



GUERNSEY STATUTORY INSTRUMENT

2017 No. 18

**The Population Management  
(Employment Permit Applications) Regulations, 2017**

<i>Made</i>	<i>31<sup>st</sup> March, 2017</i>
<i>Coming into operation</i>	<i>3<sup>rd</sup> April, 2017</i>
<i>Laid before the States</i>	<i>, 2017</i>

THE COMMITTEE FOR HOME AFFAIRS, in exercise of the powers conferred upon it by sections 21(3) and (8), and 77, of the Population Management (Guernsey) Law, 2016<sup>a</sup>, hereby makes the following Regulations:-

**Persons who have commenced employment.**

1. (1) Subject to paragraph (2), an application for an Employment Permit may be made by an employer in respect of a person who has commenced the relevant employment only if, prior to the application being made, the person was lawfully employed by that employer or an associated employer.

(2) An application for an Employment Permit may be made by an employer in respect of a person who has commenced the relevant employment but who does not fall within paragraph (1) only if the application is for a Short Term Employment Permit or an Open Market Employment Permit.

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<sup>a</sup> Order in Council No. VI of 2016.

(3) For the avoidance of doubt, an application may be made in respect of a person under paragraph (2) who is not ordinarily resident at the time the application is made.

**Fees.**

2. (1) The fees payable in respect of applications for or in respect of Employment Permits are set out in the Schedule.

(2) No fee payable under these Regulations is refundable.

**Late payment fees.**

3. (1) Where an application is made –

(a) in respect of a person described in regulation 1(2),

(b) between four and fourteen days after the person commenced the relevant employment,

there shall be payable, in addition to the fee payable in respect of that application under regulation 2(1), a late payment fee equivalent to 50% of that fee.

(2) Where an application is made –

(a) in respect of a person described in regulation 1(2),

(b) fifteen days or more after the person commenced the relevant employment,

there shall be payable, in addition to the fee payable in respect of that application under regulation 2(1), a late payment fee equivalent to 100% of that fee.

**Administrator's discretion to reduce or waive fees.**

4. The Administrator may accept payment of a lesser sum, or waive payment entirely, in respect of a fee specified in these regulations (including late payment fees payable under regulation 3) in any case where he is of the opinion that to do otherwise would be incompatible with Convention rights, or otherwise unfair.

**Interpretation.**

5. (1) In these Regulations –

"associated employer" has the same meaning as in the Employment Protection (Guernsey) Law, 1998<sup>b</sup>,

"the Committee" means the States Committee for Home Affairs, and

"the relevant employment" means the employment in respect of which the application is made,

and other expressions have the meaning they have in the Population Management (Guernsey) Law, 2016.

(2) In the Schedule –

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<sup>b</sup> Ordres en Conseil Vol. XXXVIII, p. 239; as amended by Order in Council No. I of 2006. There are other amendments not relevant to this enactment.

"**full assessment**" refers to an application for a STEP made by the employer who in addition to applying for a STEP wishes to be assessed by the Administrator, on the making of the application, for the purposes of applications to be made in the future for all categories of Employment Permit,

"**initial application**" refers to the first application made by that employer for a Permit in the specified category of Employment Permit, or any other application made by that employer in circumstances where he does not have assessed status; and an employer has "assessed status" when the Administrator has confirmed that he has been successfully assessed in respect of applications for that category of Permit for a specified period, and that period includes the time when the application in question is made,

"**LTEP**" refers to a Long Term Employment Permit,

"**MTEP**" refers to a Medium Term Employment Permit,

"**Reconversion of LTEP/MTEP approval**" refers to an application for an LTEP or MTEP (as the case may be) in circumstances where –

- (a) an LTEP or MTEP (as the case may be) has been issued to the employer in respect of employment commencing within a period of six months ending with the date of the application,

- (b) the holder of the Permit issued pursuant to that application has ceased employment, and
- (c) the employer wishes to apply for the same category of Permit in respect of the same post of employment,

"Reconversion of STEP approval" refers to an application for an STEP in circumstances where –

- (a) an STEP has been issued to the employer in respect of employment commencing within a period of 28 days ending with the date of the application,
- (b) the holder of the Permit issued pursuant to that application has ceased employment, and
- (c) the employer wishes to apply for the same category of Permit in respect of the same post of employment,

"special case" refers to an application for the specified category of Permit that is outside the standard published policies of the Administrator or the Committee relating to the issue of such Permits, and

"STEP" refers to a Short Term Employment Permit.

**Citation.**

5. These Regulations may be cited as the Population Management (Employment Permit Applications) Regulations, 2017.

**Commencement.**

6. These Regulations shall come into force on the 3<sup>rd</sup> April, 2017.

Dated this 31st day of March, 2017



DEPUTY M. M. LOWE

President of the Committee for Home Affairs

For and on behalf of the Committee.

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**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations prescribe the fees payable in respect of applications for different categories of Employment Permit under the Population Management (Guernsey) Law, 2016. They prescribe the circumstances in which such an application may be made when the employment in question has already commenced, and the additional late payment fees that are payable in such circumstances. They also provide for the Administrator of Population Management to have the discretion to reduce or waive fees in certain circumstances.

These Regulations come into force on the 3<sup>rd</sup> April, 2017.

SCHEDULE

Paragraph 2(1)

**FEE PAYABLE IN RESPECT OF EMPLOYMENT PERMIT APPLICATIONS**

<b>APPLICATION</b>	<b>FEE PAYABLE</b>
LTEP (initial application)	£1,200
LTEP (initial application and special case)	£1,400
LTEP	£700
LTEP (special case)	£900
MTEP (initial application)	£900
MTEP (initial application and special case)	£1,100
MTEP	£400
MTEP (special case)	£600
STEP (initial application)	£220
STEP (initial application - full assessment)	£620
STEP (initial application and special case)	£270
STEP (initial application - full assessment and special case)	£670
STEP	£120
STEP (special case)	£170
Reconversion of LTEP or MTEP approval	£50
Reconversion of STEP approval	£30
Open Market Employment Permit (Part A)	£65
Open Market Employment Permit (Part B)	£65
Open Market Employment Permit (Part C)	£65
Replacement Permit	£10