

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

PROJET DE LOI

Entitled

THE POPULATION MANAGEMENT (GUERNSEY) (AMENDMENT) LAW, 2019

The States are asked to decide:-

Whether they are of the opinion to approve the draft Projet de Loi entitled "The Population Management (Guernsey) (Amendment) Law, 2019", and to authorise the Bailiff to present a most humble petition to Her Majesty praying for Her Royal Sanction thereto.

This proposition has been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications in accordance with Rule 4(1) of the Rules of Procedure of the States of Deliberation and their Committees.

EXPLANATORY MEMORANDUM

The Law comprises a number of technical amendments to the Population Management (Guernsey) Law, 2016 dealing with several matters, including: a power to grant a Short Term Employment Permit (STEP) on a "9 months on, 3 months off" basis, the removal of the requirement that an Open Market Employment Permit (Part B) and Open Market Employment Permit (Part C) specify the particular property in which the holder is accommodated, the removal of the concept of an Established Resident Permit, and provision that holders of STEPs and Open Market HMO Resident Permits (Part D) can occupy as a tenant a property inscribed in Part D without being accommodated by a householder.

PROJET DE LOI

ENTITLED

The Population Management (Guernsey) (Amendment) Law, 2019

THE STATES, in pursuance of their Resolutions of the 30th November, 2017^a and the 14th December 2018^b, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Island of Guernsey.

Amendment of the Population Management Law.

1. (1) The Population Management (Guernsey) Law, 2016^c is amended as follows.

(2) For section 5(3) substitute –

"(3) An Established Resident may be the householder of a Local Market dwelling."

^a Article X of Billet d'État No. XXIII of 2017.

^b Article XX of Billet d'État No. XXVII of 2018.

^c Order in Council No. VI of 2016; as amended by No. IV of 2018, Ordinance No. VII of 2017, and Ordinance No. XXVII of 2018.

(3) In section 11(2), for "or (subject to section 24(4)) a Short Term Employment Permit" substitute "or (subject to section 24(4), including as applied by section 25A(2)) a Short Term Employment Permit or a Seasonal Employment Permit".

(4) Delete section 14(a).

(5) In section 16(2), for "one of the conditions in subsection (3) is satisfied in respect of him" substitute "the applicant is an Established Resident".

(6) Delete section 16(3).

(7) In section 17(1)(b)(ii), at the start insert "(subject to subsection (3))".

(8) After section 17(2) insert –

"(3) Where an application is made for an Open Market Resident Certificate and the dwelling the applicant is occupying or proposing to occupy is inscribed on Part D of the Open Market Housing Register, the Administrator may only issue an Open Market Resident Certificate if satisfied that the applicant is the owner of the entire premises in question (and so, for the avoidance of doubt, may not issue an Open Market Resident Certificate if the applicant is the lessee, or the owner of only part, of the premises in question)."

(9) In section 20(1), at the end of paragraph (c) delete "and" and after paragraph (c) insert –

"(ca) a Seasonal Employment Permit, and".

(10) For section 24(4), substitute –

"(4) The holder of a STEP –

(a) may be accommodated in a Local Market or Open Market dwelling, and

(b) may occupy as a tenant a dwelling inscribed in Part D of the Open Market Housing Register without being accommodated by a householder, but

(c) may not be the householder of a dwelling (whether Local Market or otherwise).".

(11) In section 25 -

(a) for the section heading substitute "Employment Permits: reissue, etc.",

(b) in subsection 1, after "subsections (2) and (3)" insert "and section 25B", and for "or STEP" substitute ", STEP or a Seasonal Employment Permit", and

(c) in subsection (2)(a), after "previous grant of a STEP" insert "or a Seasonal Employment Permit".

(12) After section 25, insert -

"Seasonal Employment Permits.

25A. (1) A Seasonal Employment Permit may be granted for a period of up to nine months, and shall specify the date upon which it will (unless it ceases to be valid earlier under the provisions of this Law) cease to be valid.

(2) Subsections (2) to (4) of section 24 apply to Seasonal Employment Permits and the holders thereof as they apply to STEPs and the holders thereof.

Seasonal Employment Permits: reissue, etc.

25B. (1) Subject to subsection (2), the Administrator may grant a Seasonal Employment Permit to a person who has previously held a Seasonal Employment Permit.

(2) The Administrator may not grant a Seasonal Employment Permit to a person who has previously held a Seasonal Employment Permit if, without the consent of the Administrator, the person has been physically present in Guernsey at any time during the preceding three months."

(13) In sections 27(2)(a) and 28(2)(a), in both places delete "particular" and "specified on the face of the Permit".

(14) For section 29, substitute -

"Open Market Employment Permits: reissue.

29. The Administrator may grant an OMEP(B) or an OMEP(C) to a person who has previously been resident."

(15) After section 59, insert –

"Seasonal Employment Permits.

59A. (1) A person who –

(a) holds a STEP, and

(b) was, at any point in the six months prior to Commencement, resident under a short term housing licence falling within section 4(1)(a) of the Housing Control Law,

may apply to the Administrator for the conversion of that STEP to a Seasonal Employment Permit; and on receiving such an application the Administrator shall revoke that STEP, and grant the applicant a Seasonal Employment Permit for such period and subject to such conditions as the Administrator thinks fit.

(2) No charge may be levied in respect of an application made under subsection (1), and section 21(3) shall be construed accordingly."

(16) Delete paragraphs 3 and 4 of Schedule 2 (Established Resident Permit applications, and Established Resident Permits).

(17) Delete subparagraphs (1) and (3) of paragraph 6 of Schedule 2.

(18) For paragraph 19(2) of Schedule 2, substitute –

"(2) An Open Market HMO Resident Permit (Part D) shall have as a condition that the holder must –

(a) be accommodated at, or

(b) occupy as a tenant (without a requirement that he be accommodated by a householder),

the dwelling referred to in paragraph 17(2), as that paragraph applies in his case."

Citation.

2. This Law may be cited as the Population Management (Guernsey) (Amendment) Law, 2019.

Commencement.

3. This Law shall come into force on the day appointed by Ordinance of the States; and different dates may be appointed for different provisions and for different purposes.