



**Isle of Man**

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**SD No.2017/0269**

**CONTROL OF EMPLOYMENT  
REGULATIONS 2017**





## CONTROL OF EMPLOYMENT REGULATIONS 2017

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Statutory Document No. 2017/0269

*Control of Employment Act 2014*

## CONTROL OF EMPLOYMENT REGULATIONS 2017<sup>1</sup>

*Laid before Tynwald: 17 October 2017*

*Coming into operation in accordance with regulation 2*

The Department of Economic Development makes the following Regulations under sections 3<sup>1</sup>, 8(2), 9(5) to (6), 11(1), 12(2) and (3), 15(7), 17(1) and (4), 22 and 24(1) and (6) of the Control of Employment Act 2014.

### 1 Title

These Regulations are the Control of Employment Regulations 2017.

### 2 Commencement

These Regulations come into operation —

- (a) on 1 November 2017 so far as they relate to cohabiting partners and the removal of the requirement for a work permit in the case of the holder of an immigration employment document;
- (b) on 15 January 2018 for all other purposes.

### 3 Interpretation

(1) In these Regulations —

“**the Act**” means the Control of Employment Act 2014 and a reference to a numbered section is a reference to the section of the Act so numbered;

“**the applicant**” means the person by whom an application is made;

“**application**” means an application for the grant or renewal of a work permit;

“**cohabiting partner**” means one of two persons who are living together as if they were spouses or civil partners;

“**EEA national**” means a national of a State which is a Contracting Party to the Agreement on the European Economic Area signed at Oporto on 2 May 1992 as it has effect for the time being;

<sup>1</sup> Section 3 is cited because of the definitions it ascribes to “**immigration employment document**”, “**prescribed**” and “**regulations**”.

**“holder”** in relation to a work permit, means the person in respect of whose employment the work permit is granted;

**“Immigration Act”** means the Immigration Act 1971 (of Parliament) and the immigration rules made under it as those enactments have effect in the Island;

**“leave to enter”** and **“leave to remain”** are to be construed in accordance with the Immigration Act;

**“the person concerned”** means the person in respect of whose employment an application is made;

**“the primary employment”** means the employment in which the spouse, civil partner or cohabiting partner of the holder of a qualifying person’s permit was engaged and by virtue of which the qualifying permit was granted and **“the primary worker”** means that spouse, civil partner or cohabiting partner;

**“a qualifying person’s permit”** means a work permit issued to the spouse, civil partner or cohabiting partner of a person in primary employment in a case where section 9(1) applies;

**“relevant person”** means any person living with, or likely to live with, the person concerned as a member of his or her family or household;

**“skills card”** means a document issued by a recognised organisation to demonstrate the qualifications and skills of a person who is employed in a construction trade;

**“work permit”** means a permit granted under section 8 and, to avoid doubt, includes a work permit granted in accordance with section 9(1) (spouse or civil partner permit).

- (2) For the purposes of the Act an **“immigration employment document”** is a document issued by the Governor or an officer of the Cabinet Office which shows that the holder has valid leave to enter, or remain in, the Island and also shows that one of the following Cases apply.

***Case 1: Worker Migrant visas***

The holder has a valid Worker Migrant visa, or Worker (intra-Company Transfer) Migrant visa.

This Case applies only insofar as the holder undertakes or is to undertake employment authorised by the visa or is to be so employed.

***Case 2: Tier 1 Migrant visas***

The holder has—

- (a) a valid Tier 1 (Entrepreneur) visa;
- (b) a valid Tier 1 (Exceptional Talent) visa;

- (c) a valid Tier 1 (Graduate Entrepreneur) visa; or
- (d) a valid Tier 1 (Investor) visa.

***Case 3: Tier 4 (General) Student visas***

The holder has —

- (a) a valid Tier 4 (General) Student visa; or
- (b) a valid Tier 4 (Child) Student visa.

***Case 4: Tier 5 (Temporary Worker) Migrant visas***

The holder has a valid Tier 5 (Temporary Worker) Migrant visa: this Case applies only insofar as the holder undertakes or is to undertake employment authorised by the visa.

***Case 5: Tier 5 (Youth Mobility Scheme) Migrant visas***

The holder has a valid Tier 5 (Youth Mobility Scheme) Migrant visa.

***Case 6: Former Tier 2 Migrant visas***

The holder—

- (a) immediately before the coming into operation of the Immigration (Variation of Leave) Order 2018<sup>2</sup> held a visa of the description listed in column 1 of the table (“the old visa”); and
- (b) is at the relevant time to be treated as holding the visa shown in column 2 of that table (“the new visa”).

This Case applies only insofar as the holder complies with the relevant provision of the immigration rules applicable to the new visa.

The relevant provision is—

- (i) in the case of a worker of any category, Appendix W; and
- (ii) in the case of a dependant of any category, the rules for dependants of Worker Migrants or any family members under the Points Based System are given under Part 8 of the immigration rules (see rules 319AA – 319J).<sup>2</sup>

<sup>3</sup>	<b><i>Old visa</i></b>	<b><i>New visa</i></b>
1.	Tier 2 (Intra Company Transfer) Migrant	Worker (Intra Company Transfer) Migrant
2.	Tier 2 (Intra Company Transfer) Migrant’s Dependant	Dependant of Worker (Intra Company Transfer) Migrant
3.	Tier 2 (General) Migrant Tier 2 (Minister of Religion) Migrant Tier 2 (Sportsperson) Migrant	Worker Migrant

4.	Dependant of — (a) a Tier 2 (General) Migrant; (b) a Tier 2 (Minister of Religion) Migrant; or (c) a Tier 2 (Sportsperson) Migrant.	Dependant of Worker Migrant
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***Case 7: Business Migrant visas***

The holder has a valid Business Migrant (Start-up) or Business Migrant (Innovator) visa.

This Case applies only insofar as the holder undertakes or is to undertake employment authorised by the visa or is to be so employed.<sup>4</sup>

- (3) References to whether convictions are spent should be construed in accordance with the Rehabilitation of Offenders Act 2001.

#### **4 Application for grant or renewal of work permit**

- (1) An application, in a form approved by the Department, must be made —
- (a) by the employer or prospective employer if the application is for a work permit for an employee or prospective employee (except under section 9(1)); or
  - (b) by the person concerned if in respect of —
    - (i) a work permit for a self-employed person (except under section 9(1)); or
    - (ii) a qualifying person's permit.
- (2) Different forms may be approved by the Department in respect of —
- (a) different classes of employees;
  - (b) different classes of self-employed persons; and
  - (c) work permits under section 9(1).
- (3) An application for the grant of a work permit must contain —
- (a) in the case of an application for a work permit for an employed person the information specified in Part 1 of Schedule 1; or
  - (b) in the case of an application for a work permit for a self-employed person the information specified in Part 2 of Schedule 1;
  - (c) In the case of an application for a qualifying person's permit, the application must contain the information specified in Part 3 of Schedule 1.

This is subject to paragraph (4).

- (4) The applicant must furnish such certificates, documents and evidence for the purpose of the application as may be required by the Department.



- (5) The applicant or the person concerned must, if reasonably so required, attend at such office or place as the Department may direct for the purpose of supplying any matter referred to in paragraph (4).
- (6) The application form must either be signed by the applicant or authenticated in such manner as the Department may approve and, in either case, must be accompanied by a certificate that its contents are true and complete to the best of the applicant's knowledge and belief.
- (7) An application for the renewal of a work permit must be made not less than 7 days before the date of expiry of the work permit.

## **5 Matters in respect of which regard shall or may be had in determining an application**

Schedule 2 specifies —

- (a) in Part 1, the matters to which regard shall be had in determining whether to grant or renew a work permit, or to specify a condition in a work permit; and
- (b) in Part 2, the matters to which regard may be had in determining those issues.

## **6 Consolidation and staying of applications**

- (1) If 2 or more applications (in relation to the same individual) relate to the same employment, the Department may consider and determine the applications together.
- (2) If applications are made for —
  - (a) a work permit relating to regular full-time employment otherwise than of a temporary nature which will be the primary employment for the purpose of a qualifying person's permit); and
  - (b) a qualifying person's permit for the employment of the spouse, civil partner or cohabiting partner of the holder of the work permit referred to in sub-paragraph (a),the Department may consider and determine the applications together.
- (3) If an appeal has been made in relation to an application for the grant of a work permit, the Department may postpone, until the appeal is determined or withdrawn, consideration of any other application for the grant of a work permit in respect of the same employment.

This does not limit paragraph (4).
- (4) If an appeal has been made in relation to an application for the grant of a work permit and —
  - (a) is determined, or

- (b) is withdrawn less than 15 days before the date fixed for the hearing of the appeal,

the Department may postpone consideration of another application for the grant of a work permit in respect of the same person and the same employment, for a period not exceeding 3 months from the date of the determination or withdrawal of the appeal.

- (5) The Department must as soon as practicable notify the applicant and the person concerned (if different) of any decision to deal with an application in accordance with the provisions of this regulation.

## **7 Change of circumstances justifying revocation of work permit**

Schedule 3 specifies the changes of circumstances which justify revocation of a work permit.

## **8 Decision on application for work permit**

- (1) The Department must give the applicant written notice of the decision on an application.
- (2) The notice of a decision —
  - (a) to refuse to grant or renew a work permit; or
  - (b) to grant or renew a work permit but in terms which differ from those in which it was sought (whether by the inclusion of conditions, the imposition of limitations or otherwise) for a period less than that applied for;

must include a statement of the reasons for the decision and information as to how an appeal can be made to the Work Permit Appeal Tribunal.

- (3) A work permit must be in writing and (subject to that) in such form as the Department may determine.

## **9 Variation of work permit**

- (1) In the circumstances specified in paragraph (2) or (3) a work permit may be varied by the Department —
  - (a) at the request of the holder, or
  - (b) at the request of the employer of the holder with the consent of the holder.
- (2) If the work permit is limited to employment in a specified capacity at a specified place, it may be so varied to remove the limitation or to specify another place, if the Department is satisfied that the employment of the holder in a different capacity or without that limitation, or at that other

place, as the case may be, is reasonably required for the purpose of the employer's business.

- (3) The work permit may be varied so as to specify, in place of employment in the capacity specified in the work permit, employment in a different but related capacity if the Department is satisfied —
  - (a) that the employment of the holder in the specified capacity is no longer required, but the employment of the holder in the other capacity is reasonably required, for the purpose of the employer's business; or
  - (b) that the holder was employed in the specified capacity for the purpose of training for a qualification which he or she has now obtained, and is to be employed in a capacity for which that qualification is required.
- (4) Any decision of the Department under this regulation is final.

## **10 Cohabiting partners of work permit holders or exempt persons**

- (1) Two persons who are cohabiting partners are to be treated as spouses or civil partners for the purposes of section 9(1) if they satisfy the conditions in paragraphs (2) and (3).
- (2) The first condition is that both persons must be —
  - (a) living together as cohabiting partners at the date of application for a qualifying person's permit; and
  - (b) intending to continue to live together as cohabiting partners.
- (3) The second condition is that an applicant for a qualifying person's permit must (in addition to completing an application form for a permit) provide such information to the Department as is specified at Schedule 4.
- (4) The Department may exercise its discretion in deciding whether or not two persons are *bona fide* cohabiting partners.

## **11 Employer to notify Department**

- (1) If the holder of a work permit, other than a qualifying person's permit, ceases to work for an employer, the employer must, within 14 days of the cessation, notify the Department of —
  - (a) the full name of the employee;
  - (b) the number of the work permit;
  - (c) the date of cessation; and
  - (d) to the best of the employer's knowledge, whether the employee is still working in the Island and, if so, the name and address of the new employer.

- (2) If the employment of the holder of a work permit is terminated in the circumstances specified in section 8(4) (transfer of undertaking), the employer must within 14 days notify the Department of —
  - (a) the full name of the employee;
  - (b) the number of the work permit;
  - (c) the date of the termination; and
  - (d) the name and address of the successor or associated employer (as defined in section 8(4)).
- (3) A person who fails to comply with paragraph (1) or (2) is guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.

## **12 Notification in respect of self-employed permit**

- (1) If the holder of a self-employed permit ceases self-employment, the holder must, within 14 days, notify the Department of —
  - (a) his or her full name;
  - (b) the number of the work permit;
  - (c) the date of cessation;
  - (d) whether he or she is still working in the Island and, if so, the name and address of the employer or details of the new self-employment.
- (2) A person who fails to comply with paragraph (1) is guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.

## **13 Notification in respect of a qualifying person's permit**

- (1) If the holder of a qualifying person's permit commences work for an employer, the holder must, within 14 days, notify the Department of —
  - (a) his or her full name;
  - (b) the number of the work permit;
  - (c) the name, business address, telephone number and email address (if any) of the employer;
  - (d) the nature of the employment;
  - (e) the rate of pay, any bonuses, any accommodation offered, and hours of work; and
  - (f) the date of commencement,except where the holder has already provided all of the details in respect of sub-paragraphs (a) and (c) to (f) on the work permit application form.
- (2) If the holder of a qualifying person's permit commences self-employment, the holder must, within 14 days, notify the Department of—

- (a) his or her full name;
  - (b) the number of the work permit;
  - (c) details of the self-employment, including the business name and address and the work to be carried out and an indication of the projected income; and
  - (d) the date of commencement,unless the details required under -paragraphs (a), (c), and (d) have already been supplied to the Department.
- (3) If the holder of a qualifying person's permit ceases to work for an employer or to be self-employed, the holder must, within 14 days, notify the Department of —
  - (a) his or her full name;
  - (b) the number of the work permit;
  - (c) the name of the employer (if any); and
  - (d) the date of cessation.
- (4) If the marriage or civil partnership of the holder of a qualifying person's work permit is terminated by divorce, dissolution or annulment, or the holder ceases to live together with his or her cohabiting partner, the holder must, within 14 days, notify the Department of —
  - (a) the relevant event; and
  - (b) when it occurred.
- (5) If the primary employment ceases, the primary worker must, within 14 days of the cessation, notify the Department of the date of the cessation.
- (6) A person who fails to comply with any provision of this regulation is guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.

## **14 Register of exempt persons**

- (1) The Department must maintain a register of exempt persons.
- (2) The employer of an exempt person must, within 14 days of the employee commencing employment, provide the following information to the Department —
  - (a) the name, business address, telephone number and email address (if any) of the employer;
  - (b) the employer's industry or economic sector;
  - (c) the exempt person's full name;
  - (d) the person's national insurance number;
  - (e) the person's job title and occupation;

- (f) the person's rate of pay, any bonuses, any accommodation offered, and hours of work;
  - (g) the date of commencement;
  - (h) the number and ages of relevant persons, if any, accompanying the person to the Island;
  - (i) whether the person has an immigration employment document, and, if so, details of the document.
- (3) A self-employed exempt person must, within 14 days of commencing self-employment, provide the following information to the Department —
  - (a) his or her full name;
  - (b) his or her national insurance number;
  - (c) his or her occupation;
  - (d) his or her industry or economic sector;
  - (e) his or her estimated income;
  - (f) the date of commencement;
  - (g) the number and ages of relevant persons, if any, accompanying him or her to the Island;
  - (h) whether the person has an immigration employment document, and, if so, details of the document.
- (4) Paragraphs (2) and (3) do not apply in the case of an exempt person to whom any of the following subparagraphs apply —
  - (a) section 7(5)(b) (temporary or intermittent employments);
  - (b) paragraph 8 of Schedule 1 to the Act (temporary employments);
  - (c) paragraph 9(1) of Schedule 1 to the Act (persons establishing new businesses etc.);
  - (d) paragraph 9(5) of Schedule 1 to the Act (voluntary workers).
- (5) If an exempt person ceases to work for an employer the employer must, within 14 days, notify the Department of —
  - (a) the full name of the exempt person; and
  - (b) the date of cessation.
- (6) If an exempt person ceases to be self-employed, he or she must within 14 days, notify the Department of —
  - (a) his or her full name; and
  - (b) the date of cessation.
- (7) A person who fails to comply with any provision of this regulation is guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.

**15 Fixed penalties for offences under the Act**

- (1) Section 17 (fixed penalties) applies to offences under the provisions specified in column 1 of Schedule 5.
- (2) The amount of a fixed penalty in the case of each such offence is the amount specified in column 2 of Schedule 5 in relation to the provision in question.
- (3) Schedule 6 prescribes the form to be used for the purpose of section 17(1).

**16 Revocation**

- (1) The following are revoked —
  - (a) the Control of Employment Regulations 2015; and
  - (b) the Control of Employment (Amendment of Schedule 1) Regulations 2016.
- (2) The revocation of the Control of Employment Regulations 2015 is subject to regulation 17(1), and to paragraph 7(2) of Schedule 3 to the Act (saving for Tribunal proceedings and existing procedural rules).

**17 Transitional provisions**

- (1) These Regulations do not apply to an application for the grant or renewal of a work permit received by the Department before these Regulations come into operation.
- (2) The employer of an exempt person who on 15 January 2018 was employed under a contract of employment which began before that date is not required to comply with regulation 14(2) until 31<sup>st</sup> March 2018.

**MADE 2 OCTOBER 2017**





**SCHEDULE 1**

[Regulation 4(3)]

**INFORMATION TO BE CONTAINED IN APPLICATION****PART 1 — EMPLOYED PERSON***Details of prospective employer*

1. The employer's full name and name of the person to contact within the organisation.
2. The employer's business address, telephone number and email address (if any).
3. The employer's industry or economic sector.
4. The number of Isle of Man workers employed by the employer, and the percentage those workers are of the total number of persons employed by the employer.

*Details of the particular employment*

5. Specific details of the employment for which the work permit is required including rate of pay, any bonuses, any accommodation offered, and hours of work.  
For the purposes of this item, "director" is insufficiently specific.
6. Any skills, qualifications, or experience required for the employment.
7. The importance of the particular position to the employer.
8. If it is claimed that the employment of the person concerned may bring any special economic or social benefit to the Island, particulars of that benefit.
9. The date the employment is to commence.
10. The period for which the work permit is required.
11. The reasons for wishing to employ the person concerned.
12. Details of the steps taken to fill the vacancy, including any advertisement and the response to such advertisement.
13. The reasons why any Isle of Man workers were considered unsuitable to carry out the employment.

*Details of person concerned*

14. The title and full name of the person concerned, and any previous name.
15. The gender of the person concerned.

16. The home address and last address outside the Island of the person concerned.
17. The email address (if any) and telephone number of the person concerned.
18. The National Insurance number (if any) of the person concerned.
19. The date and place of birth of the person concerned.
20. The nationality of the person concerned, and, if a non EEA national, whether he or she has leave to enter and remain in the Island as defined within the Immigration Act and is permitted to work in the Island under that Act.
21. Whether English is the first language of the person concerned and, if not, details of his or her proficiency in English including any appropriate qualifications.
22. The marital, civil partnership or cohabiting partner status of the person concerned.
23. The date the person concerned arrived in the Island.
24. Particulars of any criminal convictions (in the Island or elsewhere) of the person concerned which are not spent for the purposes of the employment in connection with which the application is made.
25. If the person concerned engages or intends to engage in a construction trade, details of his or her skills card.
26. Any other relevant information.

*Details of relevant persons*

27. The number and ages of relevant persons, if any, accompanying the person to the Island;

## **PART 2 — SELF-EMPLOYED PERSON**

*Details of self-employment*

1. Details of the proposed self-employment including the nature of the business, the business name and address and the work to be carried out.
2. Whether the business is a new or existing business and, in the latter case, when it was acquired.
3. Any skills, qualifications, or experience required for the self-employment.
4. Whether the person concerned is an undischarged bankrupt.
5. Particulars of the financial structure of the business including the business plan.

6. If the person concerned is to undertake work as a sub-contractor on a construction project —
  - a the name and contact details of the main contractor;
  - b details of the project; and
  - c the start and finish dates of the contract.
7. If it is claimed that the employment of the person concerned may bring any special economic or social benefit to the Island, particulars of that benefit.
8. The date the self-employment is to commence.
9. The period for which the work permit is required.

*Details of person concerned*

7. The title and full name of the person concerned, and any previous name.
8. The gender of the person concerned.
9. The home address and last address outside the Island of the person concerned.
10. The email address (if any) and telephone number of the person concerned.
11. The National Insurance number (if any) of the person concerned.
12. The date and place of birth of the person concerned.
13. The nationality of the person concerned, and, if a non EEA national, whether he or she has leave to enter and remain in the Island as defined within the Immigration Act and is permitted to work in the Island under that Act.
14. Whether English is the first language of the person concerned and, if not, details of his or her proficiency in English including any appropriate qualifications.
15. The marital, civil partnership or cohabiting partner status of the person concerned.
16. The date the person concerned arrived in the Island.
17. Particulars of any criminal convictions (in the Island or elsewhere) of the person concerned which are not spent for the purposes of the employment in connection with which the application is made.
18. If the person concerned engages or intends to engage in a construction trade, details of his or her skills card.
19. Any other relevant information.

*Details of relevant persons*

20. The number and ages of relevant persons, if any, accompanying the person to the Island;

### PART 3 – QUALIFYING PERSON

#### *Details of person concerned*

1. The title and full name of the person concerned and any previous name.
2. The gender of the person concerned.
3. The title and full name of the spouse, civil partner or cohabiting partner of the person concerned.
4. Particulars of any current or previous work permit held by the person concerned.
5. Particulars of the work permit of the spouse, civil partner or cohabiting partner of the person concerned or if that person is exempt details as to the exemption.
6. The home address and last address outside the Island of the person concerned.
7. The email address (if any) and telephone number of the person concerned.
8. The National Insurance number (if any) of the person concerned.
9. The date and place of birth of the person concerned.
10. The nationality of the person concerned, and, if a non EEA national, whether he or she has leave to enter and remain in the Island as defined within the Immigration Act and is permitted to work in the Island under that Act.
11. The date the person concerned arrived in the Island.
12. A declaration that none of the circumstances specified in section 10 apply to the person concerned.
13. Any other relevant information.

#### *Details of employment (where known)*

14. The employer's full name and business address, telephone number and email address (if any).
15. The nature of the employment.
16. Rate of pay, any bonuses, any accommodation offered, and hours of work.
17. Details of any proposed self-employment, including the business name and address, the work to be carried out and an indication of the projected income.
18. The date of commencement.

**SCHEDULE 2**

[Regulation 5]

**MATTERS TO BE CONSIDERED IN DETERMINING APPLICATION FOR WORK PERMIT ETC.****PART 1 — MATTERS TO WHICH REGARD SHALL BE HAD***Economic circumstances*

1. Whether there are any suitable Isle of Man workers available in the trade, occupation or profession in respect of which the application is made, having regard to —
  - (a) any skills, qualifications, knowledge, or experience required for the position; and
  - (b) the importance of the position to the applicant's undertaking.
2. The level of unemployment in the Island in the trade, occupation or profession in respect of which the application is made.
3. Any likely economic or social consequences of granting or declining the application (other than for the person concerned or any relevant person).

*The process*

4. Whether and how the availability of the employment has been publicised in the Island.
5. The process by which the applicant has selected the person concerned.
6. The grounds on which the person concerned was selected.

*Personal circumstances of the person concerned*

7. Any criminal convictions (in the Island or elsewhere) of the person concerned which are not spent for the purposes of the employment in connection with which the application is made.
8. Where the person concerned has, within a reasonable time before the making of the application, worked in the Island for a continuous period of 2 years or more by virtue of a work permit or an exemption under section 7, his or her family circumstances (including whether his or her family are living in the Island).
9. Whether a refusal to grant or renew a work permit would cause substantial hardship to the person concerned.

*Additional considerations regarding the person concerned*

10. The status of the person concerned under the Immigration Act, and whether he or she has leave to enter and remain in the Island as defined within that Act and is permitted to work in the Island under that Act.

**PART 2 — MATTERS TO WHICH REGARD MAY BE HAD***Economic circumstances*

1. In the case of a self-employed person, the number of individuals already engaged in the employment in question in the Island.

*Additional considerations regarding the employer*

2. The number of Isle of Man workers employed by the applicant as a percentage of the total number of persons employed by him or her.
3. Whether the wages and conditions offered are less favourable than those normally applying in the particular trade or occupation in the Island.
4. Any career development policy or rotation policy of the applicant.

*Additional considerations regarding the person concerned*

5. If the person concerned engages or intends to engage in a construction trade, whether he or she is suitably qualified to do so and holds a relevant skills card, as may be specified by the Department.
6. The ability of the person concerned to speak English.

**SCHEDULE 3**

[Regulation 7]

**CHANGE OF CIRCUMSTANCES JUSTIFYING REVOCATION OF WORK  
PERMIT<sup>2</sup>**

1. The fact that the application for the work permit includes a statement (whether relating to the holder, to his or her employer, to a relevant person or to any other person) which is false in a material particular, or omits to disclose a material particular, such that a true and complete statement would have caused the Department to refuse to grant or to renew the work permit, as the case may be.
2. The failure of the holder or his or her employer to comply with any condition subject to which the work permit was granted.
3. The failure of the holder to pay his or her income tax or any contributions required under a statutory provision relating to social security.
4. Two or more complaints referred to in section 23(4) against the holder, tending to show that he or she is not a fit and proper person to undertake or be engaged in the employment in question.
5. The fact that the continued employment of the holder would be unlawful under the Immigration Act.

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<sup>2</sup> Section 11(2) specifies additional circumstances which justify the revocation of a work permit.

**SCHEDULE 4**

[Regulation 10]

**INFORMATION TO BE PROVIDED BY A COHABITING PARTNER SEEKING A  
PERMIT UNDER SECTION 9(1)**

1. The address or addresses at which the person concerned and his or her cohabiting partner —
  - lived together before the date of application, (if relevant);
  - are living together at the date of application;
  - intend to live (if known).
2. Four original documents, from at least two separate sources which are not connected to the person concerned or his or her cohabiting partner, and which demonstrate that the person concerned and his or her cohabiting partner have been or are living at the same address. A jointly held document which demonstrates the residence of both parties at the same address counts as two documents. Sources may include —
  - bank or building society statement
  - tenancy agreement
  - mortgage statement
  - utility bill
  - driving licence
  - income tax return or tax notification documentation
  - pay statement
  - house or motor insurance certificate
  - credit card statement
  - television licence
  - local authority rates bill
  - vehicle registration document
  - other banking, investment or insurance document
  - correspondence from any Department or Statutory Board of the Government
  - correspondence from any other reputable source
3. Two references from two individuals confirming that the person concerned and his or her cohabiting partner are living together as if they were spouses or civil partners and the names, addresses and contact details of those individuals.
4. A declaration signed by both the person concerned and his or her cohabiting partner that they are living, and intend to continue to live, together as cohabiting partners.



5. Such other information as the Department may reasonably require.

## SCHEDULE 5

[Regulation 15(1) and (2)]

### FIXED PENALTY OFFENCES

Provision creating offence	Amount of fixed penalty
<ul style="list-style-type: none"> <li>• Section 15(1) (contravention of section 6 (restrictions on employment))</li> </ul>	£1,000
<ul style="list-style-type: none"> <li>• Section 15(3)(a) (failure to comply with a condition specified in Part 1 of Schedule 1 to the Act)</li> </ul>	£200
<ul style="list-style-type: none"> <li>• Section 15(3)(b) (failure to comply with a condition under —               <ul style="list-style-type: none"> <li>○ section 7(5)(a) (exemption of person in the national interest);</li> <li>○ section 7(5)(b) (exemption of employment of a temporary or intermittent nature);</li> <li>○ section 8(2) (work permits); or</li> <li>○ section 9(3)(spouse or civil partner permit))</li> </ul> </li> </ul>	£200
<ul style="list-style-type: none"> <li>• Regulation 11(3)(failure by employer to notify Department of certain matters)</li> </ul>	£100
<ul style="list-style-type: none"> <li>• Regulation 12(2) (failure by self-employed person to notify the Department of certain matters)</li> </ul>	£100
<ul style="list-style-type: none"> <li>• Regulation 13(6) (failure by holder of qualifying person's permit to notify Department of certain matters)</li> </ul>	£100
<ul style="list-style-type: none"> <li>• Regulation 14(7) (failure by employer of exempt person or by self-employed exempt person to notify the Department of certain matters)</li> </ul>	

**SCHEDULE 6**

[Regulation15(3)]

**FIXED PENALTY NOTICE**

Serial No.

To:\*

Address:\*

I have reasonable cause to believe that you have committed an offence under —  
the following section of the Control of Employment Act 2014\* —

section 15(1) (contravention of section 6 (restrictions on employment))\*

- section 15(3)(a) (failure to comply with a condition specified in Part 1 of Schedule 1 to the Act)\*
- section 15(3)(b) (failure to comply with a condition under\* —
  - section 7(5)(a) (exemption of person in the national interest);\*
  - section 7(5)(b) (exemption of employment of a temporary or intermittent nature);\*
  - section 8(2) (work permits);\*
  - section 9(3)(spouse or civil partner permit)\*)

the following provision of the Control of Employment Regulations 2017\* —

- regulation 11(3)(failure by employer to notify Department of certain matters);\*
- regulation 12(2) (failure by self-employed person to notify Department of certain matters);\*
- regulation 13(6) (failure by holder of qualifying person's permit to notify Department of certain matters);\*
- regulation 14(7) (failure by employer of exempt person or by self-employed exempt person to notify the Department of certain matters).\*

On summary conviction you could be liable to a fine of up to £ \*

HOWEVER YOU MAY AVOID BEING CONVICTED FOR THE OFFENCE BY  
PAYING A FIXED PENALTY OF £ \* WITHIN \* (not less than 14) DAYS

You should pay the fixed penalty at the public counter, Courts of Justice, Deemsters' Walk, Douglas, IM1 3AR.

Payment options are as follows —

- personal callers – cheque, postal order, cash, debit card, credit card;
- telephone callers – debit card or credit card;
- post – cheque or postal order made payable to “IOM Government” and posted to Courts of Justice, Deemsters' Walk, Douglas, Isle of Man, IM1 3AR.

Date

Inspector authorised by Department of Economic Development

*\*Complete or delete as appropriate*

COUNTERFOIL

Fixed penalty of £ payable to the Chief Registrar (Control of Employment Act 2014)  
Name and address of person by whom the penalty is paid

Serial No.

## ENDNOTES

### Table of Endnote References

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<sup>1</sup> The format of this legislation has been changed as provided for under section 75 of, and paragraph 2 of Schedule 1 to, the Legislation Act 2015. The changes have been approved by the Attorney General after consultation with the Clerk of Tynwald as required by section 76 of the Legislation Act 2015.

<sup>2</sup> Para (2) substituted by SD2019/0225.

<sup>3</sup> Table substituted by SD2019/0225.

<sup>4</sup> Para (2) amended by SD2020/0536.