

STATES OF JERSEY



DRAFT TERRORIST ASSET-FREEZING (JERSEY) LAW 201- (P.191/2010): AMENDMENT

**Lodged au Greffe on 18th January 2011
by the Chief Minister**

STATES GREFFE

1 PAGE 24, ARTICLE 19 –

For Article 19 substitute the following Article –

“19 Licences

- (1) Article 13(1), 14(1), 15(1), 16(1) or 17(1) does not apply to anything done under the authority of a licence granted by the Chief Minister under this Article.
- (2) The Chief Minister may grant a licence in respect of a designated person.
- (3) A licence granted under this Article –
 - (a) must specify the acts authorized by it;
 - (b) may be general or granted to a category of persons or to a particular person;
 - (c) may be unconditional or subject to conditions; and
 - (d) may be unlimited or limited in duration.
- (4) The Chief Minister may at any time vary or revoke a licence granted under this Article.
- (5) On the grant, variation or revocation of a licence under this Article, the Chief Minister must –
 - (a) in the case of a licence granted to a particular person, give written notice of the grant, variation or revocation to that person; or
 - (b) in the case of a general licence or a licence granted to a category of persons, take such steps as the Chief Minister considers appropriate to publicize the grant, variation or revocation of the licence.
- (6) A person who, for the purpose of obtaining a licence under this Article, knowingly or recklessly –
 - (a) provides information that is false in a material respect; or
 - (b) provides or produces a document that is not what it purports to be,commits an offence and is liable to imprisonment for a term of 2 years and to a fine.
- (7) A person who purports to act under the authority of a licence granted under this Article but fails to comply with any condition to which the licence is subject commits an offence and is liable to imprisonment for a term of 2 years and to a fine.”.

2 PAGE 29, ARTICLE 25 –

For Article 25(1)(d) substitute the following sub-paragraph –

“(d) to any law officer of the Crown for Guernsey or of the Crown for the Isle of Man;”.

CHIEF MINISTER

REPORT

After the Draft Terrorist Asset-Freezing (Jersey) Law 201- (P.191/2010) was lodged, consultation took place with H.M. Treasury on the draft legislation in order to ensure consistent implementation with the equivalent U.K. Act and to facilitate early progress when it is referred for Royal Assent. It was not possible to consult with H.M. Treasury prior to this time, since the U.K. Terrorist Asset-Freezing Act did not complete its Parliamentary stages until 23rd December 2010.

Following consultation, H.M. Treasury offered a number of constructive comments. It is proposed to incorporate some of the points in an amendment to the original *Projet* as lodged.

The purpose of the amendment to Article 19 is to remove provisions which were intended to enable a licence issued by H.M. Treasury to have direct effect in Jersey, with appropriate adaptation. The purpose of a licence is to enable a person whose assets have been frozen to make payments for ordinary living expenses, legal costs and other approved purposes.

However, it appears that it is not possible for U.K. licences to have direct effect in the way proposed, since they usually make specific provisions which are not relevant elsewhere. Consequently, it is proposed that the Chief Minister may issue equivalent licences which are effective in Jersey. In doing so, the Chief Minister would take into consideration information regarding the purpose of the payments concerned and risk assessment.

The amendment to Article 25 is a minor correction.

Financial and manpower implications

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