The Population Management (Guernsey) Law, 2016

In April 2017 the Population Management (Guernsey) Law, 2016 (the “New Law”) will come into effect, reforming Guernsey’s current population regime in a bid to diversify the demographic of an ageing population. This new strategy is the result of a political shift in focus from population control, under the current housing law (The Housing (Control of Occupation) (Guernsey) Law, 1994 (the “Old Law”)), to ensuring that the Island’s demographic helps to meet the economic, social and environmental objectives of the States of Guernsey (the “States”). This briefing summarises some of the most significant changes under the New Law.

The traditional two-tier housing market will remain in place under the New Law but there will be changes to both local market and open market routes to residential qualification.

**Local market**

Under the New Law, the traditional use of housing licences will be replaced by work ‘permits’ and ‘certificates’. The main difference is that permits impose conditions on the holder, whereas certificates generally reflect residential status.

The new local market employment permits are:

**Short Term Employment Permits** - these can be awarded to individuals who can fill a local manpower shortage and typically are valid for up to one year. If after that year the employer can show that there is no local resident to perform the same job, the permit may be extended for a further period of one year, up to five years in aggregate. Those with short term employment permits cannot house family members under their permit and they must live in shared accommodation.

**Medium Term Employment Permits** - these can be awarded to individuals whose skills cannot be found locally, or whose skills are in great demand. Those with medium term employment permits can house immediate family members under their permit and the permits are valid for up to 5 years. These permits are non-renewable.

**Long Term Employment Permits** - these can be awarded to individuals whose skills cannot be found locally and are also in short supply outside Guernsey. Those with long term employment permits can house immediate family members under their permit and the permits are valid for up to 8 years.

Under the New Law, the old local market TRP restrictions have been removed.

One of the most significant changes under the New Law is that once an individual has completed eight consecutive years of lawful residence in a local market dwelling, and upon the expiry of a long term employment permit, he or she can apply for an Established Resident Certificate.

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The new local market residence permits are:

**Family Member Resident Permits** - these can be awarded to immediate family members of a local market householder. The duration of these permits is linked to the duration of the certificate/permit of the householder.

**Discretionary Resident Permits** - these permits are variable in conditions and duration.

**Established Resident Permits** - these permits are awarded to those who have completed 8 consecutive years in local market accommodation and are issued for up to 6 years in duration.

After 14 years' continuous lawful residence in local market accommodation, individuals can apply for a Permanent Residence Certificate, which gives an automatic right of return to the Island after any period of absence.

**Open market**
Permits and certificates are also being introduced for the open market. The current classification of open market properties will remain, which is:

- Part A - private family homes
- Part B - hotels
- Part C - nursing/residential homes
- Part D - houses of multiple occupancy

The new open market certificate and permit categories are:

**Residence certificate** - available for all open market sectors. These individuals can stay in Guernsey indefinitely if they are the owner/lessee of the property. Family member residence permits are also available for the certificate holder’s immediate family members.

**Employment permit - part A** - these individuals must live and work in the property as staff of the owner/lessee. The duration of these permits depends upon their specific employment conditions and permits are also available for the individual’s immediate family members.

**Employment permit - parts B and C** - these individuals must live and work in the property as staff of the owner/lessee and the permits are renewable up to a maximum period of 5 years’ continuous residence.

**Lodger permit** - awarded to individuals who live in a part A open market residential property as lodgers. These permits are renewable up to 5 years’ continuous residence.

**Houses of Multiple Occupancy permit** - these permits are variable in duration and are renewable but only up to a maximum period of 5 years’ continuous residence. Family members cannot be housed under these permits and upon expiry the individual must take a recognised break in residence.

**Transitional provisions**
If an individual currently holds an employment-related housing licence, the Housing Department of the States (the "Department") has issued guidance on its website in relation to the transitional arrangements which will be introduced to help ease the implementation of the New Law. The Department is encouraging individuals to contact it to discuss their circumstances.

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