

# STATES OF JERSEY

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## **DRAFT NON-PROFIT ORGANIZATIONS (JERSEY) LAW 200- (P.63/2008): AMENDMENTS**

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**Lodged au Greffe on 13th May 2008  
by the Council of Ministers**

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**STATES GREFFE**

**1 PAGE 25, ARTICLE 24 –**

After the word “fine” insert the words “of level 4 on the standard scale”.

**2 PAGE 25, ARTICLE 25(1) –**

After the word “fine” insert the words “of level 4 on the standard scale”.

**3 PAGE 26, ARTICLE 27 –**

In paragraphs (1) and (2), after the word “fine” in both places where it occurs, insert the words “of level 4 on the standard scale”.

**4 PAGE 26, ARTICLE 28(1) –**

After the word “fine” insert the words “of level 4 on the standard scale”.

**5 PAGE 26, ARTICLE 29 –**

In paragraphs (1), (3) and (4), after the word “fine” in each place where it occurs, insert the words “of level 4 on the standard scale”.

**6 PAGE 27, ARTICLE 30 –**

For Article 30, substitute the following Article–

**“30 Offences in respect of supply of information by an NPO**

- (1) An NPO is guilty of an offence and liable to a fine of level 4 on the standard scale if, when requested under Article 13(1) to provide information, the NPO fails, without reasonable excuse, to provide the information.
- (2) An NPO is guilty of an offence and liable to a fine if, when requested under Article 13(1) to provide information, the NPO, in purported compliance with the request, provides information that the NPO knows or ought reasonably to know is false or misleading in a material way.”

**7 PAGE 27, ARTICLE 31 –**

For Article 31, substitute the following Article–

**“31 Offences in respect of supply of an explanation by a person**

- (1) A person is guilty of an offence and liable to a fine of level 4 on the standard scale if, when required under Article 18(2)(b) to provide an explanation of a financial record, the person fails, without reasonable excuse, to provide the explanation.
- (2) A person is guilty of an offence and liable to a fine if, when required under Article 18(2)(b) to provide an explanation of a financial record, the person, in purported compliance

with the requirement, provides an explanation that the person knows or ought reasonably to know is false or misleading in a material way.”

COUNCIL OF MINISTERS

## **REPORT**

The purpose of this amendment to *Projet P.63/2008* is to amend the provisions relating to tariffs contained in the draft Law. This amendment is recommended by the Law Officers' Department, who advise on the adequacy of tariffs contained in draft legislation. In the majority of cases the amendment proposes a reduction in the maximum fine which could be imposed following the commission of certain administrative-type offences under the draft Law.

A number of administrative-type offences in the draft Law (Articles 24, 25, 27, 28(1) and 29) currently carry a proposed maximum tariff of an unlimited fine. The amendment would reduce the proposed tariff to a maximum fine of level 4 on the standard scale.

With regard to the offences at Articles 30(b) and 31(b) of the draft Law, the Law Officers' Department recommend that the tariff is increased because of their more serious nature. This would maintain consistency with other Articles which deal with circumstances involving dishonesty where information is provided that is materially false or misleading. The consequences of providing false or misleading information could potentially be extremely serious, for example if this was done deliberately to hide a terrorist connection.

There are no measurable financial or manpower implications arising from the adoption of this amendment.