

**SECOND SUPPLEMENT TO THE GIBRALTAR
GAZETTE
No. 4249 of 24 March, 2016**

LEGAL NOTICE NO. 65 OF 2016.

EMPLOYMENT ACT 2015

EMPLOYMENT (AMENDMENT) REGULATIONS 2016

In exercise of the powers conferred upon him by sections 15, 20 and 86 of the Employment Act, and of all other enabling powers, the Minister with responsibility for employment has made the following Regulations–

Title and commencement.

1. These Regulations may be cited as the Employment (Amendment) Regulations 2016 and enter into force on the 1st April 2016.

Amendment of Employment Regulations, 1994.

2. The Employment Regulations, 1994 are amended in accordance with these Regulations.

Substitution of Regulation 4(1) and (8).

3.(1) Substitute Regulation 4 (1) with–

“4.(1) An employer who proposes to engage a worker shall, before seeking to engage any person as a worker, notify the Director of that intention at least 10 working days prior to the commencement date of that worker, or such other time period as the Director may determine at his discretion in writing to the Employer, providing to the Director with such notification the information specified in Schedule 1, and the Director shall register that vacancy and give to that vacancy a vacancy registration number.”.

(2) Substitute Regulation 4 (8) with–

“(8) The fees prescribed in Part I of Schedule 7 shall be payable to the Director in respect of the registration

of a vacancy unless waived or reduced at the Director's discretion for reasonable cause.”.

Amendment to Schedule 1.

4. At Schedule 1, substitute paragraph 2 with–

“Commencement date.”.

Amendments to Schedule 7.

5.(1) At Part 1, Schedule 7, substitute the entirety of Part 1 with–

“The fee payable to the Director in respect of the registration of a vacancy shall be–

- (a) when notification has been made in accordance with regulation 4 (1), - nil;
- (b) when the notification by the employer to the Director of the vacancy is made on or within 10 working days from the commencement date of that worker,– £15;
- (c) when the notification by the employer to the Director of the vacancy is made after the day on which the vacancy is filled, whether that notification is made under these Regulations or otherwise, £30;
- (d) when the notification–
 - (i) by the employer to the Director of the vacancy is made after an inspection of the employer’s business by the Director; or
 - (ii) occurs as a result of the exercise by the Director of his obligation under regulation 4(3), an amount of twice the fee calculated in accordance with paragraph (b) or (c).”.

(2) At paragraph 1, Part II, Schedule 7, substitute “£20” with “£25”.

(3) At paragraph 2, Part II, Schedule 7, substitute “£10” with “£15”.

(4) At paragraph 3, Part II, Schedule 7, substitute “£50” with “£65”.

- (5) At paragraph 4, Part III, Schedule 7, substitute “£5” with “£10”.
- (6) At Schedule 7, insert the following as Part IV–

“PART IV

Annual indexation of fees.

1. Subject to the provision of this regulation, the fees set out in Part I and Part II above must be revised annually in accordance with the Index of Retail Prices published by the Government Statistician.
2. The first revision under this regulation shall apply as from 1 April 2017 and shall apply the index of retail prices for the year ending on 31 January 2017, and subsequent revisions shall apply on each subsequent 1 April and apply the index of retail prices prevailing on the preceding 31 January of that year.
3. Any figure revised pursuant to paragraph 1 shall be rounded up to the next whole penny.”

Dated 24th March, 2016.

N F COSTA,
Minister for Business and Employment.

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