

**The Minimum Wage (Accommodation and Food Offsets)
(Guernsey) Regulations, 2010**

Made

27th July, 2010

Coming into operation

1st October, 2010

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

Valuation of accommodation and meals as part of remuneration.

1. (1) This regulation applies where a worker is provided with both accommodation and three daily meals by his employer in a pay reference period as part of his employment contract.

(2) The amount that shall be treated as forming part of the worker's remuneration for the pay reference period in respect of the provision of that accommodation and those meals is –

- (a) where the employer is entitled to make any deduction from the wages of the worker or to receive any payment from the worker in respect of that provision, the total of all such deductions and payments, not exceeding in any case the amount specified as "Maximum

^a Order in Council No. I of 2010.

Accommodation and Meals Offset" in the Schedule, and

(b) in any other case, the amount specified as "Maximum Accommodation and Meals Offset" in the Schedule.

(3) Despite paragraphs (1) and (2), if a worker chooses not to accept the three daily meals provided by his employer, -

(a) provision of those meals shall not be treated as forming part of the worker's remuneration, and

(b) regulation 2, instead of this regulation, applies to that worker.

Valuation of accommodation only as part of remuneration.

2. (1) This regulation applies where a worker is provided with accommodation but not meals by his employer (whether because the employer chose not to provide them, or the worker chose not to accept them) in a pay reference period as part of the worker's employment contract.

(2) The amount that shall be treated as forming part of the worker's remuneration for the pay reference period in respect of the provision of that accommodation is -

(a) where the employer is entitled to make any deduction from the wages of the worker or to receive any payment from the worker in respect of that provision, the total of all such deductions and payments, not exceeding in any case the amount specified as "Maximum Accommodation Only Offset" in the Schedule, and

(b) in any other case, the amount specified as "Maximum Accommodation Only Offset" in the Schedule.

Schedule, and

- (b) in any other case, the amount specified as "Maximum Accommodation Only Offset" in the Schedule.

Interpretation.

3. (1) In these Regulations, unless the context requires otherwise -

"accommodation", in relation to a worker, means living accommodation that is available to the worker from midnight to midnight on each day on which that worker is employed;

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

"three daily meals", in relation to a worker, means at least 3 adequate meals that are available to the worker on each day on which that worker is employed.

- (2) Unless the context requires otherwise, references in these Regulations to any enactment are references thereto as amended, re-enacted (with or without modification), extended or applied.

- (3) The Interpretation (Guernsey) Law, 1948^b applies to the interpretation of these Regulations in the Islands of Guernsey, Herm and Jethou as it applies to the interpretation of a Guernsey enactment.

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

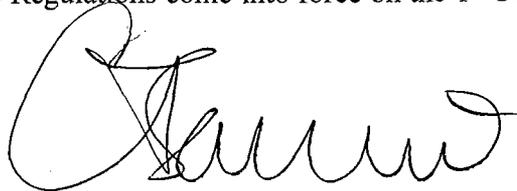
^b Ordres en Conseil Vol. XIII, p. 355.

Citation.

4. These Regulations may be cited as the Minimum Wage (Accommodation and Food Offsets) (Guernsey) Regulations, 2010.

Commencement.

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



Dated this 27th day of July, 2010

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

SCHEDULE

ACCOMMODATION AND FOOD OFFSETS

Regulations 1(2) and 2(2)

Maximum Accommodation and Meals Offset	£85.00 per week, or its equivalent prorated for the relevant pay reference period.
Maximum Accommodation Only Offset	£60.00 per week, or its equivalent prorated for the relevant pay reference period.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These regulations provide for the calculation of food and accommodation benefits as part of total remuneration for the purposes of the Minimum Wage (Guernsey) Law, 2009.

Regulation 1 provides that accommodation and three meals a day, when supplied together by the employer, should be counted as part of total remuneration subject to the Maximum Accommodation and Meals Offset specified in the Schedule. The worker might choose not to accept those meals, in which case regulation 2 applies.

Regulation 2 provides that if the employer supplies accommodation only, this should be counted as part of total remuneration subject to the Maximum Accommodation Only Offset specified in the Schedule.

Regulation 3 is the interpretation provision, while regulations 4 and 5 set out the title and commencement date, respectively, of these regulations.