

**DRAFT COMPANIES (AMENDMENT No. 7) (JERSEY) LAW 200**

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**Lodged au Greffe on 9th April 2002  
by the Finance and Economics Committee**

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**STATES OF JERSEY**

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## **European Convention on Human Rights**

The President of the Finance and Economics Committee has made the following statement -

In the view of the Finance and Economics Committee the provisions of the Draft Companies (Amendment No. 7) (Jersey) Law 200- are compatible with the Convention Rights.

(Signed) **Senator F.H. Walker**

## **REPORT**

### **Introduction**

Companies (Amendment No. 7) (Jersey) Law 2002 (“Amendment 7”) is a Law to further amend the Companies (Jersey) Law 1991, as amended, (the “principal Law”), to correct an error in the drafting of the Companies (Amendment No. 6) (Jersey) Law 2002 (“Amendment 6”).

The consequence of the error is that two Articles of the principal Law are now duplicated.

### **Background**

Amendment 6 received the sanction of the Privy Council on 12th February 2002 and was registered in the Royal Court on 8th March 2002.

Article 4 of Amendment 6 directs that for Articles 3, 4, 5, and 6 of the principal Law there shall be substituted 15 new Articles (having the designations 3, 3A to 3H inclusive, 4, 4A, 4B, 4C, 5, and 6). These relate to the method of formation of companies, the features of companies permitted under the Law, and their constituent documents.

Articles 5A and 5B, which deal with companies of limited duration and limited life companies, were added to the principal Law by the Companies (Amendment No. 3) (Jersey) Law 1997. Both provisions are now also covered and, in the case of 5B amplified, by new Articles 4C and 3H respectively and should have been withdrawn by Article 4 of Amendment 6.

### **Provisions of the Law**

Amendment 7 has only two Articles-

Article 1 is to correct a drafting error by repealing Articles 5A and 5B of the principal Law.

Article 2 is concerned with citation and commencement. The commencement date is set so that the amending Law will be deemed to come into force on the same day as Amendment 6.

### **Conclusion**

This Law is required to correct a drafting error.

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

### **European Convention on Human Rights**

Article 16 of the Human Rights (Jersey) Law 2000 will, when brought into force by Act of the States, require the Committee in charge of a Projet de Loi to make a statement about the compatibility of the provisions of the Projet with the Convention rights (as defined by Article 1 of the Law). Although the Human Rights (Jersey) Law 2000 is not yet in force, on 3rd April 2002 the Finance and Economics Committee made the following statement before Second Reading of this projet in the States Assembly -

In the view of the Finance and Economics Committee the provisions of the Draft Companies (Amendment No. 7)(Jersey) Law 2002- are compatible with the Convention Rights.

### **Explanatory Note**

The effect of this amending Law, which will be deemed to have come into force on the same day as Article 4 of the Companies (Amendment No. 6) (Jersey) Law 2002, is to repeal Articles 5A and 5B of the Companies (Jersey) Law 1991.

**COMPANIES (AMENDMENT No. 7) (JERSEY) LAW 200-**

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**A LAW** to amend further the Companies (Jersey) Law 1991; sanctioned by Order of Her Majesty in Council of the

(Registered on the \_\_\_\_\_ day of \_\_\_\_\_ 200-)

**STATES OF JERSEY**

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The \_\_\_\_\_ day of \_\_\_\_\_ 200-

**THE STATES**, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law -

ARTICLE 1

**Repeal**

Articles 5A and 5B of the Companies (Jersey) Law 1991,<sup>[1]</sup> as amended,<sup>[2]</sup> shall be repealed.

ARTICLE 2

**Citation and commencement**

This Law may be cited as the Companies (Amendment No. 7) (Jersey) Law 200~~0~~ and shall be deemed to have come into force on the same day as Article 4 of the Companies (Amendment No. 6) (Jersey) Law 2002.<sup>[3]</sup>

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<sup>[1]</sup> Volume 1990-1991, page 895.

<sup>[2]</sup> Volume 1996-1997, page 684.

<sup>[3]</sup> Volume 2002, page 187.