

STATES OF JERSEY



DRAFT CUSTOMS AND EXCISE (AMENDMENT No. 8) (JERSEY) LAW 201-

**Lodged au Greffe on 12th July 2017
by the Minister for Home Affairs**

STATES GREFFE



Jersey

DRAFT CUSTOMS AND EXCISE (AMENDMENT No. 8) (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 Home Affairs has made the following statement –

In the view of the Minister for Home Affairs, the provisions of the Draft Customs and Excise (Amendment No. 8) (Jersey) Law 201- are compatible with the Convention Rights.

Signed: **Deputy K.L. Moore of St. Peter**

Minister for Home Affairs

Dated: 10th July 2017

REPORT

Background

Articles 24 and 34 of the [Customs and Excise \(Jersey\) Law 1999](#) (“the 1999 Law”) provide for statutory directions to be made by the Agent of the Impôts in respect of the inward and outward entry and reporting of ships and aircraft, including goods, crew, passenger and voyage details.

Information is currently provided by carriers under Articles 24 and 34 so that Customs Officers can, *inter alia*, monitor the movements of known and suspected criminals or persons of interest in and out of the Island, leading to the identification of those who may be involved in the smuggling of prohibited, restricted or dutiable goods.

Articles 24 and 34 of the 1999 Law currently only provide that inward and outward reporting be made in respect of ships and aircraft *on* arrival in, or departure from, a port or place outside Jersey.

The proposed amendment

The Draft Customs and Excise (Amendment No. 8) (Jersey) Law 201- is being lodged in order to provide that inward and outward reporting may also be made *in advance* of a ship or aircraft’s arrival in, or departure from, Jersey. The policy aim is to require carriers in future to submit passenger and journey information electronically in advance of arrival and departure. Detailed requirements will be contained within new Directions to be made by the Agent of the Impôts in due course.

Collective responsibility under Standing Order 21(3A)

The Council of Ministers has a single policy position on this proposition, and as such, all Ministers, and the Assistant Minister for Home Affairs, are bound by the principle of collective responsibility to support the proposition, as outlined in the Code of Conduct and Practice for Ministers and Assistant Ministers ([R.11/2015](#) refers).

Financial and manpower implications

There are no known financial or manpower implications for the States arising from the adoption of this draft Law.

Human Rights

No human rights notes are annexed because the Law Officers’ Department has indicated that the draft Law does not give rise to any human rights issues.

Explanatory Note

This Law amends the Customs and Excise (Jersey) Law 1999 (the “principal Law” as defined in *Article 1*) to make provision for information regarding a ship or aircraft to be provided to the Agent of the Impôts in advance of its arrival in, or departure from, Jersey and not just on its arrival or departure.

Article 2 amends Article 24 of the principal Law to provide that report of a ship or aircraft arriving or expected to arrive in Jersey shall be made to the Agent of the Impôts in such form and manner and containing such particulars as the Agent may direct.

Article 3 amends Article 34 of the principal Law to provide that report of a ship or aircraft leaving or expected to leave Jersey shall be made to the Agent of the Impôts in such form and manner and containing such particulars as the Agent may direct.

Article 4 sets out the title of this Law and provides that it shall come into force 7 days after it is registered.



Jersey

DRAFT CUSTOMS AND EXCISE (AMENDMENT No. 8) (JERSEY) LAW 201-

A LAW to further amend the Customs and Excise (Jersey) Law 1999.

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 Interpretation

In this Law “principal Law” means the Customs and Excise (Jersey) Law 1999¹.

2 Article 24 amended

For Article 24(1) of the principal Law there shall be substituted the following paragraph –

“(1) Report of a ship or aircraft arriving or expected to arrive in Jersey shall be made to the Agent of the Impôts in such form and manner and containing such particulars as the Agent may direct.”.

3 Article 34 amended

For Article 34(1) of the principal Law there shall be substituted the following paragraph –

“(1) Report of a ship or aircraft leaving or expected to leave Jersey shall be made to the Agent of the Impôts in such form and manner and containing such particulars as the Agent may direct.”.

4 Citation and commencement

This Law may be cited as the Customs and Excise (Amendment No. 8) (Jersey) Law 201- and shall come into force 7 days after it is registered.

¹ *chapter 24.660*