

STATES OF JERSEY

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DRAFT TERRORISM (JERSEY) LAW 2002 (APPOINTED DAY) ACT 200

**Lodged au Greffe on 24th June 2003
by the Home Affairs Committee**

STATES GREFFE



Jersey

DRAFT TERRORISM (JERSEY) LAW 2002 (APPOINTED DAY) ACT 200

REPORT

Purpose of the Appointed Day Act

The purpose of this Appointed Day Act is to bring the Terrorism (Jersey) Law 2002 into force on 1st September 2003.

The States adopted the Law on 25th June 2002. It was sanctioned by Her Majesty in Council on 22nd October 2002 and registered in the Royal Court on 8th November 2002.

There has been some delay in bringing the Law into force, due in large measure to changes in Committees following the States elections towards the end of last year. As a result, it has taken longer than expected to get ready various items of subordinate legislation and a code of practice on the tape recording of interviews with terrorist suspects, all of which are essential to the proper operation of the Law. However, all these have now been approved by the Home Affairs Committee and will be brought into force on the same date as the commencement date for the Law.

For the benefit of those States Members who were not elected as such at the time when the Law was adopted by the States, an extract from the original Report accompanying the *Projet de Loi* (P.75 of 2002) is attached, which explains some of the background to the enactment of the Law. Members wishing to have more information about the provisions of the Law itself may, of course, obtain a copy of the *Projet* from the States Greffe Bookshop.

Financial and Manpower Implications

In its original Report accompanying the *Projet de Loi*, the Home Affairs Committee estimated that there would be resource implications for the States of Jersey Police from the introduction of the Law.

These were expected to arise mostly from an increased number of specific security operations, but would be due also to an expected increase in the number of suspicious transaction reports.

Two additional uniformed posts and one civilian post will be required in the Financial Crime Unit of the States of Jersey Police if the States are to meet their international obligations in respect of financial crimes.

Background

The current legislation – the Prevention of Terrorism (Jersey) Law 1996 – was already in the process of being updated at the time of the 11th September terrorist attacks on America. This was for two main reasons. First, the Home Affairs Committee had agreed, in order that the Island should be seen to be lending its full support to the international efforts to combat terrorism, to ask for the extension to the Island of the United Kingdom's ratification of two important United Nations conventions on prevention of terrorism. These are the Convention for the Suppression of Terrorism Bombings and the Convention for the Suppression of the Financing of Terrorism. Secondly, the 1996 Law was designed to respond to terrorism connected with the affairs of Northern Ireland, although some of its provisions were subsequently extended to certain categories of international terrorism. It did not apply to terrorism connected with domestic affairs. Under the new Law, which repeals the 1996 Law, these restrictions are effectively lifted so that counter-terrorist measures are to be applicable to all forms of terrorism: Irish, domestic and international. For example, there are provisions to counter the financing and laundering of terrorist funds. Furthermore, the new Law enables the removal of the existing derogation from Article 5 of the European Convention on Human Rights – detention without judicial supervision. It was thus possible for the new Law to be given a (voluntary) statement of compatibility with the Convention rights.

Following the 11th September attacks, the priority for updating the 1996 Law was reviewed, both by the Home

Affairs and Policy and Resources Committees, in the light of what was proposed in the United Kingdom. It was decided to press ahead with the changes to the 1996 Law to mirror the United Kingdom's Terrorism Act 2000 but, in the event, most of the new provisions introduced in the United Kingdom by the Anti-Terrorism, Crime and Security Act 2001, including the controversial powers of detention without trial of suspected terrorist asylum seekers and new offences of incitement to racial hatred, were not included. The result is a new Law that is a modified version of the Terrorism Act 2000, incorporating some of the amendments made by the Anti-Terrorism, Crime and Security Act 2001, but none of those which gave rise to the controversy which accompanied the introduction of the United Kingdom Government's 2001 Act.

Explanatory Note

This Act appoints 1st September 2003 as the day for the commencement of the Terrorism (Jersey) Law 2002 which was adopted by the States on 25th June 2002 (P.5 of 2002).



Jersey

DRAFT TERRORISM (JERSEY) LAW 2002 (APPOINTED DAY) ACT 200

Made

[date to be inserted]

Coming into force

[date to be inserted]

THE STATES, in pursuance of Article 68 of the Terrorism (Jersey) Law 2002,^[1] have made the following Act –

1 Commencement of Law

The Terrorism (Jersey) Law 2002^[2] shall come into force on 1st September 2003.

2 Citation

This Act may be cited as the Terrorism (Jersey) Law 2002 (Appointed Day) Act 200-.

[1] *Recueil des Lois, Volume 2002, page 707.*

[2] *Recueil des Lois, Volume 2002, page 645.*