



Isle of Man

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SD No. 2017/0271

**CONTROL OF EMPLOYMENT
(COHABITING PARTNERS OF ISLE OF
MAN WORKERS) ORDER 2017**



CONTROL OF EMPLOYMENT (COHABITING PARTNERS OF ISLE OF MAN WORKERS) ORDER 2017

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Statutory Document No. 2017/0271



Control of Employment Act 2014

CONTROL OF EMPLOYMENT (COHABITING PARTNERS OF ISLE OF MAN WORKERS) ORDER 2017¹

Approved by Tynwald: 17 October 2017
Coming into Operation: 1 November 2017

The Department of Economic Development makes the following Order under section 24(3A),(3B) and (6) of the Control of Employment Act 2014.

1 Title

This Order is the Control of Employment (Cohabiting Partners of Isle of Man Workers) Order 2017.

2 Commencement

If approved by Tynwald this Order comes into operation on 1 November 2017.

3 Amendment of the Control of Employment Act 2014

- (1) The Control of Employment Act 2014 is amended as follows.
- (2) In section 3 before the definition of “contract of service or apprenticeship” insert —

“cohabiting partner” means one of two persons who are living together as if they were spouses or civil partners;
- (3) In section 8—
 - (a) in subsection (2) for “sections 9(3) and 11” substitute sections 8A(6), 9(3) and 11;
 - (b) in subsection (5) for “sections 9(2) and 11” substitute sections 8A(5), 9(2) and 11.
- (4) After section 8 insert —

8A Cohabiting partner of Isle of Man worker

- (1) Except in prescribed cases, and subject to section 12(1), the Department must not refuse to grant or renew a work permit for

- the employment of the cohabiting partner of an Isle of Man worker if the conditions in paragraphs (2) and (3) are satisfied.
- (2) The first condition is that the Isle of Man worker and his or her cohabiting partner must be —
- (a) living together as cohabiting partners at the date of application for a permit; and
 - (b) intending to continue to live together as cohabiting partners.
- (3) The second condition is that the applicant for a work permit must —
- (a) complete an application form in a manner approved by the Department; and
 - (b) provide such information to the Department as is specified at Schedule 1A.
- (4) The Department may exercise its discretion in deciding whether or not two persons are *bona fide* cohabiting partners.
- (5) A work permit granted or renewed under subsection (1) remains in force until the earlier of —
- (a) the day which falls 12 months from the date on which it is granted or renewed; or
 - (b) the day which falls 6 months from the date on which the persons cease to live together as cohabiting partners.
- (6) A work permit granted or renewed under subsection (1) authorises the employment of the person named in it generally in any capacity, subject to such conditions as are specified in the permit. **22**.
- (5) After Schedule 1 insert (as Schedule 1A) the Schedule set out in the Schedule to these Regulations.
- (6) In section 10 for “section 7 or 9” substitute **63** section 7, 8A or 9 **22**.
- (7) In section 12(2) for “section 9(1)” substitute **63** section 8A(1) or 9(1) **22**.
- (8) In section 15(3) for “section 7(5)(a) or (b), 8(2) or 9(3)” substitute **63** section 7(5)(a) or (b), 8(2), 8A(6) or 9(3) **22**.
- (9) In section 19(1)(e) for “section 7(5)(a) or (b), 8(2) or 9(3)” substitute **63** section 7(5)(a) or (b), 8(2), 8A(6) or 9(3) **22**.
- (10) In section 24(6) for “section 7(6)” substitute **63** section 7(6), subsection (3A) **22**.

MADE 19 SEPTEMBER 2017

SCHEDULE

SCHEDULE TO BE INSERTED AS SCHEDULE 1A TO THE ACT

☒ SCHEDULE 1A

[Section 8A]

**INFORMATION TO BE PROVIDED BY THE COHABITING PARTNER OF AN
ISLE OF MAN WORKER SEEKING A PERMIT UNDER SECTION 8A**

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.

SCHEDULE

5. Such other information as the Department may reasonably require. 22

ENDNOTES

Table of Endnote References

¹ 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.