

STATES OF JERSEY



DRAFT AIRCRAFT REGISTRATION (AMENDMENT) (JERSEY) LAW 201-

Lodged au Greffe on 2nd February 2016
by the Minister for Economic Development, Tourism, Sport and Culture

STATES GREFFE



Jersey

DRAFT AIRCRAFT REGISTRATION (AMENDMENT) (JERSEY) LAW 201-

European Convention on Human Rights

In accordance with the provisions of Article 16 of the Human Rights (Jersey) Law 2000, the Minister for Economic Development, Tourism, Sport and Culture has made the following statement –

In the view of the Minister for Economic Development, Tourism, Sport and Culture, the provisions of the Draft Aircraft Registration (Amendment) (Jersey) Law 201- are compatible with the Convention Rights.

Signed: **Senator L.J. Farnham**

Minister for Economic Development, Tourism, Sport and Culture

Dated: 29th January 2016

REPORT

Introduction

The Aircraft Registration (Jersey) Law 2014 (the “**Aircraft Registration Law**”) came into force on 21st October 2015, and the first aircraft was registered at the beginning of the following month.

The purpose of this proposed amendment is to enable, more easily, de-registration of a “Qualified Person”¹ when in breach of the Aircraft Registration Law.

Background

The Jersey Aircraft Registry (the “**JAR**”) was launched in 2015 in order to provide economic opportunities for Jersey in the registration of aircraft, aircraft mortgages and commercial aircraft engine mortgages, which it is thought will complement the offering of the Jersey financial services industry in private wealth management, diversify the economy and produce jobs and growth. In order to maintain Jersey’s commitment to relevant international standards in the area of financial crime, the Jersey Financial Crime Steering Group (the “**JFCSG**”), which is composed of regulators, law enforcement, H.M. Attorney General and relevant Government Departments, consistently review activities in Jersey to ensure they are commensurate with Jersey’s commitment to international standards.

The JFCSG examined the Jersey Aircraft Registry (JAR) legislation package before the Law was brought into force, with particular emphasis on the working of the Aircraft Registration Law in terms of AML/CFT standards. Of particular interest was whether “Qualified Persons”, as set out under the Aircraft Registration Law, could only be considered to be a Jersey-incorporated entity to ensure that adequate protection was provided to the Island to mitigate the risk of the JAR being used for the furtherance of financial crime. The advantages of this criterion were that there would be certainty in terms of due diligence conducted, and that there would be the ability to “strike off” the Jersey company should there be an issue that required de-registration of an aircraft.

Financial and manpower implications

There are no financial or manpower implications as a result of the States adopting the Draft Law.

Human Rights

The notes on the human rights aspects of the draft Law in the Appendix have been prepared by the Law Officers’ Department and are included for the information of States Members. They are not, and should not be taken as, legal advice.

¹ Within the Aircraft Registration Law, a “Qualified Person” means – (a) a body incorporated or undertaking established in; or (b) a citizen or resident of, a country specified in Schedule 1, namely; European Economic Area Countries, Commonwealth Countries or Switzerland.

APPENDIX TO REPORT

Human Rights Note on the Draft Aircraft Registration (Amendment) (Jersey) Law 201-

These notes have been prepared in respect of the Draft Aircraft Registration (Amendment) (Jersey) Law 201- (“**the draft Law**”) by the Law Officers’ Department. They summarise the principal human rights issues arising from the contents of the draft Law and explain why, in the Law Officers’ opinion, the draft Law is compatible with the European Convention on Human Rights (“**ECHR**”) as implemented under the Human Rights (Jersey) Law 2000.

These notes are included for the information of States Members. They are not, and should not be taken as, legal advice.

The draft Law is intended to amend the Aircraft Registration (Jersey) Law 2014 (“**the 2014 Law**”), the provisions of which are considered compatible with the ECHR. The draft Law potentially engages Article 1 of the first Protocol (“**A1P1**”), the protection of property.

The draft Law potentially engages A1P1 because it provides for the interference with property rights in relation to aircraft where the registrar may apply the restrictions which exist to an aircraft becoming registered to that aircraft then continuing to be registered or not. However, the interference is considered justifiable as a proportionate measure to ensure efficient regulation of an industry which is in the legitimate economic and national interest. It is also considered that the present amendment simply extends the pre-existing refusal of registration provisions under the 2014 Law to the continuation of registrations.

No further ECHR rights are engaged. Therefore, it is considered that the draft Law is compatible with the ECHR.

Summary of Amendment

This amendment to the Aircraft Registration (Jersey) Law 2014 allows for a Qualified Person to be removed from registration where circumstances require. The intention of this amendment is to allow for the Jersey Aircraft Registry (“**the JAR**”) to, in due course, accept registrations from qualified persons who are not simply Jersey-incorporated entities, where suitable criteria exist as to incorporation, in order to widen the commercial offering of the JAR.

Explanatory Note

This Law amends Article 19 of the Aircraft Registration (Jersey) Law 2014 so that the restrictions on an aircraft becoming registered under that Article will also apply to the continuation of the registration of the aircraft.



Jersey

DRAFT AIRCRAFT REGISTRATION (AMENDMENT) (JERSEY) LAW 201-

A LAW to amend the Aircraft Registration (Jersey) Law 2014.

Adopted by the States [date to be inserted]

Sanctioned by Order of Her Majesty in Council [date to be inserted]

Registered by the Royal Court [date to be inserted]

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law –

1 Amendment of Aircraft Registration (Jersey) Law 2014

In Article 19(1) of Aircraft Registration (Jersey) Law 2014¹ –

- (a) after the words “shall not be registered” there shall be inserted the words “, or continue to be registered,”;
- (b) in paragraph (b) for the word “was” there shall be substituted the words “is, or continues to be,”;
- (c) in paragraph (d) for the words “to be registered” there shall be substituted the words “to be, or continue to be, registered”.

2 Citation and commencement

This Law may be cited as the Aircraft Registration (Amendment) (Jersey) Law 201- and shall come into force 7 days after it is registered.

¹

L.23/2014