

**The Minimum Wage (Prescribed Rates and Qualifications)
(Guernsey) Regulations, 2012**

Made 26th June, 2012
Coming into operation 1st October, 2012
Approved by resolution of the States , 2012

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) A person qualifies for the minimum wage referred to in paragraph (1) if he –

- (a) is qualified under section 1(2)(a) and (b) of the Law, and
- (b) is at least 18 years of age.

^a Order in Council No. I of 2010; as amended by Order in Council No. XIII of 2010.

Young Person's Minimum Wage Rate.

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

(2) A person qualifies for the minimum wage referred to in paragraph (1) if he –

- (a) is qualified under section 1(2)(a), (b), and (c) of the Law,
- (b) is under 18 years of age, and
- (c) is not an apprentice.

Revocations.

3. The following regulations are revoked –

- (a) the Minimum Wage (Prescribed Rates and Qualifications) (Guernsey) Regulations, 2010^b, and
- (b) the Minimum Wage (Prescribed Rates and Qualifications) (Guernsey) (Amendment) Regulations, 2011^c.

Transitional and savings provisions.

4. (1) These Regulations do not have effect in relation to any worker and his work until the first day of the first pay reference period of the worker in respect of that work.

(2) For the avoidance of doubt, before the first day of the first pay reference period of the worker in respect of that work, the former Regulations have

^b G.S.I. No. 26 of 2010.

^c G.S.I. No. 29 of 2011.

effect in relation to that worker and that work as if these Regulations had not been made.

(3) In this regulation –

"the first pay reference period", in relation to a worker and his work, means the first pay reference period of the worker, in respect of that work, beginning on or after the the date specified in regulation 7, and

"the former Regulations" means the Minimum Wage (Prescribed Rates and Qualifications) (Guernsey) Regulations, 2010, as amended by the Minimum Wage (Prescribed Rates and Qualifications) (Guernsey) (Amendment) Regulations, 2011.

Interpretation.

5. (1) In these Regulations –

"enactment" means any Law, Ordinance or subordinate legislation,

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

"subordinate legislation" means any regulation, rule, order, rule of court, resolution, scheme, byelaw or other instrument made under any enactment and having legislative effect.

(2) The Interpretation (Guernsey) Law, 1948^d 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.

(3) Any reference in these Regulations to an enactment is a reference thereto as from time to time amended, re-enacted (with or without

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

modification), extended or applied.

Citation.

6. These Regulations may be cited as the Minimum Wage (Prescribed Rates and Qualifications) (Guernsey) Regulations, 2012.

Commencement.

7. These Regulations come into force on the 1st October, 2012.

Dated this 26th day of June, 2012

A handwritten signature in black ink, appearing to be 'K. Stewart', written over a horizontal line.

Deputy Kevin A Stewart

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	£ 6.30 per hour.
Young Person's Minimum Wage Rate	£ 4.50 per hour.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and replace the Minimum Wage (Prescribed Rates and Qualifications) (Guernsey) Regulations, 2010, as amended by the Minimum Wage (Prescribed Rates and Qualifications) (Guernsey) (Amendment) Regulations, 2011.

The changes made by these Regulations are as follows –

- the minimum wage rate for adults has been increased from £6.15 to £6.30 an hour,
- the minimum wage rate for young persons has been increased from £4.36 to £4.50 an hour,
- a person would now qualify for the the Adult Minimum Wage Rate at the age of 18 years instead of 19 years. Consequently, a person who is 18 years of age or older would cease to qualify for the Young Person's Minimum Wage Rate, and
- apprentices would no longer be required to have completed 12 months of their apprenticeship before qualifying for the Adult Minimum Wage Rate. This means that any worker (who is working, or ordinarily works, in Guernsey under his contract) whether an apprentice or not, who is 18 years of age or older,

would qualify for the Adult Minimum Wage Rate.

Under section 31(3) of the Law, these Regulations do not have effect until approved by resolution of the States. If so approved, these regulations will come into force on the 1st October, 2012. These Regulations will take effect on and from the first day of the first pay reference period of each worker in respect of any particular work.