

GUERNSEY STATUTORY INSTRUMENT

2010 No. 26

**The Minimum Wage (Prescribed Rates and Qualifications)
(Guernsey) Regulations, 2010**

<i>Made</i>	<i>26th March, 2010</i>
<i>Coming into operation</i>	<i>1st October, 2010</i>
<i>Approved by resolution of the States</i>	<i>, 2010</i>

THE COMMERCE AND EMPLOYMENT DEPARTMENT, in exercise of the powers conferred on it by sections 1(3), 3(1) and (2), and 4 of the Minimum Wage (Guernsey) Law, 2009^a and all other powers enabling it in that behalf, hereby makes the following Regulations:-

Minimum wage.

1. (1) For the purposes of section 1(3) of the Law, the minimum wage is the rate specified as the Adult Minimum Wage Rate in the Schedule.

(2) Subject to regulation 3(1), a person qualifies for the minimum wage referred to in paragraph (1) if –

- (a) he is qualified under section 1(2)(a) and (b) of the Law,
and
- (b) he is at least 19 years of age.

^a Approved by the States of Deliberation on the 25th March, 2009.

Young Person's Minimum Wage Rate.

2. (1) The Young Person's Minimum Wage Rate is the rate specified by that name in the Schedule.

(2) Subject to regulation 3(2), a person qualifies for the minimum wage referred to in paragraph (1) if –

(a) he is qualified under section 1(2)(a), (b), and (c) of the Law, and

(b) he is under 19 years of age.

Apprentices restricted from qualifying for minimum wage.

3. (1) No apprentice qualifies for the Adult Minimum Wage Rate specified in the Schedule unless he has served a period of 12 months or longer in his current apprenticeship.

(2) No apprentice qualifies for the Young Person's Minimum Wage Rate specified in the Schedule.

(3) For the avoidance of doubt, any period of time a person serves in his apprenticeship –

(a) whether before or after he reaches the age of 19 years,

(b) whether before or after these Regulations come into force, and

(c) whether served continuously or with intervals,

shall be aggregated when calculating the period of apprenticeship served for the purposes of paragraph (1).

Interpretation.

4. (1) In these Regulations –

(a) "the Law" means the Minimum Wage (Guernsey) Law, 2009, and

(b) unless the context requires otherwise, references to the Law are references thereto as amended, re-enacted (with or without modification), extended or applied.

(2) The Interpretation (Guernsey) Law, 1948^b applies to the interpretation of these Regulations –

(a) in the Islands of Guernsey, Herm, and Jethou, and

(b) as it applies to the interpretation of an enactment.

(3) For the avoidance of doubt, unless the context requires otherwise, an expression used in these Regulations has the same meaning as in the Law.

Citation.

5. These Regulations may be cited as the Minimum Wage (Prescribed Rates and Qualifications) (Guernsey) Regulations, 2010.

Commencement.

6. These Regulations come into force on the 1st October, 2010.

^b Ordres en Conseil Vol. XIII, p. 355.

Dated this 26th day of March, 2010

A handwritten signature in black ink, appearing to read 'Carla McNulty Bauer', written in a cursive style.

Deputy CARLA MCNULTY BAUER
Minister of the Commerce and Employment Department
For and on behalf of the Department .

SCHEDULE
MINIMUM WAGE RATES

Regulations 1(1) and 2(1)

Adult Minimum Wage Rate	£6.00 per hour.
Young Person's Minimum Wage Rate	£4.25 per hour.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These regulations set the minimum wage rates for adults and young persons at £6.00 per hour and £4.25 per hour respectively. These regulations also set out the age at which workers qualify for each rate.

These regulations exclude apprentices from the Young Person's Minimum Wage Rate. They also restrict apprentices from qualifying for the adult minimum wage rate unless they have served at least 12 months of their current apprenticeship.

Under section 31(3) of the Law, these regulations do not have effect until approved by resolution of the States. Further, they only come into force on the date specified in regulation 6.