



# The open market in Guernsey: As simple as A, B, C...D

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Perhaps the most unique (and often puzzling) aspect to those not familiar with the Island is that Guernsey's residential property market operates with 2 distinct tiers. Housing is either designated as being Local or Open Market.

The birth of this system and the concept of the Open Market came about after the second world war when the Island's policy makers were attempting to strike a balance between adequate protections for local residents whilst maintaining and enhancing Guernsey's attractiveness as a jurisdiction for individuals to relocate to.

## Local or Open Market

Properties on the Local Market can be purchased freely, however, may only be used as a residence by entitled persons. To be eligible to reside in Local Market property, one must have the requisite qualification, either:

- having been born locally and having remained in the Island for the requisite amount of time as a child;
- being the holder of an Employment Permit; or
- being the holder of an Established Resident Certificate.

Both of the requisite qualifications are explored further in our [Factsheet](#).

In contrast to the strict regulations governing the occupation of Local Market dwellings, property in the Open Market offers far greater flexibility. Occupation of an Open Market property is open to:

- British citizens;
- a national of any European Economic Area (EEA) country;
- a Swiss national;
- those with a right of abode in the UK; and
- those who have been granted a Guernsey Investor Visa.

The statutory framework governing both the legal aspects of residing in Guernsey and the operation of the Open Market has been subject to a number of changes in recent years. The most recent and formative changes originated through the introduction of the:

- Population Management (Guernsey) Law, 2016; and
- Open Market Register (Guernsey) Law, 2016.

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The introduction of the Long Term Employment Permits and Medium Term Employment Permits has seen the streamlining of the application process and created certainty for individuals and business needing to apply for these permits. A set of clear criteria has been set out to benchmark what is the baseline requirements for all candidates.

The Short Term Employment Permits are still in the process of being amended to reflect the requirements of the island. Once these too have been clarified, the island will be in a strong position to react quickly to any change in occupational requirements.

At present, Guernsey has approximately 1,700 properties inscribed on the Open Market Register ("**the Register**"), which can be accessed [here](#).

Based on certain criteria, properties will be inscribed on 1 of the 4 parts of the Register:

### Part A

An inscription in Part A indicates that a property is a private dwelling house, used as a single family unit.

The Island's stock of Part A homes ranges from unassuming apartments and family homes to some truly spectacular residences. A premium is commanded over houses on the Local Market owing to the limited supply and greater flexibility offered by an Open Market Property.

### Part B

Open Market hotels are inscribed on Part B of the Register.

The inscription means that tourists are able to occupy these properties without a Certificate or Permit. Other occupants of the property will require a validly issued Certificate or Permit.

### Part C

Residential care or nursing homes, which are open to occupation by non-locally qualified residents, are inscribed on Part C of the Register.

### Part D

A house in multiple occupancy ("**HMO**") is inscribed on Part D of the Register.

There are provisions for properties usually inscribed on Part A to be transferred to Part D if it is considered by the Committee for Home Affairs ("**the Committee**") that the property is being utilised as a HMO. Return to Part A is possible upon an owner satisfying the Committee that the property is no longer being used as a HMO.

There is a cap on the number of Part D properties that can exist on the Register at any one time.

### Advisory

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At Collas Crill we are well versed in the differing needs of clients who are relocating to or moving within the Island. Our tier-one (as named in Legal 500 Directory) property team has years of experience in advising clients on the acquisition of Open and Local Market property in the Island.

This extensive knowledge of the practical aspects of property is supplemented by the firm's specialist immigration practice, which can provide advice and assistance on all facets of making the move over to Guernsey, whether as a personal relocation or as a business relocation.

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