

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

COMMITTEE FOR HOUSING

LEGISLATIVE CHANGES TO ENABLE IMPLEMENTATION OF THE OPEN MARKET PART A
INSCRIPTIONS POLICY

The States are asked to decide:-

Whether, after consideration of the policy letter entitled 'Legislative Changes to Enable the Implementation of the Open Market Part A Inscriptions Policy' dated 23rd April 2026, they are of the opinion:

1. To agree to amend the Open Market Housing Register (Guernsey) Law, 2016 to confer on the Committee *for* Housing regulation-making powers to specify how it will determine applications submitted under section 3A of the Law and award new Part A inscriptions in circumstances where the number of submitted applications exceeds the number of available inscriptions in a specified period, as set out in section 2 of the Policy Letter.
2. To agree to amend the Open Market Housing Register (Guernsey) Law, 2016 (and any relevant subordinate legislation made thereunder) regarding the transfer of Open Market Part A inscriptions to development properties, as set out in section 3 of the Policy Letter.
3. To agree to amend the Open Market Housing Register (Guernsey) Law, 2016 to confer on the Committee *for* Housing regulation-making powers to impose fees in respect of applications to transfer properties from Part D to Part A of the Open Market Housing Register that are consistent with existing fees charged under that Law in relation to the inscription of properties in Part A, as set out in section 3 of the Policy Letter.
4. To direct the preparation of such legislation as may be necessary to give effect to the above decisions.

The above Propositions have been submitted to His Majesty's Procureur for advice on any legal or constitutional implications in accordance with Rule 4(1) of the Rules of Procedure of the States of Deliberation and their Committees.

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The Presiding Officer
States of Guernsey
Royal Court House
St Peter Port

23rd April 2026

Dear Sir

1 Executive Summary

1.1 At their meeting on 5th March 2025, the States of Deliberation (“the States”) approved the Open Market Housing Register (Guernsey) (Amendment) Law, 2025 (“the 2025 Amendment Law”)¹ which amended the Open Market Housing Register (Guernsey) Law, 2016 (“the Law”) to enable the implementation and operability of the Open Market Part A Inscriptions Policy (“the Inscriptions Policy”)². Amongst other things, the Inscriptions Policy sets out under what circumstances new properties may be added to Part A of the Open Market Housing Register (“the Housing Register”)³, and the circumstances under which Part A inscriptions may be transferred from an Open Market Part A property to a Local Market one.

1.2 At their meeting on 22nd October 2025, the States approved the Open Market Housing Register (Guernsey) (Amendment) Law, 2025 (Commencement) Ordinance, 2025 (“the Commencement Ordinance”)⁴ which commenced the majority of the provisions set out in the 2025 Amendment Law⁵. The only provisions not commenced by the Commencement Ordinance were those inserted at section 3A of the Law – the section providing for entirely new

¹ [Resolutions - Billet d'État No. VI of 2025](#)

² [Billet d'État No. VI of 2025 - Legislative Changes for the Implementation of the Open Market Part A Inscriptions Policy](#)

³ [Open Market Housing - States of Guernsey](#)

⁴ [Resolutions - Billet d'État No. XXV of 2025](#)

⁵ [Billet d'État No. XXV of 2025 - The Open Market Housing Register \(Guernsey\) \(Amendment\) Law, 2025 \(Commencement\) Ordinance, 2025](#)

inscriptions for prospective new build dwellings and one-for-one replacement dwellings onto Part A of the Housing Register.

- 1.3 Section 3A was not commenced at that time as the Committee *for* Housing (“the Committee”) was in the process of investigating and developing the mechanism through which it would determine applications submitted under section 3A and award new Part A inscriptions in circumstances where the number of submitted applications exceeds the number of available inscriptions.
- 1.4 As it is purely an operational matter for the Committee to determine itself, the mechanism for awarding new Part A inscriptions is not subject to a Resolution of the States. However, so that the Committee can implement a specific award mechanism, there is a requirement to amend the Law to provide the Committee with regulation-making powers to specify how it will determine applications and award new Part A inscriptions for prospective new build dwellings and one-for-one replacement dwellings.
- 1.5 In addition to amending the Law as set out above, the Committee is seeking to amend the existing legislative provisions related to the transfer of Part A inscriptions to development properties – those properties to which section 3B of the Law relates. This is because the Committee has made changes to its policy which are explained in section 3 of this policy letter. Through these amendments, it will become less restrictive for an applicant to transfer Part A inscriptions to development properties. These changes should also incentivise developers and make it more viable to deliver new developments – and therefore more Local Market dwellings – than would have otherwise been possible, thereby achieving one of the primary tenets of the Inscriptions Policy. Finally, the Committee also proposes that in the interests of consistency, there should be a power to charge fees in respect of applications to transfer properties from Part D to Part A of the Housing Register, as further set out in section 3 of this policy letter.
- 1.6 The Committee’s chosen award mechanism, and the amendments regarding the transfer of Part A inscriptions to development properties, were developed and co-designed with industry stakeholders including estate agents, property developers, architects, Locate Guernsey, and the Open Market Forum. Additionally, specifically regarding the changes related to the transfer of Part A inscriptions to development properties, the Population Management Office was consulted due to potential implications on an individual’s residence rights under the Population Management (Guernsey) Law, 2016 (“the Population Management Law”) – the proposed amendments in section 3, and Proposition 2 reflect the outcome of that consultation.
- 1.7 It should be emphasised that the changes set out in this policy letter do not remove, or reduce, any pre-existing rights which someone has acquired under the existing or previous laws, nor do they impact anyone’s residential status

under the Population Management Law.

2 Awarding of new Part A inscriptions

- 2.1 Through the Open Market Housing Register (Inscription in Part A) (Forms and Miscellaneous Provisions) Regulations, 2025⁶, and the Inscriptions Policy, the Committee may specify in guidance how many applications for Inscriptions in Principle (“IIPs”) it will grant per year for prospective new build dwellings and one-for-one replacement dwellings which are not Exceptional Circumstance properties. Neither these regulations, nor the Inscriptions Policy, set out procedurally how new Part A inscriptions will be awarded in circumstances where the number of applications for an IIP for a prospective new build dwelling or one-for-one replacement dwelling exceeds the specified maximum number of IIPs to be granted in that period (referred to hereafter as “over-subscription circumstances”).
- 2.2 To ensure a fair, robust, cost effective and clear mechanism is in place to award IIPs in over-subscription circumstances, the Committee has investigated different award mechanisms and has determined that a ballot should be used to award IIPs in such circumstances. To enable the Committee to award IIPs via a ballot, the Law needs to be amended to provide regulation-making powers to the Committee to prescribe that, in over-subscription circumstances, it will consider and determine applications submitted under section 3A of the Law through a ballot.
- 2.3 Details of the mechanism and how it will operate is an operational decision for the Committee to take under its mandate and is not subject to a Resolution of the States. This policy letter, therefore, neither explores nor details specifics regarding the ballot mechanism.
- 2.4 The Committee will publish guidance setting out exactly how the ballot will be operated and the application process, and this will be provided for in regulations made under the Law. Guidance published by the Committee will be developed in consultation with St James’s Chambers to ensure a legally robust mechanism is in place.

3 Changes to the provisions for the transfer of Part A inscriptions to development properties, and for the transfer of properties from Part D to Part A

- 3.1 The Inscriptions Policy and the Law, as amended, permit the transfer of Part A inscriptions from existing Part A properties (other than those on the Fort George Estate) to prospective new build dwellings on a development site (“development

⁶ [The Open Market Housing Register \(Inscription in Part A\) \(Forms and Miscellaneous Provisions\) Regulations, 2025](#)

properties”).

- 3.2 Currently, under section 3B of the Law, an applicant seeking to transfer a Part A inscription to a development property must own both the land on which the development is to be constructed, and the properties from which any Part A inscriptions will be transferred (“the donor property”). If their application is successful, the applicant will be awarded an IIP and the development property will be inscribed in Part A of the Housing Register once the whole development is completed. The donor properties are then deleted from Part A of the Housing Register when the development is completed and the development properties have been inscribed.
- 3.3 Requiring the applicant to own both the development site and the donor properties could mean that they are required to own up to eight Open Market Part A properties whilst simultaneously developing the development site. This has the potential to negatively impact the viability of development schemes as it could restrict a developer’s cash flow.
- 3.4 To address this issue, the Committee proposes to introduce flexibility in its Inscriptions Policy so that the applicant is not required to own the donor properties provided certain criteria are met and authorisations obtained. Through these changes, an applicant will be able to identify an Open Market Part A property which is either unoccupied or occupied by an unrestricted qualified resident⁷ and apply to transfer the Part A inscription from that property to a development property.
- 3.5 For the avoidance of doubt for an applicant, it is also proposed to include express provision to enable applicants, should they wish, to apply to delete the donor property’s Part A inscription under section 7 of the Law⁸ at the same time they apply to transfer that Part A inscription to the development property under section 3B of the Law⁹. This will allow for separate but concurrent applications to transfer a Part A inscription to a development property. Under this circumstance, the applicant would be awarded an IIP for the development property on the understanding that a Part A inscription has been deleted from the Housing Register and it will be transferred to a development property once construction of the whole development is completed.
- 3.6 This amendment has the benefit of releasing a property for sale onto the Local Market sooner than would have otherwise been possible, although there is an

⁷ This means a person who is a Permanent Resident or Established Resident within the meaning of the Population Management (Guernsey) Law, 2016. As it is intended to define this term by reference to other primary legislation, it is proposed that the Law as amended confers a power on the Committee to amend this definition by regulations to ensure appropriate flexibility.

⁸ Section 7 of the Law provides for the deletion of Part A inscriptions from the Housing Register.

⁹ Section 3B of the Law provides for the transfer of a Part A inscription to a development property.

increased element of risk for the applicant.

- 3.7 As with the amendments relating to the award mechanism, the abovementioned changes are an operational matter regarding the implementation of the Inscriptions Policy and are therefore decisions for the Committee to make which are not subject to a States' Resolution. However, in order to implement these changes, the Law requires amending. Additionally, as a result of the above amendments, there may be further amendments required to subordinate legislation made under the Law.
- 3.8 Finally, the Law provides for the owner of a property inscribed in Part D of the Housing Register (houses in multiple occupation or 'HMOs') to apply for the property's inscription in Part A, if the property is being used and shall continue to be used as a private family home. It is proposed that to ensure consistency in the rules governing the inscription of properties in Part A, the Law should be amended to confer a regulation-making power on the Committee to impose fees in respect of applications to transfer properties from Part D to Part A in a similar amount to the fees now chargeable elsewhere in the Law in relation to the inscription of properties in Part A.

4 Stakeholder consultation

- 4.1 As mentioned in paragraph 1.6, these policy changes and refinements were co-designed with a group of industry stakeholders. Further discussion with these stakeholders has confirmed the changes will make the process for transferring Part A inscriptions to development properties a more attractive and viable route to obtaining Part A inscriptions which will incentivise Local Market housing developments. Ensuring this part of the Inscriptions Policy is viable and attractive is of utmost importance given it has the potential to deliver new Local Market dwellings and improve the financial viability of new housing developments.
- 4.2 In determining the changes regarding the transfer of Part A inscriptions to development properties, the Population Management Office was consulted given the potential implications for an Open Market Part A resident's status under the Population Management (Guernsey) Law, 2016. This consultation confirmed that the proposals would not raise any issues.

5 Compliance with Rule 4

- 5.1 Rule 4 of the Rules of Procedure of the States of Deliberation and their Committees sets out the information which must be included in, or appended to, motions laid before the States.
- 5.2 In accordance with Rule 4(1):

- a) The propositions contribute to the States' objectives and policy plans to develop an Open Market Part A Inscriptions Policy as set out in the Guernsey Housing Plan.
- b) In preparing the propositions, consultation has been undertaken with:
 - The Population Management Office;
 - An external industry interest group; and,
 - External industry specialists.
- c) The propositions have been submitted to His Majesty's Procureur for advice on any legal or constitutional implications.
- d) It is expected that, as a result of the Propositions, there will be the opportunity for the States of Guernsey to raise at least an additional £1.5million per year.

5.3 In accordance with Rule 4(2):

- a) The propositions relate to the Committee's purpose and policy responsibilities to develop and implement policies on matters relating to private market supply, including incentives and penalties in respect of housing development, and Open Market housing, and its operational functions relating to the administration of the Open Market Housing Register.
- b) The propositions have the unanimous support of the Committee.

Yours faithfully

S Williams
President

S Kazantseva-Miller
Vice President

G Collins
D Dorrity
R Humphreys