

Subsidiary Legislation made under s.5(7) and (10).

Employment (Miscellaneous Provisions) Regulations, 1999**LN.1999/100***Commencement***12.8.1999**

ARRANGEMENT OF REGULATIONS

Regulation

1. Citation.
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5. Payment not to be accepted once criminal proceedings are commenced.
6. Issue of receipt.
7. Form of inspectors' certificates.

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Employment Regulation (Offences)

1999/100 Employment (Miscellaneous Provisions) Regulations, 1999

Citation.

1. These Regulations may be cited as the Employment (Miscellaneous Provisions) Regulations, 1999.

Place where, and person to whom, fixed penalties to be paid.

2.(1) The person prescribed for the purposes of section 5(5) of the principal Act, shall be the Director of Employment.

(2) The place prescribed for the purposes of section 5(5) of the principal Act shall be the offices of the Ministry of Employment, at Units 76 and 77, New Harbours, Gibraltar.

Form of fixed penalty notice.

3. A fixed penalty notice under section 5(2) of the principal Act (hereinafter in these Regulations referred to as “a notice”) shall be in the form in Schedule 1 or in a form to the like effect.

Identification of notice.

4.(1) The person paying a fixed penalty shall either forward with the remittance Part 2 of the relevant notice or identify the notice by specifying its serial number.

(2) If, owing to the failure of the person paying a fixed penalty to comply with the provisions of sub-regulation (1), the Director of Employment is unable to identify the relevant notice, the Director of Employment shall, as soon as practicable, return the remittance to that person.

Payment not to be accepted once criminal proceedings are commenced.

5. The Director of Employment shall not, after criminal proceedings in respect of a fixed penalty employment offence are commenced, accept payment of a fixed penalty in respect thereof.

Issue of receipt.

6. Subject to the foregoing provisions, the Director of Employment shall, as soon as practicable after payment of a fixed penalty has been made to him, send to the payer a receipt for the payment.

Form of inspectors’ certificates.

7. A certificate issued to an inspector pursuant to section 3(1) of the principal Act shall be in the form in Schedule 2 or in a form to the like effect.

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SCHEDULE 1

Regulation 3

FIXED PENALTY NOTICES

FORM 1

Serial No. (of notice).....

EMPLOYMENT REGULATION (OFFENCES) ACT

(s.5)

NOTICE OF OPPORTUNITY OF EMPLOYER TO PAY FIXED PENALTY

PART 1

(*delete as applicable)

Name of employer:

Name/address of business:

Name of employee in respect of whom
offence is reasonably believed to have been committed:

Address at which offence is reasonably believed
to have been committed:

I [name of inspector] have reasonable cause to believe that on [date] the above-named employer committed the fixed penalty employment offence(s)* described hereunder and identified by a tick adjacent to the description –

(Please tick as appropriate)

1. Regulation 8(2A) of the Income Tax (Pay As You Earn) Regulations 1989 (Duty to register).

2. Regulation 3 of the Employment Injuries (Contributions) Regulations (Duty to register).

3. Regulation 3 of the Employment Injuries (Contributions) Regulations as applied by regulation

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4(1) of the Social Security (Contributions) Regulations
(Duty to register).

4. Regulation 3 of the Employment Injuries (Contributions) Regulations as applied
by regulation

3(1) of the Social Security (Open Long Term Benefits)
(Contributions) Regulations 1997 (Duty to register).

5. Regulation 4 of the Employment Regulations
1994 (Duty to notify Director of vacancy).

6. Regulation 6 of the Employment Regulations
1994 (Duty to notify Director of intention to engage
an entitled worker).

7. Regulation 7 of the Employment Regulations 1994 (Duty to apply to Director
for a permit in relation to a
non-entitled worker).

8. Regulation 13 of the Employment Regulations 1994
(Duty to notify Director of termination).

9. Regulation 15A(4) of the Employment Regulations
1994 (Duty to notify Director of temporary employment
of Detached workers).

10. Section 3 of the Business Trades and Professions
(Registration) Act 1989 (Duty to register).

Please describe the particulars of the offence(s)* alleged:

Inspector's name:

Date:

Signature:

If, before the end of fourteen days from the above date the sum of £.... (being the fixed penalty for the offence(s)*) is paid to the Director of Employment at the Ministry of Employment, Units 76 and 77 New Harbours, Gibraltar, no proceedings will be taken for the offence(s)*, and any liability to conviction of the offence(s)* will be discharged.

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Payment can be made at the above address by cash, postal order or money order made payable to Government General Account. Payment by cheque shall only be accepted provided the cheque is drawn on a bank or building society account held in Gibraltar.

A receipt for the payment will be given. Part payment will not be accepted.

The person paying the fixed penalty must forward with the remittance Part 2 of this notice or identify this notice by quoting its serial number.

If the fixed penalty is not paid, the employer is liable to be prosecuted for the offences identified above by a tick.

PART 2

Serial No. (of notice).....

To: the Director of Employment, Ministry of Employment, Units 76 and 77 New Harbours, Gibraltar.

I enclose the sum of £.... as payment of the fixed penalty for the offence(s)* mentioned in Part 1 of this notice.

Date:

Signature:

FORM 2

Serial No. (of notice).....

EMPLOYMENT REGULATION (OFFENCES) ACT
(s.5)

NOTICE OF OPPORTUNITY OF SELF-EMPLOYED PERSON TO PAY FIXED PENALTY

PART 1

*(*delete as applicable)*

Name of self-employed person:

Name/address of business:

Address at which offence is reasonably believed to have been committed:

I [name of inspector] have reasonable cause to believe that on [date] the above-named self-employed person committed the fixed penalty employment offence(s)* described hereunder and identified by a tick adjacent to the description –

(Please tick as appropriate)

1. Section 57(2) of the Income Tax Act
(Duty to give notice to the Commissioner that a person is chargeable for tax purposes).

2. Regulation 3 of the Employment Injuries
(Contributions) Regulations (Duty to register).

3. Regulation 3 of the Employment
Injuries (Contributions) Regulations as
applied by regulation 4(1) of the Social
Security (Contributions) Regulations
(Duty to register).

4. Regulation 3 of the Employment
Injuries (Contributions) Regulations as

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applied by regulation 3(1) of the Social Security
(Open Long Term Benefits) (Contributions)
Regulations 1997 (Duty to register).

5. Section 3 of the Business Trades
and Professions (Registration)
Act 1989 (Duty to register).

Please describe the particulars of the offence(s)* alleged:

Inspector's name:

Date:

Signature:

If, before the end of fourteen days from the above date the sum of £.... (being the fixed penalty for the offence(s)*) is paid to the Director of Employment at the Ministry of Employment, Units 76 and 77 New Harbours, Gibraltar, no proceedings will be taken for the offence(s)*, and any liability to conviction of the offence(s)* will be discharged.

Payment can be made at the above address by cash, postal order or money order made payable to Government General Account. Payment by cheque shall only be accepted provided the cheque is drawn on a bank or building society account held in Gibraltar.

A receipt for the payment will be given. Part payment will not be accepted.

The person paying the fixed penalty must forward with the remittance Part 2 of this notice or identify this notice by quoting its serial number.

If the fixed penalty is not paid, the self-employed person is liable to be prosecuted for the offences identified above by a tick.

PART 2

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Serial No. (of notice).....

To: the Director of Employment, Ministry of Employment, Units 76 and 77 New Harbours, Gibraltar.

I enclose the sum of £.... as payment of the fixed penalty for the offence(s)* mentioned in Part 1 of this notice.

Date:

Signature:

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SCHEDULE 2

Regulation 7

FORM OF INSPECTORS' CERTIFICATES

EMPLOYMENT REGULATION (OFFENCES) ACT

Section 3

This is to certify that [*name of inspector*], whose photograph is below, has been appointed as an inspector for the purposes of the Employment Regulation (Offences) Act.

Paste and stamp
Photograph here

Signed and dated by

Director of Employment