties with planning approval, but not yet completed.
b. "Exceptional circumstance" properties – existing properties which meet specific criteria (to be specified in guidance) to qualify for inscription.

An IIP remains valid for six years. To secure the full inscription, the applicant must (in the case of a new-build) complete construction of the property, pay all fees and comply with any other specific conditions on the IIP.

The States can regulate the number of IIPs issued, preventing excessive market expansion. It is proposed that the cap will be set at three new inscriptions per year.

If a property with an extant IIP in place changes hands before it is inscribed, this in itself will not affect the IIP in respect of that property.

This note is a summary of the subject and is provided for information only. It does not purport to give specific legal advice, and before acting, further advice should always be sought. Whilst every care has been taken in producing this note neither the author nor Collas Crill shall be liable for any errors, misprint or misinterpretation of any of the matters set out in it. All copyright in this material belongs to Collas Crill.

2. Transfer of Part A inscriptions to new developments

A framework is proposed to transfer existing Part A inscriptions from existing properties to newly developed properties under certain conditions:

a. The owner must hold at least one inscribed Part A property and a site which has been approved for new development (of two or more units).
b. On completion of the development, the existing Part A property's inscription is deleted.
c. Properties on Fort George are excluded from these transfers.
d. The number of Part A properties created in a development cannot exceed one-third of the total units, with a maximum of eight per development.

This measure aims to permit greater flexibility in Guernsey's housing stock while controlling market expansion.

3. Downsizing transfers

A specific provision enables long-term open market residents to transfer their Part A inscription to a smaller home. To qualify:

a. The applicant must have lived in open market housing and been ordinarily resident in Guernsey for at least 20 years.
b. The new home must be at least 25% smaller than the original property.
c. Both properties must be owned by the applicant at the time of application.
d. Properties in Fort George are excluded from this scheme.

This policy encourages older residents to downsize, freeing up larger homes for new occupants while maintaining market stability.

4. Regularisation of "anomaly properties"

A small number of properties inscribed on Part A have rooms or sections which are not included in the property's inscription, creating legal and occupancy issues for homeowners. The amendment allows a very small number of property owners to apply for a full Part A inscription, ensuring the entire dwelling is inscribed on the Register (so long as doing so does not serve to create an independent unit). This measure removes administrative inconsistencies and simplifies compliance.

Fees and charges will be levied in respect of each application, and will be determined at a later date. New inscriptions would attract a levy commensurate with the increase in value of a property with an inscription.

This note is a summary of the subject and is provided for information only. It does not purport to give specific legal advice, and before acting, further advice should always be sought. Whilst every care has been taken in producing this note neither the author nor Collas Crill shall be liable for any errors, misprint or misinterpretation of any of the matters set out in it. All copyright in this material belongs to Collas Crill.

The States considers that the changes will provide the opportunity to raise at least £1.5m in additional revenue per year.

These plans are subject to States approval, and is expected to be debated in the meeting on 19 March 2025.

Partner Paul Nettleship said: 'We welcome clarity around how open market inscriptions will be dealt with. This provides an excellent opportunity to manage the open market in a sustainable way, and encourage fresh supply of units whilst maintaining the special character of this important sector.'

This note is a summary of the subject and is provided for information only. It does not purport to give specific legal advice, and before acting, further advice should always be sought. Whilst every care has been taken in producing this note neither the author nor Collas Crill shall be liable for any errors, misprint or misinterpretation of any of the matters set out in it. All copyright in this material belongs to Collas Crill.

COLLAS CRILL

For more information please contact:



Harry Round

Senior Associate (Advocate) | Guernsey

t: +44 (0) 1481 734822 | **e:** harry.round@collascrill.com



Paul Nettleship

Consultant (Advocate) | Guernsey

t: +44 (0) 1481 734200 | **e:** paul.nettleship@collascrill.com



Jason Green

Senior Partner (Advocate) | Guernsey

t: +44 (0) 1481 734216 | **e:** jason.green@collascrill.com

This note is a summary of the subject and is provided for information only. It does not purport to give specific legal advice, and before acting, further advice should always be sought. Whilst every care has been taken in producing this note neither the author nor Collas Crill shall be liable for any errors, misprint or misinterpretation of any of the matters set out in it. All copyright in this material belongs to Collas Crill.