

THE FOREIGN NATIONALS AND COMMONWEALTH
CITIZENS (EMPLOYMENT) ACT

REGULATION
(*under section 8*)

The Foreign Nationals and Commonwealth Citizens (Employment)
Exemptions Regulations, 1964

L.N. 369/64
96/65
143/65
239/65
327/67
245/73
10A/93
114/93
Act 14/2011

REGULATION
(*under section 10*)

The Foreign Nationals and Commonwealth Citizens (Employment)
(Work Permit Fees) Regulations, 1973

L.N. 144/73
246/73
76D/2004
51/2014

THE FOREIGN NATIONALS AND COMMONWEALTH
CITIZENS (EMPLOYMENT) ACT

REGULATION
(under section 8)

THE FOREIGN NATIONALS AND COMMONWEALTH
CITIZENS (EMPLOYMENT) EXEMPTIONS REGULATIONS, 1964

(Made by the Minister on the 25th day of November, 1964)

[1st December, 1964.]

L.N. 369/64
Amdt:
L.N. 96/65
143/65
239/65
327/67
245/73
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Act 14/2011.

1. These Regulations may be cited as the Foreign Nationals and Commonwealth Citizens (Employment) Exemptions Regulations, 1964.

2. In these Regulations "the Act" means the Foreign Nationals and Commonwealth Citizens (Employment) Act.

3. Notwithstanding anything to the contrary—

- (a) any person, not being a citizen of Jamaica who is a member of a class described in Part I of the Schedule; and
- (b) subject to the qualification stated in regulation 5, any person, not being a citizen of Jamaica, who is a member of a class described in Part II of the Schedule,

Schedule.

shall be exempt from the provisions of subsection (1) of section 3 of the Act.

4. Notwithstanding anything to the contrary—

- (a) any person who has in his employment any person, not being a citizen of Jamaica, who is a member of a class described in Part I of the Schedule; and
- (b) subject to the qualification stated in regulation 5, any person who has in his employment any person, not being a citizen of Jamaica, who is a member of a class described in Part II of the Schedule,

shall be exempt from the provisions of subsection (3) of section 3 of the Act in respect of such employment and shall apply to the Minister for a certificate stating the nature of the exemption.

4A.—(1) Subject to the qualification set out in regulation 5, a person who is a member of a class described in Part III of the Schedule, conducting business in Jamaica on—

- (a) a visit not exceeding thirty days; or
- (b) more than one visit in any calendar year, not exceeding—
 - (i) thirty days on each occasion; and
 - (ii) six months in the aggregate,

shall be exempt from the provisions of section 3(1) of the Act and shall not be required to apply for a certificate stating the nature of the exemption.

5. The qualification referred to in regulations 3(b), 4(b) and 4A is that the exemption granted by those provisions shall apply only in respect of such occupation or employment, as the case may be, as is directly referable to membership of the class of which the person in respect of whose occupation or employment exemption is alleged to apply is a member.

SCHEDULE

(Regulations 3, 4)

PART I. *Family Members and Students Requiring Exemption Certificate*

1. Wives of citizens of Jamaica and, until remarriage, widows of citizens of Jamaica.
2. Persons registered as full-time students and who are pursuing courses of studies approved by the University Council of Jamaica at such institutions providing tertiary education as the Minister may, pursuant to section 2 of the University Council of Jamaica Act by order, determine; and husbands and wives of persons so registered.
3. A non-Jamaican husband of a Jamaican woman who satisfies the Minister that he and his wife occupy a common matrimonial home in Jamaica.

PART II. *Other Categories Requiring Exemption Certificate*

1. Heads of mission and members of mission of heads of mission as defined in the Diplomatic Immunities and Privileges Act.
2. Consular officers and consular employees as defined in section 2 of the Diplomatic Immunities and Privileges Act, and all persons upon whom by regulations made under that Act there have been conferred the like immunity from suit and legal process and the like inviolability of official archives as are accorded to consular officers of a foreign sovereign Power under that Act.
3. Ministers of Government of—
 - (a) any country for the time being mentioned in the First Schedule to the Jamaican Nationality Act; or
 - (b) the Republic of Ireland; or
 - (c) any other country for the time being having diplomatic relations with Jamaica.
4. Public Officers employed by the Government of any country mentioned in paragraphs (a), (b) and (c) of class 3 of this Part.
5. Persons who visit Jamaica, with the prior approval of a Minister of the Government of Jamaica, under the sponsorship and at the expense of—
 - (a) any country mentioned in paragraphs (a), (b) and (c) of class 3 of this Part; or
 - (b) the British Council.
6. Persons in the employment in Jamaica of any of the following bodies, that is to say—
 - (a) the British Council, members of the domestic staff of the British Council Representative in Jamaica being for this purpose deemed to be in the employment of the British Council;
 - (b) the United States Information Service;
 - (c) the Mission to Jamaica of the United States Agency for International Development;
 - (d) the United States Peace Corps;
 - (e) the United Kingdom Scheme for Voluntary Service Overseas;
 - (f) the Canadian Universities Service Overseas;
 - (g) the Ford Foundation;
 - (h) the German Volunteer Service.

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7. Persons employed in any Ministry or Department of the Government of Jamaica.
8. Persons employed with the prior approval of the Government of Jamaica by any body incorporated or regulated directly by statute.
9. Persons in the employment in Jamaica of the United Nations Organization or of any other international organization of which Jamaica or the Government of Jamaica is a member.
10. Officers and soldiers of the Jamaica Defence Force (including officers and soldiers on secondment or attachment to that Force).
11. Persons under contract to join in Jamaica as seamen a ship of non-Jamaican registry.
12. Persons employed on ships of non-Jamaican registry (excluding dredges and tugs) in Jamaica.
13. [*Deleted by Act 14/2011.*]
14. Persons employed by the owners or operators of aircraft (being aircraft operated on a scheduled international air service and calling at Jamaica) to perform duties on such aircraft during the flight thereof, but excluding persons employed by Air Jamaica Limited.
15. [*Deleted by Act 14/2011.*]
16. Persons sent by the Government of any sovereign Power outside Jamaica to inspect any office of such Power in Jamaica, but so that exemption in respect of any such person by virtue of this class shall cease after the expiration of fourteen days spent in Jamaica by such person, whether continuously or not, in any one calendar year.
17. Writers (including journalists), broadcasters, sculptors and painters (excluding industrial painters), but so that exemption in respect of any such person shall cease after the expiration of thirty days spent in Jamaica by such person, whether continuously or not, in any one calendar year.
18. Persons employed by the University of the West Indies in Jamaica as academic staff, but so that this class shall not include, and exemption thereunder shall not extend to, any foreign national.
19. Persons employed by the University Hospital—
 - (a) as medical officers (whether on a full-time or a part-time basis, and whether to perform teaching duties or to carry out treatment of patients), but so that this paragraph of this class shall not include, and exemption thereunder shall not extend to, any foreign national; or
 - (b) as student nurses.
20. [*Deleted by Act 14/2011.*]
21. [*Deleted by Act 14/2011.*]
22. Persons employed as ministers of religion by any religious organization approved in writing by the Minister.
23. Persons who are granted permission to reside in Jamaica as business migrants under the Jamaican Business Migration Programme.