
STATES OF JERSEY



LAW REVISION BOARD: SUMMARY OF DECISIONS – OCTOBER 2024

Presented to the States on 11th December 2024
by the Law Revision Board

STATES GREFFE

Decisions made by the Law Revision Board

Introduction

The Law Revision Board met on 21st October 2024. This report records the decisions made by the Law Revision Board at that meeting.

The Law Revision Board (the Board) was established under the Law Revision (Jersey) Law 2003 and continued by the Legislation (Jersey) Law 2021 (the “Legislation Law”). The purpose of the Board is to consider draft revisions submitted by the Principal Legislative Drafter and, if satisfied the revisions are within the powers set out in Article 14 or Schedule 1 of the Legislation Law, to certify the revisions.

Article 15(9) of the Legislation Law states:

“The Minutes or other record of the transactions of the business of the Law Revision Board must be laid before the States within 2 months of the business being transacted.”

This report is laid before the States to satisfy the requirements of Article 15(9).

Record of the business of the Law Revision Board transacted on 21st October 2024

The Board agreed –

- to certify the revised law in item 2024/5, which updates references to offices (document appended)
- to certify the revised law in item 2024/6, which updates references to repealed legislation (document appended)
- to certify the revised law in item 2024/7, which makes consistent reference to the Government of the United Kingdom (document appended)
- to certify the revised law in item 2024/8, which removes a redundant definition (document appended)
- to certify the revised law in item 2024/9, which converts undefined headings in the Financial Services (Jersey) Law 1998 (document appended)
- to certify the revised law in item 2024/10, which renames monkeypox to mpox (document appended)

Law Revision Board item 2024/5: updating references to offices

Overview

This document asks the Law Revision Board to certify a draft revision as revised legislation. If certified by the Board, the revision will take effect on the date that the record of the Board's decision is laid before the States.

Part 1 (page 1) explains the issue giving rise to the draft revision, the types of changes made in the draft revision, and the legislative powers relied on in the preparation of the draft revision.

Part 2 (page 2) lists the changes made in the draft revision.

Part 3 (pages 3 to 5) contains the draft revision.

Part 1: Background

The issue

We have identified several references in legislation to titles of Ministers or offices that have been renamed since the legislation that contains the reference was enacted. Usually, when Ministers or offices are renamed legislatively, the legislation that gives effect to the renaming will consequentially amend all references to the old name across the statute book. However, sometimes some amendments are missed, particularly when there are a lot of changes required or the enactment of new legislation crosses over with the enactment of the renaming legislation.

The proposed solution

We propose to correct the references to old titles with references to the new, correct titles.

Is the proposed solution within the Law Revision Board's powers?

Article 15(7) of the Legislation (Jersey) Law 2021 (the "Legislation Law") allows the Law Revision Board to certify a draft revision as revised legislation only if the Board is satisfied that the changes made by the revision are within the powers set out in Article 14 or Schedule 1 of the Legislation Law.

The changes made by the draft revision fall within the power in Schedule 1, clause (g): "to change any reference to a person, office, body, place or thing to reflect a change of name, transfer of function or provision for construction of the reference".

Part 2: Table of proposed solutions

Title of legislation	Article etc	Current text	Revised text
EU Legislation (Transmissible Spongiform Encephalopathies) (Jersey) Regulations 2015 ¹	Regulation 11(3)	Minister for Planning and Environment	Minister for the Environment
EU Legislation (Transmissible Spongiform Encephalopathies) (Jersey) Regulations 2015	Schedule 6 paragraph 1(2)	Minister for Planning and Environment	Minister for the Environment
Motor Traffic (Jersey) Law 1935 ²	Article 9(4)(d)	Committees of the States	a Minister
Road Works and Events (Jersey) Law 2016 ³	Article 1(1) definition "Minister"	"Minister" means the Minister for Transport and Technical Services	"Minister" means the Minister for Infrastructure

¹ These Regulations (the "EU Legislation Regulations") were made on 1 December 2015. The office of "Minister for Planning and Environment" was renamed as the "Minister for the Environment" by Article 2(3) of the States of Jersey (Transfer of Functions No. 8) (Miscellaneous Transfers) (Jersey) Regulations 2015 (the "Transfer Regulations"), which were made on 16 December 2015. It seems likely that the drafting of the 2 sets of Regulations overlapped, so the drafter of the Transfer Regulations was not aware of the EU Legislation Regulations when drafting the consequential amendments.

² This Law was amended by the States of Jersey (Amendments and Construction Provisions No. 7) (Jersey) Regulations 2005 and the States of Jersey (Amendments and Construction Provisions No. 12) (Jersey) Regulations 2005 to replace all references to a Committee of the States of Jersey with a reference to a Minister of the States of Jersey. However, the reference in Article 9(4)(d) was missed.

³ This Law was adopted by the States on 20 January 2016. The office of "Minister for Transport and Technical Services" was renamed as the "Minister for the Infrastructure" by Article 2(4) of the States of Jersey (Transfer of Functions No. 8) (Miscellaneous Transfers) (Jersey) Regulations 2015, which were made on 16 December 2015. It seems likely that the drafting of the Law and the Regulations overlapped, so the drafter of the Regulations was not aware of the Law when drafting the consequential amendments.

Part 3: Draft revision giving effect to proposed solutions

CONTENTS

<i>EU Legislation (Transmissible Spongiform Encephalopathies) (Jersey) Regulations 2015</i>	3
<i>Motor Traffic (Jersey) Law 1935</i>	4
<i>Road Works and Events (Jersey) Law 2016</i>	5

EU Legislation (Transmissible Spongiform Encephalopathies) (Jersey) Regulations 2015

11 Inspectors

- (1) The States Veterinary Officer appointed under Article 5 of the Animal Health (Jersey) Law 2016 is, by virtue of his or her office, an inspector for all the purposes of these Regulations.
- (2) The Minister for Health and Social Services may appoint persons to be inspectors for the purposes of the matters specified in paragraph 1(1) of Schedule 6.
- (3) The [Minister for the Environment](#)~~Minister for Planning and Environment~~ may appoint persons to be inspectors for the purposes of these Regulations, apart from paragraph 1(1) of Schedule 6.
- (4) The appointment of an inspector under paragraph (1) or (2) may be limited to powers and duties specified in the appointment.
- (5) In these Regulations –
 - (a) a reference to an inspector shall, for the purposes of the matters specified in paragraph 1(1) of Schedule 6, be construed in accordance with paragraphs (1) and (2);
 - (b) a reference to an inspector shall, for any other purposes of these Regulations, be construed in accordance with paragraphs (1) and (3);
 - (c) a reference to a veterinary inspector is to an inspector who is also a veterinary surgeon.

...

SCHEDULE 6

(Regulation 21)

SPECIFIED RISK MATERIAL, MECHANICALLY SEPARATED MEAT AND SLAUGHTERING TECHNIQUES

1 Duties of the Ministers

- (1) The Minister for Health and Social Services –

- (a) shall carry out the duties placed on the member State in point 11.1 and point 11.2 of Annex V in relation to this Schedule, in their application to places other than slaughterhouses; and
 - (b) may grant authorizations for the purposes of clauses (a), (b) and (c) of point 4.3 of Annex V.
- (2) The [Minister for the Environment](#)~~Minister for Planning and Environment~~ shall carry out the duties placed on the member State in point 11.1 and point 11.2 of Annex V in relation to this Schedule, in their application to slaughterhouses.

...

Motor Traffic (Jersey) Law 1935

9 Grant of public service vehicle licences

- (1) The Minister shall on payment of the fee prescribed by the Minister by Order grant a public service vehicle licence in respect of a vehicle if the Minister is satisfied –
- (a) that the applicant is the owner of the vehicle;
 - (b) that the applicant is a fit and proper person to operate the public service to be provided by the vehicle;
 - (c) that an appropriate certificate of fitness is in force in respect of the vehicle; and
 - (d) that the grant of the licence would not be contrary to paragraph (6).
- (2) The Minister may grant a public service vehicle licence unconditionally or subject to conditions, which shall be set out in the licence.
- (3) The conditions shall be such, as in the Minister's opinion, are necessary or desirable to ensure the proper operation of the vehicle and the public service to be provided by the vehicle.
- (4) Without prejudice to the generality of paragraph (3), the conditions may relate to –
- (a) the number of passengers that may be carried in the vehicle or in any part of it;
 - (b) who may or may not operate the vehicle;
 - (c) the manner in which and the times during which the public service to be provided by the vehicle is to be operated;
 - (d) in the case of a public service vehicle licence granted in respect of a cab, the use of stands established by [a Minister](#)~~Committees of the States~~ in accordance with Article 37 for use by cabs.
- (5) Unless sooner revoked a public service vehicle licence continues in force for one year from the date of its grant but may be extended by the Inspector by up to 72 hours if the Inspector is satisfied that there is an adequate reason for doing so.

...

Road Works and Events (Jersey) Law 2016

1 Interpretation

(1) In this Law, unless the context otherwise requires –

...

“maintenance” without prejudice to the generality of that term includes picking up litter and other debris in a road, including sea-weed;

“Minister” means the Minister for Infrastructure~~“Minister” means the Minister for Transport and Technical Services;~~

“motor vehicle” means a mechanically propelled vehicle (and any trailer attached to the vehicle) intended or adapted for use on a road;

...

Law Revision Board item 2024/6: updating references to repealed legislation

Overview

This document asks the Law Revision Board to certify a draft revision as revised legislation.

Part 1 (pages 1 to 2) explains the issue giving rise to the draft revision, the types of changes made in the draft revision, and the legislative powers relied on in the preparation of the draft revision.

Part 2 (pages 2 to 3) lists the changes made in the draft revision.

Part 3 (pages 3 to 10) contains the draft revision.

Part 1: Background

The issue

It is common for legislation to cross-refer to other legislation. When legislation is repealed, the instrument repealing the legislation should amend references to the repealed legislation across the statute book. Sometimes, unfortunately, references are missed and not corrected. This means that the reference to the repealed legislation will remain on the statute book.

This does not present a problem from a legal perspective as Article 6 of the Legislation (Jersey) Law 2021 (the “Legislation Law”) states:

6 Effect of repeal and re-enactment of Jersey legislation

If any Jersey legislation (whenever made) repeals any Jersey legislation and re-enacts any of its provisions, with or without modification, references in any other Jersey legislation to the provisions so repealed, unless provision is made to the contrary, are construed as references to the provisions so re-enacted.

However, users may face the problem of not knowing which legislation replaced the repealed legislation.

This document concerns several instances of references to repealed legislation. These are by no means all of the references to repealed legislation on the statute book that need to be replaced, rather those that have been drawn to our attention. When resources allow, we would like to do a wider exercise to replace all references to repealed legislation on the statute book that should not be there (some references to repealed legislation, such in savings provisions, are deliberate and should not be replaced).

The proposed solution

For each reference to repealed legislation proposed for replacement, we have identified the legislation that repealed and re-enacted the repealed legislation (the “new legislation”). The new legislation is the legislation that Article 6 of the Legislation Law construes as being referred to instead of the repealed legislation. We propose to replace the references to the repealed legislation with references to the new legislation.

Is the proposed solution within the Law Revision Board’s powers?

Article 15(7) of the Legislation Law allows the Law Revision Board to certify a draft revision as revised legislation only if the Board is satisfied that the changes made by the revision are within the powers set out in Article 14 or Schedule 1 of the Legislation Law.

The changes made by the draft revision fall within the power in Schedule 1, clause (p): “to substitute for a reference to any legislation or provision of any legislation that has been re-enacted or replaced, whether with or without modifications, a reference to the legislation or provision re-enacting or replacing it”.

Part 2: Table of proposed solutions

Title of legislation	Article etc	Current text	Revised text
Access to Justice (Jersey) Law 2019	Article 5(2)	Public Finances (Jersey) Law 2005	Public Finances (Jersey) Law 2019
Bank (Recovery and Resolution) (Jersey) Law 2017	Article 2(e)(i)	Public Finances (Jersey) Law 2005	Public Finances (Jersey) Law 2019
Bank (Recovery and Resolution) (Jersey) Law 2017	Article 22(3)(c) ¹	within the meaning given by Article 1(1) of the Public Finances (Jersey) Law 2005	as continued by Article 4(1) of the Public Finances (Jersey) Law 2019
Jersey Advisory and Conciliation (Jersey) Law 2004	Schedule paragraph 9 heading	Public Finances (Jersey) Law 2005	Public Finances (Jersey) Law 2019
Jersey Advisory and Conciliation (Jersey) Law 2004	Schedule paragraph 9 text	Article 3(2)(a) of the Public Finances (Jersey) Law 2005	Article 3(2) of the Public Finances (Jersey) Law 2019
Misuse of Drugs (Jersey) Law 1978	Article 7(5)(b)	Proceeds of Crime (Cash Seizure) (Jersey) Law 2008	Forfeiture of Assets (Civil Proceedings) (Jersey) Law 2018
Motor Vehicle Registration (General Provisions) (Jersey) Order 1993	Schedule 4A paragraph 8(3)(b)(ii)	Article 9 of the Proceeds of Crime (Cash Seizure) (Jersey) Law 2008	Article 15 of the Forfeiture of Assets (Civil Proceedings) (Jersey) Law 2018
Poisons (General Provisions) (Jersey) Order 1968	Article 7(4)(b)	Dangerous Drugs (Jersey) Law 1954	Misuse of Drugs (Jersey) Law 1978
Poisons (General Provisions) (Jersey) Order 1968	Schedule 1 sub-paragraph (a) of the entry for “Diphenoxylate”	any Part of the Dangerous Drugs (Jersey) Law 1954,	the Misuse of Drugs (Jersey) Law 1978

¹ The reference in Article 22(3)(c) is to the Strategic Reserve Fund, which was defined in Article 1(1) of the Public Finances (Jersey) Law 2005 (the “2005 Law”). The Public Finances (Jersey) Law 2019 (the “2019 Law”) repealed the 2005 Law, but does not define the Strategic Reserve Fund. Instead, Article 4(1) of the 2019 Law continues the Fund. Because of this difference, we suggest replacing the words before the reference as well as the reference itself.

Proceeds of Crime (Enforcement of Confiscation and Instrumentalities Forfeiture Orders) (Jersey) Regulations 2008	Schedule paragraph 2(a) (modification of Article 2 of the Proceeds of Crime (Jersey) Law 1999)	Article 9 of the Proceeds of Crime (Cash Seizure) (Jersey) Law 2008	Article 15 of the Forfeiture of Assets (Civil Proceedings) (Jersey) Law 2018
Proceeds of Crime (Jersey) Law 1999	Article 2(2)	Article 9 of the Proceeds of Crime (Cash Seizure) (Jersey) Law 2008	Article 15 of the Forfeiture of Assets (Civil Proceedings) (Jersey) Law 2018
Proceeds of Crime (Jersey) Law 1999	Article 3(5)(a)(iii)	Article 9 of the Proceeds of Crime (Cash Seizure) (Jersey) Law 2008	Article 15 of the Forfeiture of Assets (Civil Proceedings) (Jersey) Law 2018
Proceeds of Crime (Jersey) Law 1999	Article 10(1)(a)(iii)	Article 9 of the Proceeds of Crime (Cash Seizure) (Jersey) Law 2008	Article 15 of the Forfeiture of Assets (Civil Proceedings) (Jersey) Law 2018

Part 3: Draft revision giving effect to proposed solutions

CONTENTS

<i>Access to Justice (Jersey) Law 2019</i>	3
<i>Bank (Recovery and Resolution) (Jersey) Law 2017</i>	4
<i>Jersey Advisory and Conciliation (Jersey) Law 2004</i>	5
<i>Misuse of Drugs (Jersey) Law 1978</i>	5
<i>Motor Vehicle Registration (General Provisions) (Jersey) Order 1993</i>	6
<i>Poisons (General Provisions) (Jersey) Order 1968</i>	7
<i>Proceeds of Crime (Enforcement of Confiscation and Instrumentalities Forfeiture Orders) (Jersey) Regulations 2008</i>	8
<i>Proceeds of Crime (Jersey) Law 1999</i>	9

Access to Justice (Jersey) Law 2019

5 Resources

- (1) The States shall ensure that the Judicial Greffier is provided with sufficient resources for the purpose of meeting payments under the Legal Aid Scheme.
- (2) Without prejudice to the application of the [Public Finances \(Jersey\) Law 2019](#)~~Public Finances (Jersey) Law 2005~~ to the Judicial Greffier's Department, where a function is entrusted to the Law Society under Article 4(2), the Law Society shall, to the extent of those functions, be a States aided independent body for the purposes of Article 14 of the Comptroller and Auditor General (Jersey) Law 2014.

Bank (Recovery and Resolution) (Jersey) Law 2017

2 Circumstances in which a bank is deemed to be failing or likely to fail

For the purposes of this Law, a bank shall be deemed to be failing or likely to fail in one or more of the following circumstances –

- (a) the bank has failed to continue to satisfy the Commission that it is a fit and proper person to be registered to undertake deposit-taking business in accordance with Article 10(3)(a) of the 1991 Law (including that the bank has incurred or is likely to incur losses that will deplete all or a significant amount of its own funds);
- (b) the value of the assets of the bank determined in accordance with the pre-resolution valuation of the bank is less than the value of its liabilities as so determined;
- (c) the bank is unable to pay its debts as they fall due;
- (d) one or more of sub-paragraphs (a) to (c) will, in the near future, apply to the bank; or
- (e) extraordinary public financial support is required in respect of the bank except when, in order to remedy a serious disturbance in the economy of Jersey and preserve financial stability, the extraordinary public financial support is provided temporarily to a solvent bank and takes any of the following forms –
 - (i) a States guarantee –
 - (A) to back liquidity facilities, or
 - (B) of newly issued liabilities,in accordance with the [Public Finances \(Jersey\) Law 2019](#)~~Public Finances (Jersey) Law 2005~~, or
 - (ii) an injection of own funds or purchase of capital instruments at prices and on terms that do not confer an advantage upon the bank, where the circumstances referred to in sub-paragraphs (a), (b) or (c) are not present and the write down or conversion power has not been exercised at the time that the extraordinary public financial support is granted.

...

22 Establishment and management of Fund

- (1) There is established a fund to be known as the Jersey Bank Resolution Fund for the purpose of ensuring the effective exercise by the Authority of the resolution powers and application by the Authority of the resolution tools.
- (2) The Fund shall be controlled, managed and administered by the Authority.
- (3) The Authority shall have the power –
 - (a) to recover from a bank any funds paid or payable out of the Fund by the Authority in respect of –
 - (i) any action taken by the Authority in order to consider whether to take a resolution action or recognize a foreign resolution action in respect of the bank, or
 - (ii) the taking of a resolution action or recognition of a foreign resolution action in respect of the bank;
 - (b) in accordance with paragraph (8), to raise contributions from Jersey banks, other than the bank referred to in paragraph (a) , where funds referred to in sub-paragraph (a) are insufficient and shall –

- (i) decide and apply the method of calculating the amount of the contributions to be paid by each Jersey bank liable to pay such contributions,
- (ii) determine the date by which the contributions must be paid, and
- (iii) give written notice to each Jersey bank requiring it to pay the contributions and specifying –
 - (A) the amount of the contribution the Jersey bank is required to pay,
 - (B) the method of calculation of the contribution, and
 - (C) the date or dates on which the contribution becomes payable;
- (c) to borrow from any source, including the strategic reserve fund ([as continued by Article 4\(1\) of the Public Finances \(Jersey\) Law 2019](#)~~within the meaning given by Article 1(1) of the Public Finances (Jersey) Law 2005~~).

...

Jersey Advisory and Conciliation (Jersey) Law 2004

SCHEDULE

(Article 2)

CONSTITUTION AND ADMINISTRATION OF JERSEY ADVISORY AND CONCILIATION SERVICE AND ITS BOARD

...

9 [Public Finances \(Jersey\) Law 2019](#)~~Public Finances (Jersey) Law 2005~~

For the purposes of [Article 3\(2\) of the Public Finances \(Jersey\) Law 2019](#)~~Article 3(2)(a) of the Public Finances (Jersey) Law 2005~~, money received by JACS is not money received by or on behalf of the States.

...

Misuse of Drugs (Jersey) Law 1978

7 Orders about scheduled substances

- (1) The Minister may by Order make provision –
 - (a) imposing requirements as to the documentation of transactions involving scheduled substances;
 - (b) requiring the keeping of records and the furnishing of information with respect to such substances;
 - (c) for the inspection of records kept pursuant to the Order;
 - (d) for the labelling of consignments of scheduled substances.
- (2) Orders made under paragraph (1)(b) may, in particular, require –
 - (a) the notification of –
 - (i) the proposed exportation from Jersey to any country specified in the Order,
 - or

- (ii) the arranging or procuring, in Jersey, of the proposed exportation from any other country to any country specified in the Order, of any substance specified in Table 1 of Schedule 5; and
 - (b) the production, in such circumstances as may be so specified, of evidence that the required notification has been given,

and for the purposes of Article 37 of the Customs and Excise Law any such substance shall be deemed to be exported contrary to a restriction for the time being in force with respect to it under this Law if it is exported without the requisite notification having been given.
- (3) Orders under this Article may make different provision in relation to the substances specified in Table 1 and Table 2 in Schedule 5 respectively and in relation to different cases or circumstances.
- (4) Any person who fails to comply with any requirement imposed by an Order under this Article, or in purported compliance with any such requirement, furnishes information which the person knows to be false in a material particular or recklessly furnishes information which is false in a material particular is guilty of an offence.
- (5) No information obtained pursuant to an Order shall be disclosed except for the purposes of criminal proceedings or of proceedings under –
 - (a) the provisions of Part 2 of the Proceeds of Crime (Jersey) Law 1999 relating to the confiscation of the proceeds of criminal conduct; or
 - (b) the [Forfeiture of Assets \(Civil Proceedings\) \(Jersey\) Law 2018](#) ~~Proceeds of Crime (Cash Seizure) (Jersey) Law 2008~~.

Motor Vehicle Registration (General Provisions) (Jersey) Order 1993

SCHEDULE 4A

(Article 22)

WITHDRAWAL OF REGISTRATION MARKS AND ASSIGNMENT OF PARTICULAR REGISTRATION MARKS

...

8 Delay, refusal, withdrawal and appeal

- (1) The Inspector may delay the grant of a mark-right or the assignment of a registration mark under this Schedule until the Inspector has taken any action under any of Articles 12 to 18 in respect of the registration of the vehicle concerned.
- (2) The Inspector may refuse the grant or assignment –
 - (a) if the Inspector is not satisfied as to the result of action mentioned in subparagraph (1);
 - (b) if the Inspector is satisfied, after inviting and considering representations from the person applying for the grant or assignment, that it is proportionate to do so –
 - (i) in the case of a grant of a mark-right under paragraph 4, on the ground that the person would not have been entitled to that grant but for having contravened Article 5(1)(c) of the Law,

- (ii) in the case of an assignment of a registration mark under a mark-right granted under paragraph 4, on the ground that the grant of that mark-right would have been refused under sub-clause (i) if the Inspector had known of that contravention before that grant, or
 - (iii) for other exceptional reasons related to the prevention of crime or to the protection of the reputation and integrity of Jersey in respect of its registration scheme.
- (3) The Inspector may withdraw from a vehicle a registration mark assigned under a mark-right, and assign another registration mark determined by the Inspector under Article 5A(1)(a)(i) or (ii) of the Law, if the Inspector is satisfied, after inviting and considering representations from the owner of the vehicle –
 - (a) that it is proportionate to do so on the ground that the mark would not have been assigned but for a contravention of a requirement of this Order or the Law by or on behalf of the owner; or
 - (b) if the Attorney-General consents to the withdrawal, that the mark-right was obtained through the use of money or property that –
 - (i) was or represented the proceeds of criminal conduct, within the meaning of the Proceeds of Crime (Jersey) Law 1999, or
 - (ii) could have been forfeited under Article 29 of the Misuse of Drugs (Jersey) Law 1978, Article 26 of the Terrorism (Jersey) Law 2002 or [Article 15 of the Forfeiture of Assets \(Civil Proceedings\) \(Jersey\) Law 2018](#) ~~Article 9 of the Proceeds of Crime (Cash Seizure) (Jersey) Law 2008~~.
- (4) The Inspector shall, on exercising a power under sub-paragraph (2) or (3), give written notice (by post, electronic communication or otherwise) of the decision to exercise the power, including reasons, to the person whose application is refused or to the owner of the vehicle from which the mark-right is withdrawn.
- (5) A person notified under sub-paragraph (4) of the exercise of a power may, within 28 days of the giving of the notification, appeal to the Royal Court on the ground that the exercise of the power was unreasonable having regard to all the circumstances of the case.
- (6) Reasons given under sub-paragraph (4) need not include any reasons for the giving of the Attorney-General's consent under sub-paragraph (3)(b).

Poisons (General Provisions) (Jersey) Order 1968

7 Extension of Article 9(2) to sales wholesale etc., and relaxation of the said paragraph

...

- (4) Where the seller of a poison is reasonably satisfied that the poison is required for the purpose of medical, dental or veterinary treatment, there shall not apply –
 - (a) in the case of a sale to a hospital, infirmary, health centre, dispensary or clinic, such of the provisions of this Article as require the purchaser to state the purchaser's trade, business or profession and the seller to be satisfied with respect thereto;
 - (b) in the case of a sale of the poison not being a poison to which the [Misuse of Drugs \(Jersey\) Law 1978](#) ~~Dangerous Drugs (Jersey) Law 1954~~ applies to a registered medical practitioner, registered dentist or registered veterinary surgeon or to a hospital, infirmary, health centre, dispensary or clinic, such of the provisions of this Article as require the purchaser to state the purpose for which the poison is required.

...

SCHEDULE 1

(Articles 6, 7, 8, 12, 13, 20, 24, 27, 28, and 30)

SUBSTANCES INCLUDED IN THE POISONS LIST TO WHICH SPECIAL RESTRICTIONS APPLY UNLESS EXEMPTED BY ARTICLE 8

...

Dioxaphetyl butyrate; its salts.

Diphenoxylate; its salts; except

- (a) pharmaceutical preparations in solid or liquid form containing not more than 2.5 mg of diphenoxylate calculated as base and not less than 25 microgrammes of atropine calculated as atropine sulphate per dosage unit and containing no other substance to which [the Misuse of Drugs \(Jersey\) Law 1978](#) ~~any Part of the Dangerous Drugs (Jersey) Law 1954~~, applies; and
- (b) liquid preparations containing 0.5 mg diphenoxylate hydrochloride, 0.005 mg atropine sulphate, 0.16 ml ethylalcohol, 0.002 ml imitation cherry flavour, 0.45 ml glycerine, 0.4 ml sorbital solution (70%), 0.01 mg red dye colour index No. 14700 (F.D. 4C.Red No. 4), 0.0008 ml water.

Dipipanone; its salts.

...

Proceeds of Crime (Enforcement of Confiscation and Instrumentalities Forfeiture Orders) (Jersey) Regulations 2008

SCHEDULE

(Regulation 2(1))

MODIFICATION OF THE PROCEEDS OF CRIME (JERSEY) LAW 1999

...

2 Article 2 amended

In Article 2 –

- (a) for paragraphs (1), (1A) and (2) there shall be substituted the following paragraphs –

“(1) In this Law, ‘realisable property’ means –

- (a) in relation to an external confiscation order in respect of specified property, the property that is specified in the order;
- (b) in any other case –
 - (i) any property held by the defendant,
 - (ii) any property held by a person to whom the defendant has directly or indirectly made a gift caught by this Law, and
 - (iii) any property to which the defendant is beneficially entitled.

(2) However, property is not realisable property if –

- (a) a confiscation order or an instrumentalities forfeiture order;

- (b) an order under [Article 15 of the Forfeiture of Assets \(Civil Proceedings\) \(Jersey\) Law 2018](#) ~~Article 9 of the Proceeds of Crime (Cash Seizure) (Jersey) Law 2008~~;
 - (c) an order under Article 29 of the Misuse of Drugs (Jersey) Law 1978; or
 - (d) an order under Article 27 of the Terrorism (Jersey) Law 2002, is in force in respect of the property.”;
- ...

Proceeds of Crime (Jersey) Law 1999

2 Meanings of expressions relating to realisable property

- (1) In Part 2, “realisable property” means –
 - (a) any property held by the defendant;
 - (b) any property held by a person to whom the defendant has directly or indirectly made a gift caught by Part 2; and
 - (c) any property to which the defendant is beneficially entitled.
 - (1A) Where the Attorney General makes or intends to make an application for an instrumentalities forfeiture order under Article 28B, but only for the purposes of the proceedings as they relate to the instrumentalities forfeiture order, “realisable property” also includes –
 - (a) before any instrumentalities forfeiture order is made, any property suspected to be –
 - (i) property used in or intended to be used in the relevant offence or in predicate conduct that occurred in Jersey, or
 - (ii) property into which such property has been converted (whether in a single, in multiple or in a series of consecutive transactions); or
 - (b) after any instrumentalities forfeiture order has been made, any property that has been found by the Court to be –
 - (i) property used in or intended to be used in the relevant offence or in predicate conduct that occurred in Jersey, or
 - (ii) property into which such property has been converted (whether in a single, in multiple or in a series of consecutive transactions).
 - (2) However, property is not realisable property if an order under Article 29 of the Misuse of Drugs (Jersey) Law 1978, Article 27 of the Terrorism (Jersey) Law 2002 or [Article 15 of the Forfeiture of Assets \(Civil Proceedings\) \(Jersey\) Law 2018](#) ~~Article 9 of the Proceeds of Crime (Cash Seizure) (Jersey) Law 2008~~ is in force in respect of the property.
- ...

3 Confiscation orders

- (1) Where a defendant appears before the Court to be sentenced in respect of one or more offences specified in Schedule 1, and the defendant has not previously been sentenced or otherwise dealt with in respect of his or her conviction for the offence or (as the case may be) any of the offences concerned –
 - (a) if the Attorney General asks the Court to proceed under this Article; or

- (b) if the Court considers that, even though the Attorney General has not asked it to do so, it is appropriate for it to proceed under this Article, the Court may act in accordance with this Article.
- (2) However, this Article shall not apply in the case of any proceedings against any defendant where the defendant is convicted in those proceedings of an offence that was committed before this Article comes into force.
- (3) Where the Court is proceeding under this Article, it may first determine whether the defendant has benefited from any relevant criminal conduct.
- (4) If the Court determines that the defendant has so benefited it may, before sentencing or otherwise dealing with the defendant in respect of the offence or (as the case may be) any of the offences concerned –
 - (a) determine in accordance with Article 4 the amount to be recovered in the defendant’s case by virtue of this Article; and
 - (b) make a confiscation order, to the effect that the defendant pay that amount.
- (5) Where the Court makes a confiscation order –
 - (a) it shall take account of the order before –
 - (i) imposing any fine on the defendant,
 - (ii) making any order (except an instrumentalities forfeiture order under Article 28B) involving any payment by the defendant, or
 - (iii) making any forfeiture order under Article 29 of the Misuse of Drugs (Jersey) Law 1978, Article 27 of the Terrorism (Jersey) Law 2002 or [Article 15 of the Forfeiture of Assets \(Civil Proceedings\) \(Jersey\) Law 2018](#) ~~Article 9 of the Proceeds of Crime (Cash Seizure) (Jersey) Law 2008~~; and
 - (b) subject to sub-paragraph (a), it shall leave the order out of account in determining the appropriate sentence or other manner of dealing with the defendant in the proceedings.

...

10 Effect of confiscation order or instrumentalities forfeiture order on sentencing of absconder

- (1) Where in the case of any defendant the Court has made a confiscation order or an instrumentalities forfeiture order by virtue of Article 9 it shall, in respect of the offence or (as the case may be) any of the offences concerned –
 - (a) take account of the orders before –
 - (i) imposing any fine on the defendant,
 - (ii) making any order involving any payment by the defendant, or
 - (iii) making any forfeiture order under Article 29 of the Misuse of Drugs (Jersey) Law 1978, Article 26 of the Terrorism (Jersey) Law 2002 or [Article 15 of the Forfeiture of Assets \(Civil Proceedings\) \(Jersey\) Law 2018](#) ~~Article 9 of the Proceeds of Crime (Cash Seizure) (Jersey) Law 2008~~; and
 - (b) subject to sub-paragraph (a), leave the order out of account in determining the appropriate sentence or other manner of dealing with the defendant.
- (2) Where the Court has made a confiscation order or an instrumentalities forfeiture order by virtue of Article 9, and the defendant subsequently appears before the Court to be sentenced in respect of one or more of the offences concerned, neither Article 3(1) nor 28B(1) apply so far as the defendant’s appearance is in respect of that offence or those offences.

Law Revision Board item 2024/7: consistent reference to the Government of the United Kingdom

Overview

This document asks the Law Revision Board to certify a draft revision as revised legislation. If certified by the Board, the revision will take effect on the date that the record of the Board's decision is laid before the States.

Part 1 (pages 1 to 2) explains the issue giving rise to the draft revision, the types of changes made in the draft revision, and the legislative powers relied on in the preparation of the draft revision.

Part 2 (page 2) lists the changes made in the draft revision.

Part 3 (pages 3 to 4) contains the draft revision.

Part 1: Background

The issue

In preparing the material for LRB item 2023/1 (updating reference to Her late Majesty the Queen), we identified that there was some inconsistency in how the UK Government was referred to in legislation. That item changed all references reading "Her Majesty's Government" or "Her Majesty's Government in/of the United Kingdom" to "the Government of the United Kingdom". Those changes had effect from 11 January 2024.

We identified at the time that there were potentially other references to the UK Government in the statute book that weren't consistent but didn't mention "Her Majesty". We agreed that we would address those references as part of a future LRB item. We have identified inconsistent references in the Sanctions and Asset-Freezing (Jersey) Law 2019 and the Sea Fisheries (Jersey) Law 1994. This document addresses those references.

We note that there are several instances on the statute book of "the Government of the United Kingdom of Great Britain and Northern Ireland", in the context of setting out letters or agreements between governments.¹ We do not propose to change those references. We note that there are also inconsistent references in UK extended legislation. As the Board's powers extend to Jersey legislation only, we do not propose to change those references.

The proposed solution

There are 4 references in the Sanctions and Asset-Freezing (Jersey) Law 2019 to "His Majesty's Government in the UK". These previously read "Her Majesty's Government in the UK" but were amended by the Sanctions and Asset-Freezing (Amendment No. 3) (Jersey) Law 2023, which came into force on 17 July 2023. We propose to replace those references with "the Government of the UK". The reason for suggesting the use of "UK" instead of "United Kingdom" (in line with the other references across the statute book), is that "UK" is

¹ See, for example, the Schedule to the Double Taxation Relief (Shipping and Air Transport Profits) (French Republic) (Jersey) Act 1964 and the preamble and Schedule to the Social Security (Reciprocal Agreement with Jamaica) (Jersey) Act 1997.

a defined term that is used throughout the Sanctions and Asset-Freezing (Jersey) Law 2019, so using “United Kingdom” would introduce an inconsistency within that Law.

There is 1 reference in the Sea Fisheries (Jersey) Law 1994 to “His Majesty’s Government in the United Kingdom”. This resulted from an error in LRB item 2023/1. We propose to change this to “the Government of the United Kingdom”, in line with the other references across the statute book.

Is the proposed solution within the Law Revision Board’s powers?

Article 15(7) of the Legislation (Jersey) Law 2021 (the “Legislation Law”) allows the Law Revision Board to certify a draft revision as revised legislation only if the Board is satisfied that the changes made by the revision are within the powers set out in Article 14 or Schedule 1 of the Legislation Law.

The changes made by the draft revision fall within the power in Schedule 1, clause (q) “to do all other things that appear to the Board to be necessary to render revised legislation consistent with current drafting practice”.

Part 2: Proposed solution

Title of legislation	Article etc	Current text	Revision
Sanctions and Asset-Freezing (Jersey) Law 2019	Article 43A(2)(b)	His Majesty’s Government in the UK	the Government of the UK
Sanctions and Asset-Freezing (Jersey) Law 2019	Article 43A(3)(b)	His Majesty’s Government in the UK	the Government of the UK
Sanctions and Asset-Freezing (Jersey) Law 2019	Article 45B(2)	His Majesty’s Government in the UK	the Government of the UK
Sanctions and Asset-Freezing (Jersey) Law 2019	Article 45B(4)	His Majesty’s Government in the UK	the Government of the UK
Sea Fisheries (Jersey) Law 1994	Article 9(5)	His Majesty’s Government in the United Kingdom	the Government of the United Kingdom

Part 3: Draft revision giving effect to proposed solutions

CONTENTS

<i>Sanctions and Asset-Freezing (Jersey) Law 2019</i>	3
<i>Sea Fisheries (Jersey) Law 1994</i>	4

Sanctions and Asset-Freezing (Jersey) Law 2019

43A Requests for assistance with UN de-listing

- (1) A UN-listed person who is a designated person may request the Minister to use the Minister's best endeavours to secure that the person ceases to be a UN-listed person.
- (2) If the Minister receives a request that falls within paragraph (1) and does not fall within paragraph (3) –
 - (a) the Minister must consider the request and decide, within 28 days of receiving sufficient information to make a decision, whether or not to comply with the request;
 - (b) if the Minister decides to comply with the request, the Minister must request [the Government of the UK](#)~~His Majesty's Government in the UK~~ to use its best endeavours to secure that the person ceases to be a UN-listed person.
- (3) A request falls within this paragraph if –
 - (a) the designated UN-listed person has made a previous request under this Article or under section 25 of the Sanctions and Anti-Money Laundering Act 2018 of the UK; and
 - (b) the grounds on which the current request is made do not include a significant matter that has not previously been considered by the Minister or by [the Government of the UK](#)~~His Majesty's Government in the UK~~.

...

45B Request to UN for designation

- (1) This Article applies if the Minister reasonably suspects that a person, who is not a UN-listed person –
 - (a) should be a UN-listed person; or
 - (b) should otherwise be subject to measures under a UN sanctions resolution, in relation to which it is reasonable that the person should be a designated person.
- (2) The Minister must request [the Government of the UK](#)~~His Majesty's Government in the UK~~ to use its best endeavours to secure that the person becomes a UN-listed person under the relevant resolution.
- (3) For the purpose of paragraph (1), in considering whether a person should be a UN-listed person, the Minister must in particular –
 - (a) have regard to any designation criterion or procedure established by any organ of the United Nations for the purpose of the relevant resolution;

- (b) have regard to any recommendation adopted by FATF in relation to the relevant resolution; and
 - (c) consult the financial intelligence unit established under Article 41B of the Proceeds of Crime (Jersey) Law 1999.
- (4) When making a request under paragraph (2), the Minister must give to [the Government of the UK](#)~~His Majesty's Government in the UK~~ –
- (a) the reason for the request; and
 - (b) any information that the Minister is able to disclose to support the request.
- (5) Paragraph (2) applies –
- (a) whether or not any criminal proceedings have been taken against the person; and
 - (b) whether or not the Minister decides to designate the person under this Law.
- (6) Nothing in this Article requires the Minister to notify a person that the Minister has made, or is considering making, a request under paragraph (2) in relation to that person.

Sea Fisheries (Jersey) Law 1994

9 Restriction on fishing by foreign fishing boats

- (1) No foreign fishing boat may enter the territorial sea except for a purpose recognized by international law, or by any convention for the time being in force between the Government of the United Kingdom and the government of the country in which the boat is registered, and any such boat which enters the territorial sea –
- (a) shall return outside the territorial sea as soon as the purpose for which it entered the territorial sea has been fulfilled; and
 - (b) shall not be used for fishing or for attempting to fish while in the territorial sea.
- (2) The fishing gear of a fishing boat which is prohibited by this Article from being used for fishing in the territorial sea shall, while the boat is in the territorial sea, be stowed in accordance with Regulations made by the States.
- (3) If this Article is contravened in the case of any fishing boat the master, the owner and the charterer (if any) shall each commit an offence and be liable to a fine and the court by which the offender is convicted may order the forfeiture of any sea fish or fishing gear found in the boat or taken or used by any person from the boat.
- (4) This Article shall not prohibit or restrict fishing by a foreign fishing boat in any area of the territorial sea if the boat meets the requirements specified in relation to that area and that fishing by or under Article 12.
- (5) This Article shall not prohibit or restrict fishing by a foreign fishing boat in any area of the territorial sea if the fishing is carried out in accordance with special provision made by arrangement between [the Government of the United Kingdom](#)~~His Majesty's Government in the United Kingdom~~ and the government of the country in which the boat is registered.

Law Revision Board item 2024/8: removal of redundant definition

Overview

This document asks the Law Revision Board to certify a draft revision as revised legislation.

Part 1 (page 1) explains the issue giving rise to the draft revision, the types of changes made in the draft revision, and the legislative powers relied on in the preparation of the draft revision.

Part 2 (page 1) lists the changes made in the draft revision.

Part 3 (page 2) contains the draft revision.

Part 1: Background

The issue

Article 1(1) of the Statutory Nuisances (Jersey) Law 1999 contains a definition of “prescribed” that states “means prescribed by Regulations”. However, “prescribed” is used only once in the Law, and when it is used it does not have the meaning given by the definition. Article 14 of the Law states:

14 Rules of Court

Rules may be made in the manner prescribed by the Royal Court (Jersey) Law 1948 to make such provision as appears to the Superior Number of the Royal Court to be necessary or expedient for the purposes of this Law.

The definition of “prescribed” in Article 1(1) is therefore unnecessary at best, and misleading at worst.

The proposed solution

We propose to delete the definition of “prescribed” from Article 1(1).

Is the proposed solution within the Law Revision Board’s powers?

Article 15(7) of the Legislation (Jersey) Law 2021 (the “Legislation Law”) allows the Law Revision Board to certify a draft revision as revised legislation only if the Board is satisfied that the changes made by the revision are within the powers set out in Article 14 or Schedule 1 of the Legislation Law.

The changes made by the draft revision fall within the powers in Schedule 1, clause (k): “to delete any obsolete or redundant words or provisions”, and Schedule 1, clause (q): “to do all other things that appear to the Board to be necessary to render revised legislation consistent with current drafting practice”.

Part 2: Proposed solution

Title of legislation	Article etc	Current text	Revision
Statutory Nuisances (Jersey) Law 1999	1(1) definition “prescribed”	“prescribed” means prescribed by Regulations	<i>[Delete current text]</i>

Statutory Nuisances (Jersey) Law 1999

1 Interpretation

- (1) In this Law, unless the context otherwise requires –
- “abatement notice” has the meaning assigned to it by Article 5(1);
 - “authorized person” means any person authorized by the Minister for the purposes of discharging any or all of the functions contained in this Law;
 - ...
 - “prejudicial to health” means injurious, or likely to cause injury, to health;
 - “premises” includes land and any vessel;
 - ~~“prescribed” means prescribed by Regulations;~~
 - “private dwelling” means any building, or part of a building, used or intended to be used, as a dwelling;
 - ...

Law Revision Board item 2024/9: conversion of undefined headings in Financial Services (Jersey) Law 1998

Overview

This document asks the Law Revision Board to certify a draft revision as revised legislation.

Part 1 (page 1) explains the issue giving rise to the draft revision, the types of changes made in the draft revision, and the legislative powers relied on in the preparation of the draft revision.

Part 2 (pages 1 to 2) lists the changes made in the draft revision.

Part 3 (pages 2 to 6) contains the draft revision.

Part 1: Background

The issue

The Financial Services (Jersey) Law 1998 contains headings that are incorrectly styled. The headings have the style of Part sub-headings, when they should instead be division headings.

The proposed solution

We propose to replace the incorrect Part-style headings with correctly styled division headings. We also propose to delete an unnecessary heading from before Article 1.

Is the proposed solution within the Law Revision Board's powers?

Article 15(7) of the Legislation (Jersey) Law 2021 (the "Legislation Law") allows the Law Revision Board to certify a draft revision as revised legislation only if the Board is satisfied that the changes made by the revision are within the powers set out in Article 14 or Schedule 1 of the Legislation Law.

The change made by the draft revision falls within the power in Schedule 1, clause (e): "to add a heading to a provision of any legislation that does not have one and alter any heading to a provision or part of any legislation".

Part 2: Proposed solution

Title of legislation	Article etc	Current text	Revision
Financial Services (Jersey) Law 1998	Part 1	Definitions, exemptions and functions	<i>[Delete current text]</i>
Financial Services (Jersey) Law 1998	Part 2	Financial service business	Division 1 – Financial service business
Financial Services (Jersey) Law 1998	Part 2	Registration	Division 2 – Registration
Financial Services (Jersey) Law 1998	Part 3	Principal persons, key persons and shareholders	Division 1 – Principal persons, key persons and shareholders

Financial Services (Jersey) Law 1998	Part 3	Accounts and auditors	Division 2 – Accounts and auditors
Financial Services (Jersey) Law 1998	Part 3	Powers, controls, false information, etc.	Division 3 – Powers, controls, false information, etc.
Financial Services (Jersey) Law 1998	Part 3	Information and investigations	Division 4 – Information and investigations
Financial Services (Jersey) Law 1998	Part 3	Restrictions on disclosure of information	Division 5 – Restrictions on disclosure of information
Financial Services (Jersey) Law 1998	Part 3A	Interpretative provisions	Division 1 – Interpretative provisions
Financial Services (Jersey) Law 1998	Part 3A	Insider dealing	Division 2 – Insider dealing
Financial Services (Jersey) Law 1998	Part 3A	Market manipulation and misleading information	Division 3 – Market manipulation and misleading information

Part 3: Draft revision giving effect to proposed solutions

Financial Services (Jersey) Law 1998

PART 1

PRELIMINARY

~~DEFINITIONS, EXEMPTIONS AND FUNCTIONS~~

1 General interpretation

(1) In this Law, unless the context otherwise requires –

...

PART 2

REGISTRATION OF FINANCIAL SERVICE BUSINESS

DIVISION 1 – FINANCIAL SERVICE BUSINESS ~~FINANCIAL SERVICE BUSINESS~~

7 Prohibition of carrying on unauthorised financial service business

(1) Subject to paragraph (2) –

- (a) a person shall not carry on financial service business in or from within Jersey; and
- (b) a person being a company incorporated in Jersey or a limited liability company registered in Jersey shall not carry on such business in any part of the world,

unless the person is for the time being a registered person under this Law, and acting in accordance with the terms of his or her registration.

- (2) This Law shall not apply to –
 - (a) the doing of anything by or on behalf of –
 - (i) the States, the Viscount, the Judicial Greffier or a Jurat of the Royal Court, or
 - (ii) subject to such conditions or restrictions as may be prescribed, any other prescribed person or institution;
 - (b) subject to such conditions or restrictions as may be prescribed, any prescribed transaction.
- (3) Any person who holds himself or herself out as carrying on financial service business in or from within Jersey, and any company incorporated in Jersey or limited liability company registered in Jersey which holds itself out as carrying on financial service business shall, for the purposes of this Article, be treated as carrying on such business.
- (4) A person who contravenes this Article shall be guilty of an offence and liable to imprisonment for a term not exceeding 7 years or a fine, or both.

DIVISION 2 - REGISTRATION~~REGISTRATION~~

8 Application for registration

- (1) A person to whom this Law applies who intends to carry on financial service business (referred to in this Law as an “applicant”) shall make an application to the Commission to be registered under Article 9 for the purposes of this Law.

...

PART 3

SUPERVISION OF FINANCIAL SERVICE BUSINESS

DIVISION 1 – PRINCIPAL PERSONS, KEY PERSONS AND SHAREHOLDERS~~PRINCIPAL PERSONS, KEY PERSONS AND SHAREHOLDERS~~

13 Objection to principal persons, key persons or share holdings

- (1) Where it appears to the Commission at any time that, on the information before it, and having regard to the matters set out in Article 9(3), a person who is a principal person, or key person of any class, in relation to a registered person or in respect of whom notice has been given that the person will become such a principal person, or key person of any class, is not a fit and proper person to be a principal person, or key person of that class or of any class, respectively in relation to a registered person, the Commission shall serve on that person and on the registered person concerned a written notice of objection, directing that the person shall not continue to be, or shall not become, a principal person or key person of the relevant class or of any class (as the case requires), respectively.

...

DIVISION 2 – ACCOUNTS AND AUDITORS~~ACCOUNTS AND AUDITORS~~

17 Power to make Orders relating to accounts and auditors

- (1) The Minister may, on the recommendation of the Commission, by Order provide for matters relating to the accounting and audit of registered persons.
- (2) Without prejudice to the generality of paragraph (1), an Order under paragraph (1) may provide for –
 - (a) the keeping of accounting records by registered persons;
 - (b) the duty of registered persons to prepare annual financial statements giving a true and fair view of the registered person's affairs;
 - (c) the qualification of auditors and their appointment by registered persons;
 - (d) the form and content of auditors' reports to be obtained by registered persons;
 - (e) the submission of annual financial statements and auditors' reports to the Commission and the time limits in which they should be submitted;
 - (f) the powers and duties of auditors including their right of access to the accounting and other records of registered persons;
 - (g) the form and content of financial statements.
- (3) An Order made under paragraph (1) may make a contravention of any of its provisions an offence for which a person is liable to imprisonment for a term not exceeding 2 years or a fine, or both.

...

DIVISION 3 – POWERS, CONTROLS, FALSE INFORMATION, ETC.~~POWERS, CONTROLS, FALSE INFORMATION, ETC.~~

19 Codes of Practice

- (1) The Commission may, after consultation with such persons or bodies as appear to be representative of the interests concerned –
 - (a) prepare and issue a Code of Practice setting out the principles and detailed requirements that must be complied with in the conduct of financial service business;
 - (b) revise any such Code of Practice by revoking, varying, amending or adding to its provisions; and
 - (c) indicate in any such Code of Practice if and to what extent it is or is not to apply to any class of financial service business or particular financial service business.

...

DIVISION 4 – INFORMATION AND INVESTIGATIONS~~INFORMATION AND INVESTIGATIONS~~

32 General power to require information and documents

- (1) The Commission, an officer or an agent may by notice in writing served on a defined person require the person to do either or both of the following –

- (a) to provide the Commission, an officer or an agent, at such times and places as are specified in the notice, with such information or documents as are specified in the notice and as the Commission, an officer or an agent reasonably requires the person to provide for the purposes of the performance of the Commission’s functions under this Law;
- (b) to attend at such times and places as may be specified in the notice and answer such questions as the Commission, an officer or an agent reasonably requires the person to answer for the purposes of the performance of the Commission’s functions under this Law.

...

PART 3A

MARKET MANIPULATION, MISLEADING INFORMATION AND INSIDER DEALING

DIVISION 1 – INTERPRETATIVE PROVISIONS

Interpretative provisions

39A Interpretation

- (1) In this Part, in Schedule 6 and for the purposes of the definition “supervisor of a securities market” –
 - “company” means any body (whether or not incorporated, wherever incorporated or constituted, and including limited liability companies registered under the LLC Law) which is not a public sector body;
 - “issuer”, in relation to any securities, means any company, public sector body or person by which or by whom the securities have been or are to be issued;

...

DIVISION 2 – INSIDER DEALING

Insider dealing

39G Insider dealing

- (1) A person who has information as an insider is guilty of an offence if, in the circumstances mentioned in paragraph (3), he or she deals in securities that are price-affected securities in relation to the information.
- (2) A person who has information as an insider is guilty of an offence if –
 - (a) he or she encourages another person to deal in securities that are (whether or not that other person knows it) price-affected securities in relation to the information, knowing or having reasonable cause to believe that the dealing would take place in the circumstances mentioned in paragraph (3); or
 - (b) he or she discloses the information, otherwise than in the proper performance of the functions of his or her employment, office or profession, to another person.

- (3) The circumstances referred to in paragraph (1) and (2) are that –
- (a) the acquisition or disposal in question occurs on a securities market; or
 - (b) the person dealing relies on a professional intermediary or is himself or herself acting as a professional intermediary.
- (4) A person guilty of an offence under this Article shall be liable to imprisonment for a term not exceeding 10 years or a fine.

...

DIVISION 3 – MARKET MANIPULATION AND MISLEADING INFORMATION

~~*Market manipulation and misleading information*~~

39L Market manipulation and misleading information

- (1) Any person who –
- (a) makes a statement, promise or forecast which the person knows to be misleading, false or deceptive;
 - (b) dishonestly conceals any material facts; or
 - (c) recklessly makes (dishonestly or otherwise) a statement, promise or forecast which is misleading, false or deceptive,
- is guilty of an offence if he or she makes the statement, promise or forecast or conceals the facts for the purpose of inducing, or is reckless as to whether it may induce, another person (whether or not the other person is the person to whom the statement, promise or forecast is made or from whom the facts are concealed) –
- (i) to enter or offer to enter into, or refrain from entering or offering to enter into, an agreement or arrangement the making of which or performing of which constitutes financial service business or would do so but for Schedule 2; or
 - (ii) to exercise, or refrain from exercising, any rights conferred by an investment or contract of general insurance.

...

Law Revision Board item 2024/10: renaming of monkeypox to mpox

Overview

This document asks the Law Revision Board to certify a draft revision as revised legislation.

Part 1 (page 1) explains the issue giving rise to the draft revision, the types of changes made in the draft revision, and the legislative powers relied on in the preparation of the draft revision.

Part 2 (page 1) lists the changes made in the draft revision.

Part 3 (pages 2 to 3) contains the draft revision.

Part 1: Background

The issue

There are several references in the statute book to monkeypox. That virus has now been renamed as mpox by the World Health Organization – information about that change can be found [here](#).

The proposed solution

We propose to replace all references to monkeypox with references to mpox.

Is the proposed solution within the Law Revision Board’s powers?

Article 15(7) of the Legislation (Jersey) Law 2021 (the “Legislation Law”) allows the Law Revision Board to certify a draft revision as revised legislation only if the Board is satisfied that the changes made by the revision are within the powers set out in Article 14 or Schedule 1 of the Legislation Law.

The changes made by the draft revision fall within the power in Schedule 1, clause (g) “to change any reference to a person, office, body, place or thing to reflect a change of name, transfer of function or provision for construction of the reference”.

Part 2: Proposed solution

Title of legislation	Article etc	Current text	Revision
Animal Health (Jersey) Law 2016	Schedule 2 Part 1	Monkeypox virus.	Mpox.
Diseases of Animals (Non-Rabies) (Importation of Mammals) (Jersey) Order 2011	Article 1(2)(c)	monkey pox	mpox
Notifiable Diseases (Jersey) Order 1988	Schedule	Monkeypox	Mpox

Part 3: Draft revision giving effect to proposed solutions

CONTENTS

<i>Animal Health (Jersey) Law 2016</i>	2
<i>Diseases of Animals (Non-Rabies) (Importation of Mammals) (Jersey) Order 2011</i>	2
<i>Notifiable Diseases (Jersey) Order 1988</i>	3

Animal Health (Jersey) Law 2016

SCHEDULE 2

(Article 3(1) and 15(1)(a))

SPECIFIED PATHOGENS

PART 1

...

Lumpy skin disease virus.

[Mpox](#). ~~Monkeypox virus.~~

Mycobacterium avium subspecies *paratuberculosis*.

...

Diseases of Animals (Non-Rabies) (Importation of Mammals) (Jersey) Order 2011

1 Interpretation

- (1) In this Order, unless the context otherwise requires –
 - “Law” means the Diseases of Animals (Jersey) Law 1956;
 - “licence” means a licence granted under Article 2(1) of the Rabies Order;
 - “Rabies Order” means the Diseases of Animals (Rabies) (Importation of Mammals) (Jersey) Order 2011.
- (2) For the purposes of this Order and for the purposes of Articles 3, 4, 13, 14, 34, 34A, 34B, 35, 40 and 42 of the Law insofar as they may be applicable to the making, administration and enforcement of this Order –
 - (a) the definition of “animals” in Article 1 of the Law is extended to include any animal belonging to the orders of mammals specified in the Schedule to the Rabies Order except where specified otherwise in that Schedule;
 - (b) the definition of “disease” in Article 1 of the Law is extended to include, in respect of an animal –

- (a) Nipah disease;
 - (b) Hendra disease;
 - (c) ~~mpox~~ ~~monkey pox~~;
 - (d) tapeworm (Echinococcus multilocularis).
- (3) This Order is for the purpose of preventing the introduction or spread in Jersey of the diseases referred to in paragraph (2).
- (4) This Order is to be read with the Diseases of Animals (Rabies) (Importation of Mammals) (Jersey) Order 2011.
- (5) Except where specified otherwise, this Order does not apply to an animal which is a pet animal in relation to which the Pet Travel Scheme (Jersey) Regulations 2011 apply.

Notifiable Diseases (Jersey) Order 1988

SCHEDULE

NOTIFIABLE DISEASES

...

Middle East Respiratory Syndrome

~~Mpox~~ ~~Monkeypox~~

Mumps

...