

STATES OF JERSEY



DRAFT MONEY LAUNDERING AND WEAPONS DEVELOPMENT (DIRECTIONS) (JERSEY) LAW 201- (P.128/2011): AMENDMENT

Lodged au Greffe on 15th September 2011
by the Chief Minister

STATES GREFFE

DRAFT MONEY LAUNDERING AND WEAPONS DEVELOPMENT
(DIRECTIONS) (JERSEY) LAW 201- (P.128/2011): AMENDMENT

PAGE 23, ARTICLE 13(b) –

For the words “Article 6(9)” substitute the words “Article 6(10)”.

CHIEF MINISTER

REPORT

The Draft Money Laundering and Weapons Development (Directions) (Jersey) Law 201- was lodged by the Chief Minister on 29th July 2011.

Subsequently, a drafting error was discovered in the draft Law as lodged. In Article 13, paragraph (b), the cross-reference to Article 6(9) of the Law is incorrect and should refer to Article 6(10).

The purpose of this amendment is to –

- Correct the drafting error;
- Confirm that the apparent meaning of the relevant Article is not, in fact, the intended policy; and
- Clarify and revert to the originally intended policy.

This error, although minor, could potentially be interpreted to have a sensible meaning that represented a policy position, even though it is different from the original policy intention. The reason is because Article 13(b) refers to a “requirement” under Article 6(9) relating to disclosure of information. Article 6(9) refers to requirements imposed by direction and a requirement under Article 6(9)(b) to undertake specific measures could include a requirement to provide information.

Article 6(10) is a general provision allowing any direction under Article 6 to require a recipient to provide information. Article 6(9)(b) is therefore a specific instance of how the power in Article 6(10) may be used. However, the policy intention in Article 13(b) is clearly to refer to the wider power in Article 6(10), not the specific power in Article 6(9).

Accordingly, by making the amendment, the original policy intention is restored, i.e. to authorise information to be disclosed in compliance with any requirement as specified in a direction to provide such information, notwithstanding any restriction on such disclosure, whether imposed by statute or otherwise.

Financial and manpower implications

There are no financial or manpower implications for the States arising from this amendment.