

**DRAFT REGULATION OF UNDERTAKINGS AND  
DEVELOPMENT (AMENDMENT No. 9) (JERSEY)  
REGULATIONS 199**

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**Lodged au Greffe on 17th February 1998  
by the Finance and Economics Committee**

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**STATES OF JERSEY**

**STATES GREFFE**

## **Report**

The following changes agreed by the States in the debate on population and immigration policy last year relate to the Regulation of Undertakings and Development Law -

- (1) the Finance and Economics Committee be requested to take the necessary steps to tighten up the application of the Regulation of Undertakings and Development Law, including the reintroduction of the requirement that all increases in staff numbers will be subject to licence. (This will enable the Finance and Economics Committee to regulate further the level and type of business activity in accordance with the population policy and other strategic policy objectives);
- (2) the Finance and Economics Committee be requested to use the statutory manpower returns to obtain the necessary information to monitor manpower trends and to require manpower returns to be submitted on a quarterly basis;
- (3) every employer be asked through the manpower returns required under the Regulation of Undertakings and Development Law to forecast their future manpower requirements.

To implement the policy requirement outlined in (1) above, the current Regulations must be changed to remove the following exemption categories in relation to the engagement of staff -

- (a) those people who are specified as “qualified” under all the various paragraphs of the Housing Regulations;
- (b) those people who have been ordinarily resident in the Island for five years or more immediately preceding their engagement.

Furthermore -

(c) the exemption whereby any person, whether or not he/she is residentially qualified or a five year resident, can be engaged in a position within an existing undertaking which had previously been occupied but has been vacant for not more than 12 months needs to be changed as it provides an opportunity for existing undertakings to circumvent the new policy requirements. The Committee has agreed that with regard to this particular exemption -

(i) it should apply only in respect of persons who are “qualified” under all the various paragraphs of the Housing Regulations, or by virtue of having been ordinarily resident in the Island for five years or more immediately preceding their engagement;

(ii) the period which the position has been vacant should be reduced from not exceeding “12 months” to not exceeding “six months”.

**NB.** The policy changes relating to quarterly returns and the provision of future manpower requirements (2) and (3) above will be made by Order in due course.

### **Explanatory Note**

These Regulations propose the replacement of Regulation 1AA of the Regulation of Undertakings and Development (Jersey) Regulations 1978 (“the principal Regulations”), which specifies exemptions from Article 2(1)(b) of the Regulation of Undertakings and Development (Jersey) Law 1973 (under which a licence must be obtained for any increase in the number of persons engaged in an undertaking).

Under the new Regulation, a licence will not be required for the engagement in an undertaking of -

- (a) a person, or a spouse or child of a person, to whom Regulation 1A of the principal Regulations applies (being persons with housing qualifications); or
- (b) a person who has been ordinarily resident in the Island during the period of five years immediately preceding his engagement,

provided that, in either case, the engagement is in a position in the undertaking which had previously been occupied, but has been vacant for a period not exceeding six months immediately prior to the engagement.

**Regulation of Undertakings and Development (Jersey) Law 1973**

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REGULATION OF UNDERTAKINGS AND DEVELOPMENT  
(AMENDMENT No. 9) (JERSEY) REGULATIONS 199

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*(Promulgated on the      day of      199 )*

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**STATES OF JERSEY**

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The      day of      199

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**THE STATES**, in pursuance of Article 2 of the Regulation of Undertakings and Development (Jersey) Law 1973,<sup>1</sup> as amended,<sup>2</sup> have made the following Regulations -

**1.** For Regulation 1AA of the Regulation of Undertakings and Development (Jersey) Regulations 1978,<sup>3</sup> as amended, there shall be substituted the following Regulation -

“1AA. There shall be exempted from the provisions of sub-paragraph (b) of paragraph (1) of Article 2 of the principal Law the engagement in an undertaking of -

- (a) any person, or a spouse or child of a person, to whom Regulation 1A of these Regulations applies; or
- (b) a person, whether or not he is a person to whom sub-paragraph (a) of this Regulation applies, who has been ordinarily resident in the Island during the period of five years immediately preceding the engagement,

<sup>1</sup> Recueil des Lois, Volume 1973-1974, page 112.

<sup>2</sup> Recueil des Lois, Volume 1992-1993, page 89.

<sup>3</sup> No. 6566.

in a position within that undertaking which had previously been occupied but has been vacant for a period not exceeding six months immediately prior to the engagement.”.

**2.** These Regulations may be cited as the Regulation of Undertakings and Development (Amendment No. 9) (Jersey) Regulations 199 and shall come into force on the ninth day of March 1998.