



Transitional Rules & Policies - For people living in the Open Market on 3 April 2017

Introduction

The Population Management Law introduces new rules limiting how long some people can live in Open Market housing in Guernsey. These rules won't be applied to some people who were living in Guernsey when the Population Management Law came into force on 3 April 2017. For these people, sometimes called 'transitional people', different rules and policies apply.

Rules are set out in the Population Management Law and are sometimes called 'grandfather rights'. Policies are not set out in the Population Management Law.

The Administrator of Population Management has policies about transitional people. A person can usually expect that policy will be applied to them if their situation exactly fits the description in the policy – but the Administrator can always choose not to apply a policy. It is best for a person to make an application for a Permit under these policies and not to rely on the fact that their situation seems to fit a policy.

The rules and policies set out here apply specifically to transitional people. If a person came to Guernsey on or after 3 April 2017 these rules and policies won't apply to them. If a person was living in Guernsey before 3 April 2017, they can contact us to find out if they are being treated as a 'transitional' person' if they are unsure about their status.

Living in an Open Market Part A house – as part of one family group

If, on 2 April 2017, a person was already:

- resident in Guernsey;
- living in an Open Market (Part A) house;
- the spouse/partner of an extended family member of the householder of that house; and
- living in these circumstances for at least the last six months

they can generally expect to be able to continue to live with their spouse/partner in that household for as long as the relationship continues, if the householder lets them stay there. They will need to hold a Permit at all times.

(Reference TP1)

Time living in the Open Market does not usually count towards a person becoming an Established Resident or a Permanent Resident. If a person lives in Open Market housing because of this policy they should not expect to be allowed to move into Local Market housing at any time in the future.

Living in an Open Market Part A house – as a lodger

If, on 19 June 2015, a person was already:

- resident in Guernsey; and
- living in an Open Market (Part A) house as a lodger; and

on 2 April 2017, the person was:

- living in an Open Market (Part A) house as a lodger; and
- ordinarily resident for at least the last 5 consecutive years;

they will get grandfather rights and be able to live as a lodger in any Open Market Part A house for as long as they want to. They will need to hold a Permit at all times.

If a person moves out of Open Market Part A housing, they will lose this grandfather right.

(Reference GF60)

Time living in the Open Market does not usually count towards a person becoming an Established Resident or a Permanent Resident. If a person lives in Open Market housing because of this grandfather right they should not expect to be allowed to move into Local Market housing at any time in the future.

Living & working in an Open Market (Part B) Hotel

If, on 2 April 2017, a person was already:

- resident in Guernsey; and
- living and working in an Open Market (Part B) hotel; and
- ordinarily resident for at least the last 5 consecutive years;

they will get grandfather rights and be able to live and work in that hotel for as long as the employer wants them to. They will need to hold a Permit at all times.

If a person stops living and working in that Open Market Part B hotel, they will lose this grandfather right.

(Reference GF61)

Time living in the Open Market does not usually count towards a person becoming an

Established Resident or a Permanent Resident. If a person lives in Open Market housing because of this grandfather right they should not expect to be allowed to move into Local Market housing at any time in the future.

Living with a person who lives & works in an Open Market (Part B) Hotel

If, on 2 April 2017, a person was already:

- resident in Guernsey; and
- living with a person who was living and working in an Open Market (Part B) hotel; and
- that person's immediate family member;

they can generally expect to be able to continue to live with that person for as long as that person remains living and working in any Open Market Part B property, so long as the employer lets both of them live there. Both people will need to hold a Permit at all times.

(Reference TP2)

Time living in the Open Market does not usually count towards a person becoming an Established Resident or a Permanent Resident. If a person lives in Open Market housing because of this policy they should not expect to be allowed to move into Local Market housing at any time in the future.

From 3 April 2017 onwards, people living and working in Open Market Part B hotels should not expect to be permitted to accommodate any family members who don't meet the criteria of policy TP2.

(Reference TP12)

Living & working in an Open Market (Part C) Nursing or Residential Home

If, on 2 April 2017, a person was already:

- resident in Guernsey; and
- living and working in an Open Market (Part C) nursing or residential home; and
- ordinarily resident for at least the last 5 consecutive years;

they will get grandfather rights and be able to continue to live and work in that nursing or residential home for as long as the employer wants them to. They will need to hold a Permit at all times.

If a person stops living and working in that Open Market Part C nursing or residential home, they will lose this grandfather right.

(Reference GF61a)

Time living in the Open Market does not usually count towards a person becoming an Established Resident or a Permanent Resident. If a person lives in Open Market housing because of this grandfather right they should not expect to be allowed to move into Local Market housing at any time in the future.

Living with a person who lives & works in an Open Market (Part C) Nursing or Residential Home

If, on 2 April 2017, a person was already:

- resident in Guernsey; and
- living with a person who was living and working in an Open Market (Part C) nursing or residential home; and
- that person's immediate family member;

they can generally expect to be able to continue to live with that person for as long as that person remains living and working in any Open Market Part C property so long as the employer lets both of them live there. Both people will need to hold a Permit at all times.

(Reference TP3)

Time living in the Open Market does not usually count towards a person becoming an Established Resident or a Permanent Resident. If a person lives in Open Market housing because of this policy they should not expect to be allowed to move into Local Market housing at any time in the future.

From 3 April 2017 onwards, people living and working in Open Market Part C nursing or residential homes should not expect to be permitted to accommodate any family members who don't meet the criteria of policy TP3.

(Reference TP13)

Living in an Open Market (Part D) House in Multiple Occupation (“house-share”)

A house in multiple occupation generally means a house lived in by more than one person who is not an immediate or extended family member (or household staff) of the householder.

If, on 2 April 2017 a person was already:

- living in an Open Market Part A house with unrelated adults; and

- ordinarily resident for at least the last 5 consecutive years; and

by 2 October 2017:

- the house had become an Open Market Part D house in multiple occupation;

they will get grandfather rights and be able to continue to live in any Open Market Part D house in multiple occupation for as long as they want to. They will need to hold a Permit at all times.

If a person stops living in an Open Market Part D house in multiple occupation, they will lose this grandfather right.

(Reference GF65)

Time living in the Open Market does not usually count towards a person becoming an Established Resident or a Permanent Resident. If a person lives in Open Market housing because of this grandfather right they should not expect to be allowed to move into Local Market housing at any time in the future.

If, on 2 April 2017 a person was already:

- living in an Open Market Part A house with unrelated adults; and
- ordinarily resident for at least the last 5 consecutive years; and
- that house can't become an Open Market Part D house in multiple occupation; and

if, by 2 October 2017:

- they had moved to an Open Market Part D house in multiple occupation;

they can generally expect to be able to continue to live in any Open Market Part D house in multiple occupation for as long as they want to. They will need to hold a Permit at all times.

(Reference TP4)

Time living in the Open Market does not usually count towards a person becoming an Established Resident or a Permanent Resident. If a person lives in Open Market housing because of this policy they should not expect to be allowed to move into Local Market housing at any time in the future.

If, a person is living in Guernsey in shared Open Market Part A housing and:

- after 1 January 2017 wishes to move into Open Market Part D housing;

they can generally expect to be granted a temporary Housing Licence to allow them to move into that Part D housing; and

if, on 2 April 2017, that person will have been resident for more than 5 consecutive years, they

can generally expect to be able to continue to live in any Open Market Part D house in multiple occupation for as long as they want to.

(Reference TP14)

Time living in the Open Market does not usually count towards a person becoming an Established Resident or a Permanent Resident. If a person lives in Open Market housing because of this policy they should not expect to be allowed to move into Local Market housing at any time in the future.

If a person doesn't have the right to live in an Open Market Part D house in multiple occupation for more than 5 years, but is the spouse/partner of a person who does, they can generally expect to be able to continue to live with their spouse/partner for as long as they want to. The couple might be asked to provide information to show that their relationship as a couple is genuine and on-going. Both people will need to hold a Permit at all times.

(Reference TP5)

Time living in the Open Market does not usually count towards a person becoming an Established Resident or a Permanent Resident. If a person lives in Open Market housing because of this policy they should not expect to be allowed to move into Local Market housing at any time in the future.

Living in any Open Market housing where residence is limited to 5 years

If a person and their spouse/partner lives in any Open Market housing and:

- neither of them has a right to live in Guernsey for more than 5 consecutive years; and
- one person will reach the 5-year time limit before their spouse/partner reaches their 5-year time limit;

the person will not generally be granted a Permit to live in Open Market housing beyond their own 5-year residence limit.

(Reference TP6)

Living in any Open Market housing for more than 5 consecutive years

If a person has been ordinarily resident in Guernsey for at least 5 consecutive years, and is a person who can remain in Open Market housing because the 5-year time limit won't be applied to them because they are a transitional person with grandfather rights who is:

- a lodger in an Open Market Part A house; or
- living and working in an Open Market (Part B) hotel; or

- living and working in an Open Market(Part C) nursing or residential home; or
- living in an Open Market (Part D) house in multiple occupation;

they can generally expect to be able to be granted a Permit if they want to move from one of these types of Open Market housing to another type of Open Market housing. The person can generally expect that they will be able to swap between these types of Open Market housing and live in Guernsey for as long as they want to.

(Reference TP7)

Time living in the Open Market does not usually count towards a person becoming an Established Resident or a Permanent Resident. If a person lives in Open Market housing because of this policy they should not expect to be allowed to move into Local Market housing at any time in the future.

Living in any Open Market housing

Time living in the Open Market does not usually count towards a person becoming an Established Resident or a Permanent Resident. If a person lives in Open Market housing because of policies TP1; TP2; TP3; TP4; TP5; TP6; TP7; TP10; TP14; and/or grandfather rights GF60; GF61; GF61a; GF65; they should not expect to be allowed to move into Local Market housing at any time in the future.

(Reference TP11)

Policy Review

This policy will be reviewed on 2 April 2019. The policy should not be relied upon as an indication of the likely outcome of Permit applications made after the review date. If the policy changes as a result of the review, the change will not be retrospective. The Administrator reserves the right to review this policy before the published review date if there is good reason to do so.