



Jersey

## **CONTROL OF HOUSING AND WORK (EXEMPTIONS) (AMENDMENT No. 5) (JERSEY) ORDER 2021**

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Jersey

## **CONTROL OF HOUSING AND WORK (EXEMPTIONS) (AMENDMENT No. 5) (JERSEY) ORDER 2021**

*Made*

*27th April 2021*

*Coming into force*

*4th May 2021*

**THE CHIEF MINISTER** makes this Order under Articles 3(7), 25(9) and 27(3) of the Control of Housing and Work (Jersey) Law 2012<sup>1</sup> –

### **1 Amendment of the Control of Housing and Work (Exemptions) (Jersey) Order 2013**

This Order amends the Control of Housing and Work (Exemptions) (Jersey) Order 2013<sup>2</sup>.

### **2 Article 1 (interpretation) amended**

In Article 1 –

- (a) before the definition “company” there is inserted –
  - ““business visitor for establishment purposes” means a person who –
    - (a) is working in a senior position in a body, other than a non-profit body, which is responsible for the setting up, in Jersey, of a commercial presence of a relevant service provider;
    - (b) is engaged in activity necessary for the setting up of the commercial presence of that service provider;
    - (c) is not engaged in selling goods or supplying services to the general public;
    - (d) is not engaged in any economic activity other than that necessary for the setting up of the commercial presence;
    - (e) does not receive remuneration from any undertaking in Jersey; and
    - (f) is not directly employed by an undertaking in Jersey;”;
- (b) after the definition “international group” there is inserted –
  - ““GATS” means the General Agreement on Trade in Services which is part of Annex 1B to the WTO Agreement;”;

- (c) after the definition “nurse” there is inserted –  
““person working in a senior position” in relation to a business visitor for establishment purposes means a person who works within a body and who primarily directs the management of the body, receiving general supervision or direction principally from the board of directors or stockholders of the business or their equivalent;”;
- (d) after the definition “regulated activity” there is inserted –  
““relevant service provider” means a service supplier falling within Mode 4 of GATS that –
  - (a) has its principal place of business in the territory of another World Trade Organization member; and
  - (b) has no other representative, office, branch or subsidiary in Jersey;”;
- (e) after the definition “subsidiary” there is inserted –  
““World Trade Organization” means the organization established by the WTO Agreement;  
“WTO Agreement” means the Agreement Establishing the World Trade Organization done at Marrakesh on 15th April 1994;”.

### **3 Article 2 (persons exempt from duty to have a registration card for work) amended**

In Article 2 after sub-paragraph (f) there is inserted –

- “(g) a person who is a business visitor for establishment purposes and who is in Jersey for an aggregate period of 90 days or less in any period of 12 months.”.

### **4 Article 3 (undertakings exempt from duty to have a business licence) amended**

In Article 3(1) after sub-paragraph (n) there is inserted –

- “(o) in respect of any activity by an undertaking which is –
  - (i) carried out by a person who is a business visitor for establishment purposes, and
  - (ii) carried out by that person in Jersey for an aggregate period of 90 days or less in any period of 12 months.”.

### **5 Article 4 (description of individuals to be disregarded for maximum numbers condition in business licences) amended**

In Article 4(1) after sub-paragraph (e) there is inserted –

- “(ea) working in Jersey as a business visitor for establishment purposes for an aggregate period of 90 days or less in any period of 12 months;”.

**6 Citation and commencement**

This Order may be cited as the Control of Housing and Work (Exemptions) (Amendment No. 5) (Jersey) Order 2021 and comes into force 7 days after it is made.

**SENATOR J.A.N. LE FONDRÉ**

*Chief Minister*

## ENDNOTES

### Table of Endnote References

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<i>1</i>	<i>chapter 18.150</i>
<i>2</i>	<i>chapter 18.150.10</i>