



Jersey

# **CONTROL OF HOUSING AND WORK (RESIDENTIAL AND EMPLOYMENT STATUS) (JERSEY) REGULATIONS 2013**

## **Official Consolidated Version**

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# **CONTROL OF HOUSING AND WORK (RESIDENTIAL AND EMPLOYMENT STATUS) (JERSEY) REGULATIONS 2013**

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## **CONTROL OF HOUSING AND WORK (RESIDENTIAL AND EMPLOYMENT STATUS) (JERSEY) REGULATIONS 2013**

**THE STATES**, in pursuance of Articles 2 and 44 of the [Control of Housing and Work \(Jersey\) Law 2012](#), have made the following Regulations –

Commencement [[see endnotes](#)]

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### **1 Interpretation**

- (1) In these Regulations “Law” means the [Control of Housing and Work \(Jersey\) Law 2012](#).
- (2) A person shall be regarded as born in Jersey despite being born in a country or territory outside Jersey if –
  - (a) at the time of the birth a parent of the child is regarded for the purposes of the Law as being ordinarily and continuously resident in Jersey (whether or not the parent is in Jersey at the time of the birth); and
  - (b) the child and parent described in sub-paragraph (a) are both ordinarily and continuously resident in Jersey immediately following a period of care related to the birth.
- (3) A reference to a child of a person in these Regulations is not confined to a person below school leaving age.

### **2 Conditions for Entitled status and loss of status**

- (1) A person who satisfies any of the conditions set out in sub-paragraphs (a) to (f) of this paragraph shall have Entitled status –
  - (a) the person was born in Jersey and has been ordinarily resident in Jersey for a period, or aggregate periods, of at least 10 years;
  - (b) the person was not born in Jersey and has been ordinarily resident in Jersey for a continuous period of at least 10 years;
  - (c) the person –
    - (i) was not born in Jersey,
    - (ii) arrived in Jersey before attaining the age of 20,
    - (iii) has been ordinarily resident in Jersey for a period, or aggregate periods, of at least 10 years on or before attaining the age of 40, and

- (iv) is the child of a parent who was Entitled on the date at which the person completed the period or aggregate periods of 10 years ordinary residence referred to in clause (iii);
- (d) the person –
  - (i) was not born in Jersey, and
  - (ii) has been ordinarily resident in Jersey for a continuous period of at least 10 years commencing before the person attained the age of 16;
- (e) the person –
  - (i) has been granted Entitled status by the Minister on the ground that the Housing and Work Advisory Group is satisfied that such grant is justified –
    - (A) on social or economic grounds or both, and
    - (B) as being in the best interests of the community, and
  - (ii) the person satisfies any condition to which the grant of such status is subject under paragraph (2);
- (f) the person –
  - (i) has been granted Entitled status by the Minister on the ground that the Minister is satisfied that the hardship (other than solely financial hardship) which would be caused to the person or to any individual ordinarily resident in Jersey if the person were not granted Entitled status outweighs the fact that the person does not meet any other condition in this paragraph, and
  - (ii) the person satisfies any condition to which the grant of such status is subject under paragraph (2A).<sup>1</sup>
- (2) The Minister may grant Entitled status under paragraph (1)(e) subject to such conditions as the Housing and Work Advisory Group thinks fit.<sup>2</sup>
- (2A) The Minister may grant Entitled status under paragraph (1)(f) subject to such conditions as the Minister thinks fit.<sup>3</sup>
- (2B) Without prejudice to the generality of conditions which may be imposed under paragraph (2) or (2A), conditions may include limiting the period for which consent is granted or specifying the unit of dwelling accommodation occupied or to be occupied.<sup>4</sup>
- (3) Any condition subject to which a person is granted Entitled status under paragraph (2) may be amended on such terms as the person and the Housing and Work Advisory Group may agree.<sup>5</sup>
- (3A) Any condition subject to which a person is granted Entitled status under paragraph (2A) may be amended on such terms as the person and the Minister may agree.<sup>6</sup>
- (4) A person has permanent Entitled status if –
  - (a) the person has had a continuous period of ordinary residence in Jersey of at least 30 years; or
  - (b) the person has Entitled status by virtue of paragraph (1)(a), (c) or (d).
- (5) Where a person who has Entitled status by virtue of paragraph (1)(e) also qualifies for Entitled status by virtue of any other sub-paragraph of paragraph (1) –
  - (a) that person may, on giving notice in writing to the Minister, elect to have Entitled status by virtue of such other paragraph; and

- (b) upon giving such notice the person's Entitled status by virtue of paragraph (1)(e) shall cease.
- (6) Except in relation to a person who has Permanent Entitled status under paragraph (4), a person loses Entitled status if either of the following applies to that person –
  - (a) the person, since gaining Entitled status, has been absent from Jersey for a period or aggregate periods exceeding 5 years and was not ordinarily resident in Jersey during those periods of absence; or
  - (b) the person has Entitled status under paragraph (1)(e) or (f) and has breached any condition subject to which that status was granted.
- (7) In this Regulation “child” includes a child adopted in pursuance of an adoption order made by a court of competent jurisdiction in the British Islands or elsewhere.

### **3 Conditions for Licensed status and loss of status**

- (1) A person has Licensed status if –
  - (a) the person works or is appointed to do work in or for an undertaking, such work being the same or substantially the same as work falling within a description of work specified by the Minister for the purposes of Article 27(1)(b) of the Law in respect of that undertaking (including work that is deemed to be work of a description that may be done by Licensed persons under Regulations made under Article 52 of the Law);
  - (b) the person is subject to a condition imposed by the undertaking in or for whom the person works that he or she has Licensed status whilst doing work described in sub-paragraph (a);
  - (c) the person satisfies –
    - (i) any condition to which the person's Licensed status is subject under paragraph (2), and
    - (ii) any condition imposed by the Minister under Article 26(5) or 27(2) of the Law as a condition of a business licence, such condition being applicable to the person; and
  - (d) the person does not have Entitled status.
- (2) The Minister may, for the purposes of paragraph (1)(c), make the Licensed status of a particular person subject to such conditions as the Minister thinks fit.
- (3) A person loses Licensed status if –
  - (a) paragraph (1)(a) or (1)(b) no longer apply to that person;
  - (b) the person breaches any condition described in paragraph (1)(c); or
  - (c) the person has Entitled status,whichever happens first.

### **4 Conditions for Entitled for Work Only status and loss of status**

- (1) A person has Entitled for Work Only status if the person –
  - (a) satisfies any of the conditions in paragraph (2);
  - (b) does not have Entitled status or Licensed status; and
  - (c) has not lost Entitled for Work Only status under paragraph (3).

- (2) Those conditions are that –
- (a) the person has had a continuous period of ordinary residence in Jersey for 5 years or more immediately before that person is, at any time, required to have a registration card under the Law or could make an application for such a card under that Law;
  - (b) the person is a spouse, civil partner or eligible partner of a person with Entitled status, Licensed status or Entitled for Work Only status;
  - (c) the person has had a continuous period of ordinary residence in Jersey for no more than 5 years following –
    - (i) the person’s divorce from a person with Entitled status, Licensed status or Entitled for Work Only status, or
    - (ii) the dissolution of a civil partnership, or breakdown of an enduring relationship, between the person and a person with Entitled status, Licensed status or Entitled for Work Only status;
  - (d) the person has had a continuous period of ordinary residence in Jersey for no more than 5 years following the death of the person’s spouse, civil partner or eligible partner, such spouse or partner having been a person with Entitled status, Licensed status or Entitled for Work Only status;
- or
- (e) the person immediately before attaining the age of 16 years worked in or for an undertaking and continues to work in or for such an undertaking immediately after attaining that age.<sup>7</sup>
- (3) A person who has Entitled for Work Only status under paragraph (2)(e) loses that status on the date that is immediately before the date that the person starts new work within the meaning of Article 24 of the Law.
- (4) In this Regulation –
- “eligible partner” means a person, other than a spouse or civil partner, who –
- (a) lives; or
  - (b) in a case where either paragraph (2)(c) or (2)(d) applies, has lived, as a partner in an enduring relationship; and
- “enduring relationship” means a relationship which –
- (a) is similar to a marriage or civil partnership; and
  - (b) has existed, without breaking down, for a continuous period of at least 2 years.<sup>8</sup>

## 5 Conditions for Registered status

- (1) A person has Registered status if the person has been ordinarily resident in Jersey for a continuous period of 3 months or more immediately before the person applies for a registration card or could make such an application under the Law or expects to be so resident at the time of such an application and does not have any of the following –
- (a) Entitled status;
  - (b) Licensed status; or
  - (c) Entitled for Work Only status.

- (2) Temporary absences from Jersey shall be disregarded in determining whether a person has been continuously resident for 3 months for the purposes of this Regulation provided the majority of that time is spent in Jersey.

## **6 Citation**

These Regulations may be cited as the Control of Housing and Work (Residential and Employment Status) (Jersey) Regulations 2013.

## ENDNOTES

### Table of Legislation History

| Legislation   | Year and No                     | Commencement |
|---|---------------------------------|--------------|
| Control of Housing and Work (Residential and Employment Status) (Jersey) Regulations 2013                   | <a href="#">R&amp;O.29/2013</a> | 1 July 2013  |
| Control of Housing and Work (Residential and Employment Status) (Amendment) (Jersey) Regulations 2020       | <a href="#">R&amp;O.12/2020</a> | 4 March 2020 |
| Control of Housing and Work (Residential and Employment Status) (Amendment No. 2) (Jersey) Regulations 2023 | <a href="#">R&amp;O.36/2023</a> | 30 May 2023  |

### Table of Endnote References

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|                               |                                       |
|-------------------------------|---------------------------------------|
| <sup>1</sup> Regulation 2(1)  | <i>amended by R&amp;O.12/2020</i>     |
| <sup>2</sup> Regulation 2(2)  | <i>substituted by R&amp;O.12/2020</i> |
| <sup>3</sup> Regulation 2(2A) | <i>inserted by R&amp;O.12/2020</i>    |
| <sup>4</sup> Regulation 2(2B) | <i>inserted by R&amp;O.12/2020</i>    |
| <sup>5</sup> Regulation 2(3)  | <i>substituted by R&amp;O.12/2020</i> |
| <sup>6</sup> Regulation 2(3A) | <i>inserted by R&amp;O.12/2020</i>    |
| <sup>7</sup> Regulation 4(2)  | <i>amended by R&amp;O.36/2023</i>     |
| <sup>8</sup> Regulation 4(4)  | <i>inserted by R&amp;O.36/2023</i>    |