

# STATES OF JERSEY



## **DRAFT DISCRIMINATION (JERSEY) LAW 201- (P.6/2013): AMENDMENT**

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**Lodged au Greffe on 30th April 2013  
by the Minister for Social Security**

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**STATES GREFFE**

**PAGE 44, ARTICLE 12 –**

For paragraph (4), substitute the following paragraph –

“(4) This Article applies to –

- (a) a limited partnership established in accordance with the Limited Partnerships (Jersey) Law 1994;
- (b) a limited liability partnership established in accordance with the Limited Liability Partnerships (Jersey) Law 1997;
- (c) an incorporated limited partnership established in accordance with the Incorporated Limited Partnerships (Jersey) Law 2011;
- (d) a separate limited partnership established in accordance with the Separate Limited Partnerships (Jersey) Law 2011;
- (e) a partnership established under the customary law of Jersey; and
- (f) any other partnership operating in Jersey that is established under the law of a country or territory outside Jersey.”.

MINISTER FOR SOCIAL SECURITY

## REPORT

The Minister for Social Security (the “Minister”) lodged the Draft Discrimination (Jersey) Law 201- (the “draft Law”) on 15th January 2013 (P.6/2013). The Minister had agreed to a request of the Health, Social Security and Housing Scrutiny Panel (the “Panel”) that the States debate of the draft Law would be delayed until mid-May in order to allow the Panel to conduct its own review of the draft Law.

Article 12 of the draft Law prohibits discriminatory treatment on the grounds of race in the formation of a partnership, in the appointment of partners and in the course of the partnership. As lodged, Article 12(4) of the draft Law defines the term “partnerships” for the purposes of that Article.

In its review of the draft Law, the Panel has highlighted that, by limiting the meaning of the term partnership to those partnerships “*formed under Jersey law*”, the draft Law would appear to exclude from its scope discrimination in respect of partnerships formed in another jurisdiction and that such a limitation might be unwelcome. The Panel has proposed to the Minister that Article 12 of the draft Law should be amended.

When preparing Article 12, the Minister’s intention was to ensure that the draft Law covered those partnerships formed under customary law in Jersey and incorporated under a number of specific statutory provisions in Jersey. The draft Law achieves that and it remains the Minister’s policy that all of these types of partnerships should be covered by the draft Law. It was not, however, the Minister’s intention that partnerships formed in another jurisdiction should be excluded from the scope of the draft Law.

A minor amendment is proposed to Article 12(4) of the draft Law to ensure that any partnership, wherever formed, may fall within the scope of Article 12 of the draft Law. The opportunity is also taken to clarify that partnerships formed under Jersey customary law fall within the scope of Article 12.

### **Financial and manpower implications**

There are no financial or manpower implications as a consequence of the proposed amendment.