

No.2 - 2021

## The Employment Permits (Brexit) (Alderney) Regulations, 2020

<i>Made</i>	<i>17<sup>th</sup> December 2020</i>
<i>Coming into operation</i>	<i>Exit Day</i>
<i>Laid before the States</i>	<i>13<sup>th</sup> January 2021</i>

THE POLICY AND FINANCE COMMITTEE, in exercise of the powers conferred on it by sections 5(1) and 11 of the European Union (Brexit) (Bailiwick of Guernsey) Law, 2018<sup>a</sup>, and upon receipt of the certificate required under section 5(3) of that Law, hereby makes the following Regulations:-

### Amendment of Employment Permits (Alderney) Law, 1975.

1. (1) The Employment Permits (Alderney) Law, 1975<sup>b</sup> is amended as follows.

(2) In section 1(1) of that Law, for "Community national", substitute "person".

(3) In section 8(1) of that Law, delete the definitions of "**Community national**", "**member**" and "**the Treaties**".

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<sup>a</sup> Order in Council No. 1 of 2019; as amended by G.S.I. No. 6 of 2020.

<sup>b</sup> Ordres en Conseil Vol. XXV, p. 31; as amended by Ordres en Conseil Vol. XXVII, p. 339; Vol. XXXI, p. 306; Order in Council No. XX of 2012; Alderney Ordinance No. II of 1997.

### **Transitional.**

2. (1) Despite regulation 1, the prohibition in section 1(1) of the Employment Permits (Alderney) Law, 1975 (as amended by regulation 1) does not apply to a relevant person.

(2) In paragraph (1), "**relevant person**" means a person who –

(a) before the commencement of these Regulations, had undertaken or been engaged in any gainful employment in the Island,

(b) was not a Community national (within the meaning of section 8(1) of that Law as it had effect immediately before the commencement of these Regulations) at the time the person began undertaking or engaging in the gainful employment, and

(c) immediately before the commencement of these Regulations –

(i) was undertaking or engaged in any gainful employment in the Island, or

(ii) was ordinarily resident in the Island.

### **Citation.**

3. These Regulations may be cited as the Employment Permits (Brexit) (Alderney) Regulations, 2020.

### **Commencement**

4. These Regulations shall come into force on exit day.

Dated this seventeenth day of December, 2020

J. DENT  
Chairman of the Policy and Finance Committee  
For and on behalf of the Committee

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

These Regulations are made in consequence of the withdrawal of the United Kingdom from the EU.

Section 1(1) of the Employment Permits (Alderney) Law, 1975 requires only nationals of the European Community (European Union) to obtain an employment permit to work in Alderney. The only exceptions are local residents and the like, and anyone exempted by Ordinance.

Regulation 1(1) and (2) of these Regulations amends that provision to require any person (regardless of their nationality) to obtain an employment permit to work in Alderney, subject to the above-mentioned statutory exceptions. Regulation 1(3) deletes definitions in the Employment Permits (Alderney) Law, 1975 that are no longer needed, as a consequence of that amendment.

Regulation 2 disapplies the new requirement to obtain permits, in relation to non-Community nationals who had undertaken or been engaged in gainful employment in Alderney prior to the commencement of these Regulations, and were either in gainful employment or ordinarily resident in Alderney immediately before that commencement.

These Regulations will come into force on exit day within the meaning of the European Union (Brexit) (Bailiwick of Guernsey) Law, 2018.

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