

STATES OF JERSEY



Jersey

DRAFT NON-PROFIT ORGANISATIONS (MISCELLANEOUS AMENDMENTS) (JERSEY) LAW 202-

**Lodged au Greffe on 9th March 2022
by the Minister for External Relations and Financial Services
Earliest date for debate: 25th April 2022**

STATES GREFFE



Jersey

**DRAFT NON-PROFIT ORGANISATIONS
(MISCELLANEOUS AMENDMENTS) (JERSEY)
LAW 202-**

European Convention on Human Rights

In accordance with the provisions of Article 16 of the Human Rights (Jersey) Law 2000, the Minister for External Relations and Financial Services has made the following statement –

In the view of the Minister for External Relations and Financial Services, the provisions of the Draft Non-Profit Organisations (Miscellaneous Amendments) (Jersey) Law 202- are compatible with the Convention Rights.

Signed: **Senator I.J. Gorst**

Minister for External Relations and Financial Services

Dated: 9th March 2022

REPORT

Background

1. Jersey has a long-term policy of compliance with international standards in the area of combatting money laundering and the financing of terrorism (“AML/CFT”) and the Government remains absolutely committed to that policy in furtherance of the worldwide fight against financial crime.
2. Globally, it is recognised that terrorists and terrorist organisations may exploit the non-profit organisation (“NPO”) sector to raise and move funds, provide logistical support, encourage terrorist recruitment, or otherwise support terrorist organisations and operations. This misuse not only facilitates terrorist activity, but also undermines donor confidence and jeopardises the very integrity of NPOs.
3. The Financial Action Task Force (“the FATF”, the body charged with setting international standards for AML/CFT) is clear that measures adopted by countries to protect the NPO sector from terrorist abuse should not disrupt or discourage legitimate charitable activities; however, protecting the NPO sector from terrorist abuse is both a critical component of the global fight against terrorism and a necessary step to preserve the integrity of the NPO sector and donor community.

FATF Recommendations and Jersey’s NPO Regime

4. In 2008, the [Non-Profit Organizations \(Jersey\) Law 2008](#) (“the NPO Law”), introduced measures set out in Special Recommendation VIII (“SR.VIII”) of FATF’s 2004 Recommendations, to minimise the risk that NPOs might be abused by those seeking to fund terrorism.
5. In 2012, the FATF issued revised Recommendations (“the FATF Recommendations 2012”), to address new and emerging threats as well as to clarify and strengthen many of the existing obligations. The new, enhanced measures in respect of NPOs are set out in Recommendation 8 of the FATF Recommendations 2012.
6. In 2015, Jersey’s compliance with SR.VIII was assessed by the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL), and Jersey was found to be compliant.
7. In 2023, Jersey’s compliance with Recommendation 8 of the FATF Recommendation 2012 will be assessed by MONEYVAL.
8. Recommendation 8 reads as follows:
“Countries should review the adequacy of laws and regulations that relate to non-profit organisations which the country has identified as being vulnerable to terrorist financing abuse. Countries should apply focused and proportionate measures, in line with the risk-based approach, to such non-profit organisations to protect them from terrorist financing abuse, including:
 - (a) by terrorist organisations posing as legitimate entities;*
 - (b) by exploiting legitimate entities as conduits for terrorist financing, including for the purpose of escaping asset-freezing measures; and*
 - (c) by concealing or obscuring the clandestine diversion of funds intended for legitimate purposes to terrorist organisations.”*

9. The Interpretative Note to Recommendation 8 sets out that not all NPOs are inherently high risk (and some may represent little or no risk at all), so countries should:
 - a. identify the features and types of NPOs, which, by virtue of their activities or characteristics, are likely to be at risk of terrorist financing abuse, and
 - b. apply focused and proportionate measures to such NPOs to protect them from terrorist financing abuse.
10. Jersey's NPO regime does not adequately meet all the standards set by the FATF in Recommendation 8.
11. In an endeavour to address the recommendation in 9(a) above, a Risk Assessment of the NPO sector ("the NPO Risk Assessment") is currently underway and will be published in April 2022. The aim of the NPO Risk Assessment is to identify the features and types of NPOs in Jersey which are likely to be at risk of terrorist financing abuse. It is the intention that once the features and types of higher-risk NPOs have been determined, a public consultation will be conducted in respect of:
 - a. which NPOs or classes of NPOs constitute higher-risk NPOs (to be defined as "Prescribed NPOs/Prescribed Class of NPOs"), and
 - b. the appropriate measures (see 9(b) above) which may be introduced in order to protect Prescribed NPOs / Prescribed Class of NPOs from terrorist financing abuse.
12. The intention is that the obligations which are to apply only to higher risk NPOs will be set out in a Prescribed NPO Order.
13. The Interpretive Note to Recommendation 8 states that targeted risk-based supervision or monitoring should involve appropriate authorities monitoring the compliance of NPOs with the risk-based measures being applied to them and applying effective, proportionate, and dissuasive sanctions for violations.
14. Currently, there is no supervisory body designated for NPOs. On 8 December 2021, the Financial Crime Strategy Political Steering Group confirmed that it is appropriate to designate the Jersey Financial Services Commission ("JFSC") as the NPO supervisor. This is because the JFSC is the regulator for all sectors covered by AML/CFT preventative measures and given the size of the jurisdiction it is not desirable or practical for separate bodies to be set up for each sector to perform this regulatory role.
15. The intention is that the JFSC will supervise:
 - a. the compliance of registered NPOs with the NPO Law; and
 - b. the compliance of Prescribed NPOs' compliance with the NPO Law and the Prescribed NPO Order (see paragraph 17 below).

Amendments:

16. The Non-Profit Organisations (Miscellaneous Amendments) (Jersey) Law 202- will, if adopted, amend the following pieces of legislation in respect of NPOs, in order to meet the standards set by the FATF in Recommendation 8:

[Non-Profit Organizations \(Jersey\) Law 2008](#)

17. A new power will be inserted in Article 13A for the Minister to impose obligations by Order on Prescribed NPOs, or NPOs belonging to a Prescribed

- class of NPOs (“the Prescribed NPO Order”). The obligations that may be imposed under the Prescribed NPO Order are limited in that they must relate to the interpretive note to Recommendation 8 of the FATF Recommendations 2012 and reduce the risk of a prescribed NPO, or an NPO that belongs to a prescribed class of NPOs, being used to assist terrorism or the financing of terrorism or becoming likely to assist or be used to assist terrorism or the financing of terrorism.
18. A prescribed NPO or an NPO that belongs to a prescribed class of NPOs will be guilty of an offence and liable to a fine if it fails to comply, without reasonable excuse, with a requirement of the Prescribed NPO Order.
 19. The intention is that all the obligations which are to apply to Prescribed NPOs or NPOs that belong to a prescribed class of NPOs will be set out in the Prescribed NPO Order. Therefore, these amendments remove the obligations, currently set out in the NPO Law, that apply only to prescribed NPOs, or NPOs that belong to a prescribed class of NPOs.
 20. The definition of a NPO is amended to include “*legal person or arrangement*” to bring it in line with the definition of an NPO in the FATF Recommendations.
 21. The exemption from registration with the JFSC for NPOs that have not raised funds in the preceding 12 months of more than £1000 is removed. This is in line with the FATF Recommendations 2012, where there is no monetary threshold. This is because terrorist activity is often inexpensive and recent examples suggest that attacks are [getting cheaper](#). A 2015 study found that three-quarters of attacks in Europe cost less than \$10,000 each.
 22. The Application for Registration form in the Schedule to the NPO Law is currently prescriptive, which is unhelpful when threats and vulnerabilities develop, sometimes at a very fast rate, with such threats and vulnerabilities requiring a quick and agile response in order to ensure effective mitigation by the Supervisor. This Law removes the Schedule to the NPO Law, allowing the JFSC to incorporate any “Application for Registration” form, as it sees fit in order to safeguard the Island from the risk of the applicant NPO being used to assist terrorism or the financing of terrorism or being likely to assist or be used to assist terrorism or the financing of terrorism.
 23. The FATF Recommendations 2012 focus on terrorism as well as the financing of terrorism. This Law includes references to “the financing of terrorism” where there are existing references to “terrorism”, to ensure that all avenues for terrorism and the financing thereof are captured by the NPO Law.
 24. It is a requirement under Recommendation 8 to ensure there is effective information gathering and investigation powers in place. The JFSC currently has very limited powers in terms of what information it may share with others. Effective information sharing powers held by the JFSC would assist Jersey in its information gathering and sharing efforts, something which will render the Supervision of NPOs more effective, and may also assist in gaining a more accurate and complete picture of NPO activities, hence may benefit the fighting of financial crime. The JFSC would benefit from having wide information sharing powers with not just the Minister and Attorney General, as set out in Article 19 of the NPO Law, but also with, for example, the Office of the Charities Commissioner and the Jersey Gambling Commission and ideally also with other competent authorities (both domestic and international). This is because certain NPOs are also:

- a. Charities, hence they are registered with the Office of the Charities Commissioner, who holds relevant information in relation to those NPOs;
- b. Thrift Clubs, some of which are registered with the Jersey Gambling Commission who holds relevant information in relation to those NPOs; and
- c. There may be a need to share information more widely also with other competent authorities, e.g. with members of national working groups.

This law adds to the list of entities to which the JFSC can supply information which is not available to the public and has come into the JFSC's possession when carrying out its obligations under the NPO Law.

25. The current NPO Law gives the Royal Court the power to order the JFSC to deregister an NPO after the Court has convicted the NPO of an offence under the NPO Law, the Terrorism Orders or the Terrorism Law. The Terrorism Orders (as defined in the NPO Law) have been repealed. Rather than setting out an exhaustive list of offences, where some offences may be missed off and the list will need to be updated when new criminal offences are created, these amendments extend the power of the Court, so that it can order the JFSC to deregister an NPO where it is convicted of any offence under Jersey law and gives the Court the discretion to make an order for deregistration if the Court considers the criminal conduct to be serious enough to justify it.

[Proceeds of Crime \(Supervisory Bodies\) \(Jersey\) Law 2008](#)

26. The supervisory powers of the JFSC are extended to Prescribed NPOs. The amendments provide that an NPO prescribed under the Prescribed NPO Order is a "supervised person", and that the business of a prescribed NPO is a "supervised business", for the purposes of the Proceeds of Crime (Supervisory Bodies) (Jersey) Law 2008.
27. The amendments also provide powers for the JFSC to issue a code of practice, directions, public statements, and appoint investigators in relation to requirements of the Prescribed NPO Order.
28. The power of the Court to issue an injunction is also amended to apply to contraventions of the Prescribed NPO Order.

[Non-Profit Organizations \(Jersey\) Order 2008](#)

29. Provisions that relate to Prescribed NPOs are removed. This is in line with the intention that all provisions that relate to Prescribed NPOs will be included in the Prescribed NPO Order.

[Proceeds of Crime \(Supervisory Bodies\) \(Designation of Supervisory Bodies\) \(Jersey\) Order 2008](#)

30. The JFSC is designated as the supervisory body in respect of prescribed NPOs.

Effective Date

31. This Law is to come into force on a day appointed by the Minister by Order. The intention behind this is that the Law will come into force on the same day as the Prescribed NPO Order.

Financial and manpower implications

32. There are no financial or manpower implications arising from the lodging of this draft Law.

Human Rights

33. The notes on the human rights aspects of the draft Law in the **Appendix** have been prepared by the Law Officers' Department and are included for information. They are not, and should not be taken as, legal advice.

APPENDIX TO REPORT**Human Rights Notes on the Draft Non-Profit Organisations (Miscellaneous Amendments) (Jersey) Law 202-**

These Notes have been prepared in respect of the draft Non-Profit Organisations (Miscellaneous Amendments) (Jersey) Law 202- (the “**draft Law**”) by the Law Officers’ Department. They summarise the principal human rights issues arising from the contents of the draft Law and explain why, in the Law Officers’ opinion, the draft Law is compatible with the European Convention on Human Rights (“**ECHR**”).

These notes are included for the information of States Members. They are not, and should not be taken as, legal advice.

If adopted, the draft Law would amend the Non-profit Organisations (Jersey) Law 2008 (the “**2008 Law**”) to remove the limited set of obligations that apply only to prescribed NPOs, or NPOs that belong to a prescribed class of NPOs. The draft Law inserts, as Article 13A of the 2008 Law, a power for the Minister to impose obligations by Order on NPOs. The obligations that may be imposed under an Order must relate to the interpretive note to Recommendation 8 of the Financial Action Task Force’s Recommendations and reduce the risk of an NPO, or an NPO that belongs to a prescribed class of NPOs, being used to assist terrorism or the financing of terrorism or becoming likely to assist or be used to assist terrorism or the financing of terrorism.

New Article 30A of the 2008 Law inserted by the draft Law provides that a failure to comply with a requirement under an Order made under Article 13A(1)(a) is an offence punishable with a fine.

The creation of these new requirements on NPOs by Order has the potential to impose controls on the use of property and to require that additional information be provided to public authorities. Such obligations might engage Convention rights, including the rights in Article 8 (right to private life) and Article 1 of Protocol 1 to the ECHR (peaceful enjoyment of property). However, as the obligations imposed must relate to the implementation of international standards which are designed to reduce the risk of NPOs being used to support terrorism or terrorist financing, it is reasonable to anticipate that the new obligations will be proportionate to legitimate aims and that they will not then be in breach of ECHR rights.

The draft Law also amends: the 2008 Law to clarify or extend existing provisions in the 2008 Law; and the Proceeds of Crime (Supervisory Bodies) (Jersey) Law 2008 to provide that certain prescribed NPOs will be a “supervised person”, and that the business of a prescribed NPO is a “supervised business”. These amendments do not give rise to an infringement of ECHR rights, though of course it is important that regulatory powers continue to be applied proportionately.

In view of the above, we are satisfied that the Law is compatible with the ECHR.

EXPLANATORY NOTE

The Non-Profit Organisations (Miscellaneous Amendments) (Jersey) Law 202- will, if adopted, amend various pieces of legislation in respect of non-profit organizations (“NPOs”).

Part 1 (Articles 1 to 22) amends the Non-Profit Organizations (Jersey) Law 2008.

The amendments remove the obligations that apply only to prescribed NPOs, or NPOs that belong to a prescribed class of NPOs. A new power is inserted in Article 13A for the Minister to impose obligations by Order on those NPOs (“the Prescribed NPO Order”).

The obligations that may be imposed under the Prescribed NPO Order must relate to the interpretive note to Recommendation 8 of the Financial Action Task Force’s Recommendations (“FATF Recommendations”) and reduce the risk of a prescribed NPO, or an NPO that belongs to a prescribed class of NPOs, being used to assist terrorism or the financing of terrorism or becoming likely to assist or be used to assist terrorism or the financing of terrorism.

New Article 30A provides that a failure to comply with a requirement under the Prescribed NPO Order is an offence punishable by a fine.

The Prescribed NPO Order is intended to be consulted on later in the year and to be made before 30th September 2022.

The amendments also:

- align the definition of a non-profit organization with the definition of an NPO in the FATF Recommendations;
- remove the exemption from the Law for NPOs that have not raised funds in the preceding 12 months of more than £1000, in line with the FATF Recommendations;
- give the Jersey Financial Services Commission (“the Commission”) power to publish the form of the application form that must be used to register an NPO or a proposed NPO;
- include references to “the financing of terrorism” where there are existing references to “terrorism”;
- add to the list of entities to which the Commission can supply information which is not available to the public and has come into the Commission’s possession when carrying out its obligations under the Law;
- provide that supplying false or misleading information or documents under a requirement of an Order made Article 13A is an offence;
- extend the power of the Royal Court to order the Commission to deregister an NPO where it is convicted of any offence under Jersey law; and
- remove some references to repealed legislation.

Part 2 (Articles 23 to 32) amends the Proceeds of Crime (Supervisory Bodies) (Jersey) Law 2008.

The amendments provide that an NPO prescribed under the Prescribed NPO Order is a “supervised person”, and that the business of a prescribed NPO is a “supervised business”, for the purposes of the Proceeds of Crime (Supervisory Bodies) (Jersey)

Law 2008. This means that the supervisory powers of the Commission under that Law will be exercisable in relation to prescribed NPOs.

The amendments also provide that the powers of the Commission to issue a code of practice, issue directions, issue a public statement and appoint investigators apply in relation to requirements of the Prescribed NPO Order.

The power of the Court to issue an injunction is also amended to apply to contraventions of the Prescribed NPO Order.

Article 33 amends the Non-Profit Organizations (Jersey) Order 2008 to remove the provisions that relate to prescribed NPOs.

Article 34 amends the Proceeds of Crime (Supervisory Bodies) (Designation of Supervisory Bodies) (Jersey) Order 2008 to provide that the Commission is designated as the supervisory body in respect of prescribed NPOs.

Article 35 gives the title by which this Law may be cited and provides that this Law is to come into force on a day appointed by the Minister by Order.



Jersey

DRAFT NON-PROFIT ORGANISATIONS (MISCELLANEOUS AMENDMENTS) (JERSEY) LAW 202-

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Jersey

DRAFT NON-PROFIT ORGANISATIONS (MISCELLANEOUS AMENDMENTS) (JERSEY) LAW 202-

A LAW to amend the [Non-Profit Organizations \(Jersey\) Law 2008](#), the [Proceeds of Crime \(Supervisory Bodies\) \(Jersey\) Law 2008](#) and certain other enactments in relation to non-profit organizations.

<i>Adopted by the States</i>	<i>[date to be inserted]</i>
<i>Sanctioned by Order of Her Majesty in Council</i>	<i>[date to be inserted]</i>
<i>Registered by the Royal Court</i>	<i>[date to be inserted]</i>
<i>Coming into force</i>	<i>[date to be inserted]</i>

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

PART 1

[NON-PROFIT ORGANIZATIONS \(JERSEY\) LAW 2008](#) AMENDED

1 [Non-Profit Organizations \(Jersey\) Law 2008](#) amended

This Part amends the [Non-Profit Organizations \(Jersey\) Law 2008](#).

2 Article 1 (non-profit organization defined) amended

In Article 1 –

- (a) in paragraph (1) after “An organization” there is inserted “, legal person or arrangement”;
- (b) for paragraph (2) there is substituted –
“(2) In paragraph (1) “organization” includes the trustees of a trust.”.

3 Article 2 (exemptions) amended

Article 2(1) is deleted.

4 Article 5 (application for registration) amended

In Article 5, for paragraph (2)(a) there is substituted –

“(a) must be in the form published by the Commission from time to time; and”.

5 Article 7 (obligation of NPOs to provide further information and documents) amended

In Article 7(2), after “terrorism”, in both places it occurs, there is inserted “or the financing of terrorism”.

6 Article 8 (refusal of application) amended

In Article 8(1)(a), after “terrorism”, in both places it occurs, there is inserted “or the financing of terrorism”.

7 Article 9 (obligation of NPOs to give notice of change of registered information) amended

In Article 9(3)(b) for “form set out in the Schedule” there is substituted “application form described in Article 5”.

8 Article 10 (obligation of prescribed NPOs to prepare and provide financial statement) deleted

Article 10 is deleted.

9 Article 11 (obligation of NPOs to keep and retain financial records) amended

In Article 11 –

- (a) for the heading there is substituted “Obligations of NPOs in relation to financial records and other information”;
- (b) in paragraph (2), after “financial records” there is inserted “and any other information”;
- (c) in paragraph (3), after “terrorism”, in both places it occurs, there is inserted “or the financing of terrorism”.

10 Article 12 (obligation of prescribed NPOs to provide information to Commission) deleted

Article 12 is deleted.

11 Article 13 (obligation of NPOs to provide certain information) amended

Article 13(1)(c) is deleted.

12 Article 13A inserted

After Article 13 there is inserted –

“13A Obligations on prescribed NPOs

- (1) The Minister may by Order –
 - (a) impose obligations on a prescribed NPO or an NPO that belongs to a prescribed class of NPOs; and
 - (b) make any consequential amendments to this Law that the Minister considers appropriate.
- (2) The Minister may not impose an obligation under paragraph (1)(a) unless –
 - (a) the obligation relates to a measure recommended by the international body known as the Financial Action Task Force in the interpretive note to Recommendation 8 of its Recommendations adopted on 16th February 2012 as amended or replaced from time to time; and
 - (b) the Minister considers the obligation appropriate to reduce the risk of a prescribed NPO or an NPO that belongs to a prescribed class of NPOs being used to assist terrorism or the financing of terrorism or becoming likely to assist or be used to assist terrorism or the financing of terrorism.
- (3) The States may by Regulations make any amendments to paragraph (2)(a) that they consider appropriate in consequence of the Recommendations mentioned in that paragraph being amended or replaced.”.

13 Article 16 (continuing registration obligations of the Commission) amended

Article 16(5) is deleted.

14 Article 17 (obligation of the Commission in respect of terrorism) amended

In Article 17 –

- (a) in paragraph (1), after “terrorism” there is inserted “or the financing of terrorism”;
- (b) in paragraph (2) –
 - (i) in sub-paragraph (a), after “terrorism”, in both places it occurs, there is inserted “or the financing of terrorism”,
 - (ii) in sub-paragraph (b), after “terrorism” there is inserted “or the financing of terrorism”;
- (c) in paragraph (3), after “terrorism” there is inserted “or the financing of terrorism”.

15 Article 19 (supply of information by the Commission) amended

In Article 19, after paragraph (2)(b) there is inserted –

- “(ba) the Jersey Charity Commissioner established by Article 3 of the [Charities \(Jersey\) Law 2014](#);
- (bb) the Jersey Gambling Commission established by Article 2 of the [Gambling Commission \(Jersey\) Law 2010](#);
- (bc) bodies that –
 - (i) exercise functions of a public nature in Jersey, and
 - (ii) are concerned in the prevention, investigation, detection or prosecution of money laundering or the financing of terrorism;”.

16 Article 26 (supply of false information) amended

In Article 26, for paragraph (1)(d) there is substituted –

- “(d) a requirement of an Order made under Article 13A (obligations on prescribed NPOs).”.

17 Article 27 (failure to provide information) amended

Article 27(2) is deleted.

18 Article 28 (offences in respect of a financial statement) deleted

Article 28 is deleted.

19 Article 30A inserted

After Article 30 there is inserted –

“30A Offence in respect of obligations on prescribed NPOs

A prescribed NPO or an NPO that belongs to a prescribed class of NPOs is guilty of an offence and is liable to a fine if it fails to comply, without reasonable excuse, with a requirement of an Order made under Article 13A.”.

20 Article 35 (deregistration of NPOs on order of the Royal Court) amended

In Article 35 –

- (a) in paragraph (1)(b) for “this Law, the Terrorism Orders or the Terrorism Law” there is substituted “Jersey law”;
- (b) in paragraph (2), the definition “Terrorism Orders” is deleted.

21 Article 40 (amendment of Schedule) deleted

Article 40 is deleted.

22 Schedule (application for registration) deleted

The Schedule is deleted.

PART 2

PROCEEDS OF CRIME (SUPERVISORY BODIES) (JERSEY) LAW 2008 AMENDED

23 Proceeds of Crime (Supervisory Bodies) (Jersey) Law 2008 amended

This Part amends the Proceeds of Crime (Supervisory Bodies) (Jersey) Law 2008.

24 Article 1 (interpretation) amended

In Article 1(1) –

- (a) in the definition “formerly supervised person” for “or a formerly regulated person” there is substituted “, a formerly regulated person or a person who has been a prescribed NPO but is no longer a prescribed NPO”;
- (b) after the definition “money laundering reporting officer” there is inserted –
“ “NPO” means a non-profit organization, as defined in Article 1 of the Non-Profit Organizations (Jersey) Law 2008;”
- (c) after the definition “prescribed” there is inserted –
“ “prescribed NPO” means an NPO prescribed, or that belongs to a class of NPOs prescribed, in an Order under Article 13A of that Law;”;
- (d) in the definition “prescribed person” there is deleted “carrying on a specified Schedule 2 business”;
- (e) in the definition “supervised business”, at the end there is inserted –
“(c) business carried on by a prescribed NPO;”;
- (f) in the definition “supervised person” for “or a regulated person” there is substituted “, a regulated person or a prescribed NPO”.

25 Article 2 (meaning of “supervisory functions”) amended

In Article 2(a), at the end there is inserted –

- “(vi) any requirement to which that person is subject under the Non-Profit Organizations (Jersey) Law 2008 or an Order made under Article 13A of that Law;”.

26 Article 6 (designation of supervisory bodies) amended

In Article 6 (designation of supervisory bodies) –

(a) for paragraph (1) there is substituted –

“(1) The Minister may, by Order, on the recommendation of the Commission, designate one or more supervisory bodies to exercise supervisory functions in respect of –

(a) any person, other than a person mentioned in Article 5, carrying on a specified Schedule 2 business; or

(b) a prescribed NPO.”

(b) in paragraph (4)(a)(ii) for “specified Schedule 2” there is substituted “supervised”.

27 Part 5 heading amended

In the heading of Part 5 (supervision of Schedule 2 businesses) for “Schedule 2” there is substituted “supervised”.

28 Article 22 (codes of practice) amended

In Article 22(1)(a), after “legislation” there is inserted “(and, if applicable, requirements of the [Non-Profit Organizations \(Jersey\) Law 2008](#) or of an Order made under Article 13A of that Law)”.

29 Article 23 (power to issue directions) amended

In Article 23(1)(b), after clause (ii) there is inserted –

“(ii) any requirement of an Order under Article 13A of the [Non-Profit Organizations \(Jersey\) Law 2008](#),”.

30 Article 24 (injunctions and remedial Orders) amended

In Article 24(1), after sub-paragraph (e) there is inserted –

“(f) any Order under Article 13A of the [Non-Profit Organizations \(Jersey\) Law 2008](#),”.

31 Article 26 (public statements) amended

In Article 26(b), at the end there is inserted –

“(vii) any Order under Article 13A of the [Non-Profit Organizations \(Jersey\) Law 2008](#),”.

32 Article 31 (investigations on behalf of a supervisory body) amended

In Article 31(1)(a), at the end there is inserted –

“(ix) any Order under Article 13A of the [Non-Profit Organizations \(Jersey\) Law 2008](#),”.

PART 3

CONSEQUENTIAL AMENDMENTS TO OTHER ENACTMENTS, CITATION AND COMMENCEMENT

33 Non-Profit Organizations (Jersey) Order 2008 amended

In the Non-Profit Organizations (Jersey) Order 2008 –

- (a) Part 1 (interpretation), Part 2 (prescribed NPOs) and Schedules 1 and 2 are deleted;
- (b) in Article 7 (prescribed services) for “the Law” there is substituted “the Non-Profit Organizations (Jersey) Law 2008”.

34 Proceeds of Crime (Supervisory Bodies) (Designation of Supervisory Bodies) (Jersey) Order 2008 amended

In the Proceeds of Crime (Supervisory Bodies) (Designation of Supervisory Bodies) (Jersey) Order 2008, in Article 2 (designation of the Commission as supervisory body in respect of prescribed persons and businesses) –

- (a) for paragraph (2) there is substituted –
 - “(2) A prescribed person is –
 - (a) a person carrying on a specified Schedule 2 business, other than a person mentioned in Article 5 of the principal Law; and
 - (b) a prescribed NPO.”;
- (b) in paragraph (3)(b) for “specified Schedule 2” there is substituted “supervised”.

35 Citation and commencement

This Law may be cited as the Non-Profit Organisations (Miscellaneous Amendments) (Jersey) Law 202- and comes into force on a day specified by the Minister by Order.