
STATES OF JERSEY



CONTROL OF HOUSING AND WORK: CONSULTATION FINDINGS REPORT AND DRAFT FEES ORDER

**Presented to the States on 23rd April 2013
by the Chief Minister**

STATES GREFFE

Consultation Findings Report

Fees to be presented under the new
Control of Housing and Work (Jersey) Law 2012

Foreword of the Migration Advisory Group

The Control of Housing and Work Law has been designed to significantly improve the Island's controls over population while also reducing "red tape" for businesses and Islanders.

As part of these changes, we have proposed that fees be introduced such that the cost of controlling immigration does not fall on the taxpayer as a whole.

Having considered the findings of our consultation, fees will be paid:

- **by new migrants themselves on first arriving in the Island**
- **by way of an annual fee on businesses who employ migrants, and**
- **on visiting contractors and traders.**

In making these decisions, it should not be forgotten that migrants have for many centuries brought great value to our Island. Indeed, where immigration creates jobs for local people and brings high levels of economic or social benefit, it is welcomed, while also recognising that we are a small Island.

It will be for the States Assembly to decide the Island's population policy. The Control of Housing and Work Law will be used to achieve whatever policy is agreed, and the fees proposed in this Paper will fund its operation.

The fees proposed are considered moderate and balanced. They are also consistent with those levied in Guernsey and the Isle of Man.

At the same time as introducing these fees, the new Law will also cut "red tape" for businesses and Islanders, and make it easier to interact with government. For example, by removing the need for businesses to make an application when wanting to employ more local people, by introducing registration cards to ensure every new employee's residential status is clear, and by abolishing the need for long-established residents to apply for housing consent when purchasing or leasing property.

Guidance materials on the new Law, which is scheduled for introduction on 1st July 2013, are available at www.gov.je/registrationcards.

The Migration Advisory Group

Assistant Chief Minister, Senator P.F. Routier, M.B.E., Chairman
Minister for Housing, Deputy A.K.F. Green of St. Helier, M.B.E.
Minister for Economic Development, Senator A.J.H. Maclean
Assistant Minister for Social Security, Deputy S.J. Pinel of St. Clement

Having considered the responses, the following fees to cover the costs of administering these controls are planned:

	Fees consulted upon	Fees to be introduced following consultation	Exemptions	Total Income
1. Registration Cards: Issued to High Net Worth Individuals, and Registered and Licensed Persons, when they obtain their <i>first</i> registration card	£75 £5,000 for High Net Worth persons	£75 for Registered and Licensed Persons (reduced to £35 for those in the Island when the new Law is introduced) £5,000 for High Net Worth persons granted Entitlement	People in full time education below the age of 21 where a parent is Entitled or Licensed	£330,000
2. Annual Charge for Licensed Employees: Levied on employers for each Licensed Employee permitted	£200	£175	Not for Profit Activities	£190,000
3. Annual Charge for Registered Employees: Levied on employers for each Registered Employee permitted	£nil	£50	Not for Profit Activities	£250,000
4. Non Resident Contractors: Application for a Licence by a contractor whose employees are not based in Jersey and who is visiting Jersey to undertake a specific contract	£10 per day per worker licensed	£500 for a licence; or £1,500 if over 3 month contract	Building and construction and contractors on Island for less than 5 days, or 30 days otherwise	£140,000
5. Non-Resident Traders and Hawkers: charge for a licence for each individual visit licensed	£250	£1,000 per Visit	Not for Profit and cultural activities	£40,000
Total Fee Income:				£950,000

These fees will be reviewed in subsequent years. In doing this, it is recognised that stability and certainty in fee structures over the medium term is desirable, in particular, for employment costs.

By way of comparison with Guernsey and the Isle of Man:

- Guernsey: £88 for a short-term licence of 9 months; £106 per year for a 3 year licence, and £132 per year for a long-term licence for an essential worker.
- Isle of Man: £50 for a work permit application and £50 for an extension.

GLOSSARY:

The new Law will introduce a variety of new categories:

Terms used in Housing and Regulation of Undertakings Laws	Comparable terms in Control of Housing and Work Law
“Non locally qualified” being mainly people who have not completed 5 years’ continuous residence	“Registered”
“Locally qualified” for work People who have completed 5 years’ continuous residence	“Entitled for Work”
“1(1)(j) employees” Highly skilled employees able to purchase or lease qualified housing	“Licensed”
“Residentially Qualified” People who may purchase or lease property	“Entitled”
“Qualified housing” Property available for occupation, lease and purchase by residentially qualified persons and 1(1)(j) employees	“Qualified Property”
“Unqualified housing” Property available for the occupation by any resident	“Registered Property” property available for lease by any occupier, including Registered and Entitled for Work persons

Overview of the Consultation

23 responses were received to the consultation of fees:

	Number of Respondents
Individuals	16
Individual Businesses	4
Industry/Business Organisations	3
Total	23

The responses from individual Islanders were overwhelmingly in support of introducing fees, and that those fees should be much higher than those suggested in the consultation:

“We believe that the user should pay in every case for all costs in relation to immigration”

“I believe the ideas outlined are excellent”

“I think it’s a great idea that should have been put into practice a long time ago”

“Introducing a charge to immigrants is an excellent idea”.

Example Individual Respondents

However, businesses and their representative organisations raised firm concerns about the impact on costs and competitiveness for businesses which rely on migrant labour:

‘[We] generally agree with the principle of “user pays”, although it is...yet another cost of doing business in the Island’.

Fiscal Strategy Group of Jersey Finance

“We agree with the process of encouraging Entitled Workers...”

“[F]ees...will dilute the appeal of Jersey as an employment destination”

“There could be a wage spiral as local people try and negotiate their worth...”

Jersey Hospitality Association

“[We] understand the objectives...but [are] concerned if a greater burden is placed on businesses”

“These additional costs will either have to be passed onto consumers; therefore, they are inflationary, or absorbed by the business, thus reducing profit.”

“[W]e would view the measure as a new fee or tax. New fees/taxes cannot be said to improve the Islands’ competitive position.”

“[We] should express the fear that this measure is just an opening fee...with the possibility that such fees would be increased in future”.

The Jersey Chamber of Commerce

1. Registration Cards

1.1 Respondents' Comments

The greatest number of responses came from individuals who felt that a registration fee was a good idea. However, a number of respondents also argued that the proposed £75 fee was insufficient.

“If the intention is to reduce immigration I believe introducing the proposed fees would have little impact”

“If charging is the deterrent I think the higher the charges for immigrants the better”

“I think your £75 fee and other fees being considered are far too low to even possibly make people reconsider their decision to move to Jersey. I think all your proposed fees need to be doubled at the very least.”

“The £75...tariff is ridiculous. You just need to stop more people coming to Jersey...”

“£75 in addition to a coach/boat fare is not too much”

“[T]his principal of introducing a fee is flawed...all of society benefits [from immigration]”.

Individual Respondents

Respondents from the hotel and more generally the tourism industry were, however, of the opinion that sectors reliant on a migrant workforce would be disproportionately affected by the levying of registration fees.

“The tourism industry and its components of hospitality, travel and leisure is being unfairly penalised”

“Seasonal Workers are already disadvantaged – Seasonal Workers already pay ITIS and Social Security from the outset, however have they have no recourse to benefits...”

Jersey Hospitality Association

They foresee businesses themselves bearing the costs, particularly in their attempt to attract quality workers – many being young and without the money to afford the initial financial outlay – in a competitive international market.

“Newcomers often lack funds and are unlikely to have the £75 required”.

Seymour Hotels

Some respondents also felt that new migrants are already disadvantaged, and that fees would unfairly target immigrant populations whose manpower is essential for a prosperous economy.

“Newcomers to the Island are already disadvantaged, although paying Social Security and ITIS, they have no recourse to health treatments or benefits for at least 6 months. The £75 fee should at least cover accident medical emergencies insurance.”

Seymour Hotels

Conclusions of the Migration Advisory Group

1.1.1 Registration Cards issued to High Net Worth Migrants

High Net Worth Individuals obtaining permission to purchase or lease property are already required to pay a minimum income tax contribution of £125,000 per year. These individuals, therefore, contribute significantly to our Island.

A fee of £5,000 will be payable on completion of a successful application. It is not believed that this fee will prevent Jersey from continuing to attract these new residents, while also being sufficient to cover the due diligence work undertaken. In 2012, 12 x 1(1)(k) applications were approved.

1.1.2 Registration Cards issued to Registered and Licensed Persons

A number of respondents, notably organisations that represent businesses, pointed out that migrant labour continues to be important to their business, and for the economy. This is accepted and appreciated. At the same time, a sizeable number of individual respondents felt the fee should be much higher in the interests of deterring immigration and supporting local employment.

A fee of £75 was initially proposed in the consultation and is maintained as a proposal. This fee will be levied against Registered and Licensed persons when they arrive in Jersey and obtain their first registration card.

This is not considered excessive, and when weighed up against the cost of moving to Jersey, seems relatively modest. Furthermore, local unemployed has continued to rise and their employment must be prioritised – this is why there is no cost proposed for Entitled or Entitled for Work persons.

Reduced Fee and Exemptions from Fee:

1. A reduced fee of £35 will be applied where a person who was resident in the Island when the Law was first introduced obtains their first registration card (all residents need a registration card when they first change job or purchase or lease property after the new Law is introduced, and those who are Registered or Licensed at this point will have a £35 fee levied).
2. It is also proposed that people in full-time education below the age of 21, where a parent is Entitled or Licensed, should not have to pay for their Registration Card. The purpose of this is to avoid students having to pay £75 for a Registration Card, recognising that it is understandable that they would want to live in the Island with their Entitled or Licensed parents, while still at school or during holidays. On a practical level, this means that people who have yet to obtain their qualifications can be issued a Registered Card without a delay while they obtain their qualifications and without uncertainty over whether a fee is due.
3. It is also important to note that the fee will be levied when a migrant first arrives and registers for a registration card, and so is *not* a recurring cost, which means they can return to the Island without having to pay for another card.

It must finally be stressed that, while many respondents wanted the fee to be much higher to deter immigration, the objective of the fee is to recover costs, and it is the business licence issued to each business that will limit their ability to employ Registered and Licensed employees, not the fee itself.

2. Licensed Employees

2.1 Respondents' Comments

Respondents were receptive towards the introduction of a fee levied against Licensed individuals. Although representatives of the business community who responded saw this as another cost to be incurred by businesses, they were not strongly in opposition to the proposition.

'FSG generally agree with the principle of "user pays", although it is noted that having to pay a fee for "Licensed" employees represents yet another cost of doing business in the Island'.

Fiscal Strategy Group of Jersey Finance

Several respondents advocated levying a higher fee, reasoning that Licensed individuals' higher wages, particularly in comparison to Registered individuals' wages, warranted this.

"Companies employing J Cat staff will barely notice your annual charge unless you make them a realistic amount".

Individual Respondent

Nevertheless, it was feared that any fee levied against Licensed or Registered individuals will give the impression Jersey is "closed for business".

"The proposal for 'immigrants' paying to work is the wrong signal' as it is felt this gives off the impression 'that Jersey is closed for business'".

Individual Respondent

"The application of levying fees via immigration control will dilute the appeal of Jersey as an employment destination".

Jersey Hospitality Association

2.2 Conclusions of the Migration Advisory Group

While some respondents questioned whether the fee for these employees should be more than £200, since on average they tend to earn higher salaries, others felt that the fees should be smaller, given the important contribution these employees already make in creating local employment. It was also suggested by respondents that it would be more efficient to levy a one-off fee when the employee first arrived in Jersey. However, very few respondents commented on the proposals.

It is recognised that it is important that the Island remain attractive to inward investment and high value migrants where these positions safeguard and create local employment, and that some reduction of the £200 would be beneficial, alongside a fee for Registered Employees (see Section 3 below). It is therefore proposed that the annual fee be £175 per Licensed employee permitted. Not-for-profit undertakings would not pay this fee, including the States of Jersey not having to pay itself.

This fee would first be payable by 31st January 2014, in respect of the maximum number of Licensed employees permitted as at 1st December 2013, irrespective of whether those posts are filled, or how long they have been filled for. An online payment facility is planned. This is considered an efficient collection mechanism and generates an even revenue stream.

Analysis of Income expected to be generated:

	Licensed employees by Sector	Annual Cost to the Sector (rounded)
Wholesale and Retail Trades	60	£10,000
Transport, Storage, and Communications	60	£10,000
Financial and Legal Activities	750	£130,000
Education, Health and other services	80	£14,000
Other, including Construction (40); Hotels, Bars and Restaurants (30); and Miscellaneous Business Activities (40)	150	£26,000
Total private sector Licensed employees	1,100	£190,000

3. Registered Employees

As part of the consultation, annual fees on businesses in respect of the number of Registered employees they were permitted was not proposed. However, it was noted in the Consultation Paper that the idea had merits, while recognizing concerns over the impact on businesses.

Since the consultation, unemployment in Jersey has continued to rise, and the Strategic Plan and Economic Growth Strategy have both been clear in outlining that the Island should tackle local unemployment and target high value immigration that creates and safeguards local employment. With this in mind, the question of introducing annual charges in respect of Registered migrants has been re-considered as being consistent in line with economic and strategic objectives.

Indeed, the consultation responses outlined both a concern on the part of businesses and a desire on the part of Islanders to introduce and increase fees for migrant employees, as noted in the “overview of the consultation” section above.

An annual charge of £50 per Registered employee permitted is proposed. This represents a very small proportion of total employment costs. Not-for-profit activities would not pay this fee. This fee would raise £250,000 per annum, although this will vary subject to the licensing decisions of government and employers.

This fee would first be payable by 31st January 2014, in respect of the maximum number of permanent Registered employees permitted as at 1st December 2013, irrespective of whether those posts are filled, or how long they have been filled for. It will be collected using the same collection mechanism proposed for Licensed employees.

4. Non-Resident Undertakings

4.1 Respondents' Comments

The majority of respondents to this particular section of the consultation were from the construction industry. Most were in principle in favour of revising current legislation and implementing measures to safeguard the local industry.

“[W]e concur that the existing [legislation] requires revision in order to modernise and streamline.”

Dandara

Nevertheless, respondents were wary that the proposed fees could become an additional cost to be absorbed by the Jersey contractor who should not be penalised for bringing specialist contractors to the Island.

“[The Jersey contractor] should not be penalised financially because the limited resources of the Island cannot service [their] particular need”

Dandara

However, the primary concern related to the proposed manner in which the fees will be calculated and how practical it will be to enforce this Law. One problem area, for example, will be how the length of a contract will be calculated by applicants as there may be a tendency towards conservative estimation.

“If we are now to be charged...we would be more conservative in our estimates.”

Premier Contracting & Shopfitting

“The proposed enforcement of the non-resident contractor fee would present difficulties, both in terms of its administration and enforcement of collection.”

Fiscal Strategy Group of Jersey Finance

The manner in which contract extensions would be dealt with was also queried, particularly when this is the result of unforeseen circumstances that has prevented the non-resident contractor working e.g. bad weather.

“There would be a potential for a locally based contractor to delay works on site causing an increase in cost for the off-Island contractor through increased fees”.

Dandara

Some alternative suggestions were forwarded including the imposition of a flat fee or a fee based on a percentage of the labour costs to be charged.

4.2 Conclusions of the Migration Advisory Group

While there was general comment that fees on non-resident undertakings would be complex and difficult to administer, this was appreciated at the consultation stage and was not felt a considerable barrier as it was felt important that the fee should relate to the size of the contract.

However, respondents have emphasized various objections, including the fact that workforce requirements and timings vary over the course of a contract, and this could make calculating a fee very challenging, especially where contract lengths were varied. A fee relative to profit or revenues was also considered, but this would be more complex and burdensome to administer and enforce.

Therefore, in response to the consultation, and to keep matters straightforward for all parties while levying a contribution to the Island, it is proposed that all non-resident undertakings pay a flat fee of £500 if in the Island to undertake work for 90 days or less, rising to £1,500 for contracts of more than 90 days.

This will be policed by monitoring arrivals at the Harbour, and monitoring sites where visiting contactors are engaged and using the powers under the new Law to immediately require all activities to cease in the event that the fee is due and has not been paid.

Modest exemptions to the fee will be created whereby:

- A non-resident undertaking in the construction industry who works in the Island for 5 days or less in any 12 month period will not pay a fee, and nor would a non-resident undertaking in any other sector for 30 days or less in any 12 month period (rising to 60 days for medical purposes).

While some respondents wanted a much higher fee, it is not considered in the best interests of the Island to significantly increase the costs of construction, and it seems sensible to start with a relatively modest fee that could be increased, rather than immediately introduce a more significant fee that could have implications for the costs of construction. Changes could also be appropriate after monitoring the fee and any impacts.

In the meantime, this fee will create a modest, if important, incentive to choose local undertaking, while ensuring that undertakings who visit the Island and pay no tax or social security make a contribution by way of a fee. Of course, the fee can be avoided by contracting a local business to undertake work if this is possible.

Analysis of Income generated:

Length of Contract	Number of Licences
5 – 30 days	40
1 – 3 months	60
3 – 6 months	40
6 – 18 months	20
Total Licences	160
Total Income	£140,000

5. Non-Resident Hawkers and Traders

5.1 Respondents' Comments

There was general consensus amongst the responses received that the proposed £250 fee to be levied against non-resident hawkers and traders was insufficient.

However, respondents' concerns were largely motivated by the perceived deleterious effects that larger businesses who frequently visit the Island have on local trade, rather than the occasional visits of small independent traders.

It was felt that because non-resident traders and hawkers do not directly contribute to the Island, a higher fee was justified, especially in light of the potential profit non-resident businesses can make on the Island.

“The fees must be between £1500 and £2000. Remember that they do not pay social security, rates, rents nor GST...A fee of £250 is laughable...these are not craft people generating a few hundred pounds”

‘[A] nominal fee of £250...will not be making us the money we would receive in tax’.

Individual Respondents

5.2 Conclusions of the Migration Advisory Group

There was very little comment around this proposal, but those that did comment felt the fee should be much higher. Appreciating that Islanders can generally purchase goods locally, or on-line, and that a direct financial contribution from visiting traders was welcome and appropriate, it was agreed that this fee could and should be higher.

Therefore, it is proposed that a flat fee of £1,000 be payable for each visit by a non-resident trader.¹

- Not-for-profit organisations will be exempt from this fee.
- Where the trader is part of an event or conference, such as at Fort Regent, this fee would be payable in relation to the whole event and not by each individual trader, i.e. a fee of £1,000 for the event.
- A provision would also allow the Minister discretionary powers to allow dispensations for events that are culturally beneficial to the Island.

¹ A non-resident trader *offers* goods or services for sale, or *offers* to purchase goods and services. A non-resident trader is therefore distinct from a non-resident contractor who comes to the Island to service a specific contract or set of contracts. The distinction being that a trader requires a licence and must pay a fee for each visit they make to the Island, whereas a contractor is able to take advantage of an exemption period from needing a licence (depending on their business sector).



CONTROL OF HOUSING AND WORK (FEES) (JERSEY) ORDER 201-

Explanatory Note

This Order sets out fees and charges which are payable under the Control of Housing and Work (Jersey) Law 2012 ("Law").

Article 1 is an interpretation provision.

Article 2 sets a fee of £35 for a first-time application for the registration card of a Registered or Licensed person who was ordinarily resident in Jersey for a continuous period of 3 months or more immediately before the date that the Law came into force. Otherwise, the fee for the first-time application of a Registered or Licensed person is set at £75. However neither of these fees applies to a person under 21 in full-time education who is the child of a parent with Entitled or Licensed status.

Article 2 also sets a fee of £5,000 for an application for a registration card of a person who has been granted Entitled status on the basis of social or economic grounds for the first time and who was not ordinarily resident in Jersey for a continuous period of 3 months or more immediately before the date that the Law came into force.

Article 3 sets a fee of £1,500 for an application for a business licence by a non-resident undertaking where the application is to operate in Jersey for a period of more than 90 days in any 12 month period and a fee of £500 where the application is to operate in Jersey for a period of 90 days or less in any 12 month period. A non-resident undertaking is defined in *Article 1* to mean an undertaking where, if only one person works for the undertaking, the person is not ordinarily resident in Jersey or, where more than one person works for the undertaking, all or a majority of the workers are not ordinarily resident in Jersey.

Article 4 sets a fee of £1,000 to accompany an application for a non-resident trading licence or a non-resident hawker's licence. In each case "non-resident" means that the applicant is not ordinarily resident in Jersey or does not have a permanent business address in Jersey. The application fee does not apply however if the application is by a non-profit undertaking or the undertaking otherwise brings cultural benefit to Jersey. "Non-profit undertaking" is defined in *Article 1* to mean any non-profit organization within the meaning of the Non-Profit Organizations (Jersey) Law 2008 (whether or not registered under that Law); a States funded body (within the meaning of the Public Finances (Jersey) Law 2005); and a parish.

Article 5 sets out the annual charge payable by each undertaking with a business licence that permits Licensed or Registered workers. The annual charge is £175 for each Licensed person and £50 for each Registered person. It is payable in respect of each such person permitted by the undertaking's business licence to work for the

undertaking on 1st December in any year, regardless of the number of such persons actually working for the undertaking on that day. It is payable by 31st January in the following year. No fee is payable under this Article by a non-profit undertaking.

Article 6 sets out the title of the Order and provides that it will come into force on the same date that the Control of Housing and Work (Jersey) Law 2012 comes into force.



CONTROL OF HOUSING AND WORK (FEES) (JERSEY) ORDER 201-

Arrangement

Article

1	Interpretation	5
2	Fee to accompany an application for a registration card	6
3	Fee to accompany an application for a business licence	6
4	Fee to accompany an application for a non-resident trading licence or a non-resident hawker's licence	6
5	Annual charge in respect of Licensed and Registered persons	7
6	Citation and commencement	7

(Note: page 4 is a blank page within the legislation template, and is therefore not reproduced here.)



CONTROL OF HOUSING AND WORK (FEES) (JERSEY) ORDER 201-

Made *[date to be inserted]*
Coming into force *[date to be inserted]*

THE CHIEF MINISTER, in pursuance of Articles 3(3), 26(3), 31 and 44 of the Control of Housing and Work (Jersey) Law 2012, orders as follows –

1 Interpretation

(1) In this Order –

“Law” means the Control of Housing and Work (Jersey) Law 2012;

“non-profit undertaking” means any of the following –

- (a) an organization which falls within the definition “non-profit organization” in Article 1 of the Non-Profit Organizations (Jersey) Law 2008 (whether or not it is registered under that Law);
- (b) a States funded body;
- (c) a parish;

“non-resident hawker” means a hawker who –

- (a) is not ordinarily resident in Jersey; or
- (b) does not have any permanent business premises in Jersey;

“non-resident undertaking” means an undertaking where –

- (a) if only one person works for the undertaking, that person is not ordinarily resident in Jersey; or
- (b) if more than one person works for the undertaking, all or the majority of the persons working in or for the undertaking are not ordinarily resident in Jersey;

“Regulations” means the Control of Housing and Work (Residential and Employment Status) (Jersey) Regulations 201-

- (2) In this Order, references to a residential and employment status are to that status as determined in accordance with the Regulations.

2 Fee to accompany an application for a registration card

- (1) The fee to accompany an application for a registration card by a person who has Licensed or Registered status is £35 if –
 - (a) prior to the application, the person has never been issued with a registration card; and
 - (b) the person was ordinarily resident in Jersey for a continuous period of 3 months or more immediately before the date that the Law came into force.
- (2) The fee to accompany an application for a registration card by a person who has Licensed or Registered status is £75 if –
 - (a) prior to the application, the person has never been issued with a registration card; and
 - (b) the person was not ordinarily resident in Jersey for a continuous period of 3 months or more immediately before the date that the Law came into force.
- (3) The fee to accompany an application for a registration card by a person who has been granted Entitled status under Regulation 2(1)(e) of the Regulations is £5,000 if –
 - (a) prior to the application the person has never been issued with a registration card recording Entitled status where such status was granted under Regulation 2(1)(e); and
 - (b) the person was not ordinarily resident in Jersey for a continuous period of 3 months or more immediately before the date that the Law came into force.
- (4) No fee shall be payable under paragraph (1) or (2) if, at the time of the application, the person –
 - (a) has not attained the age of 21 years;
 - (b) is in full-time education; and
 - (c) is the child of a parent with Entitled or Licensed status.

3 Fee to accompany an application for a business licence

The fee to accompany an application for a business licence by a non-resident undertaking is –

- (a) £1,500, if the application is for the undertaking to operate in Jersey for more than 90 days in any 12 month period; or
- (b) £500, if the application is for the undertaking to operate in Jersey for 90 days or less in any 12 month period.

4 Fee to accompany an application for a non-resident trading licence or a non-resident hawker's licence

- (1) The fee to accompany an application for a non-resident trading licence or an application for a hawker's licence where the applicant is a non-resident hawker is £1,000.

-
- (2) No fee shall be payable under paragraph (1) if the application is by an undertaking which is either or both of the following –
- (a) a non-profit undertaking; or
 - (b) an undertaking which brings cultural benefit to Jersey.

5 Annual charge in respect of Licensed and Registered persons

- (1) The annual charge in respect of a person permitted to work in or for an undertaking by the business licence of that undertaking is –
- (a) £175 in respect of each Licensed person; and
 - (b) £50 in respect of each Registered person.
- (2) The annual charge is payable in respect of each Licensed or Registered person permitted by an undertaking's business licence to work for the undertaking on 1st December in any year, regardless of the number of such persons working for the undertaking on that day, and must be paid by 31st January in the following year.
- (3) A charge is not payable under this Article by a non-profit undertaking.

6 Citation and commencement

This Order may be cited as the Control of Housing and Work (Fees) (Jersey) Order 201- and shall come into force on the date that the Control of Housing and Work (Jersey) Law 2012 comes into force.