

# STATES OF JERSEY



Jersey

## **DRAFT SANCTIONS AND ASSET-FREEZING (AMENDMENT) (JERSEY) LAW 201-**

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**Lodged au Greffe on 4th June 2019  
by the Minister for External Relations**

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**STATES GREFFE**





Jersey

## **DRAFT SANCTIONS AND ASSET-FREEZING (AMENDMENT) (JERSEY) LAW 201-**

### **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 has made the following statement –

In the view of the Minister for External Relations, the provisions of the Draft Sanctions and Asset-Freezing (Amendment) (Jersey) Law 201- are compatible with the Convention Rights.

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

*Minister for External Relations*

Dated: 3rd June 2019



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## REPORT

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### 1. Background

- 1.1 The [Sanctions and Asset-Freezing \(Jersey\) Law 2019](#) (“SAFL”) was passed by the States Assembly on 6th December 2018, sanctioned by Privy Council on 13th March 2019, and registered in the Royal Court on 22nd March 2019. One of its key aims was to create one set of asset-freezing provisions in one Law for all persons or entities designated for the purpose of an asset-freeze in Jersey.
- 1.2 Article 3 of SAFL enables the Minister for External Relations to make sanctions Orders implementing European Union (“EU”) or United Kingdom (“UK”) sanctions Regulations, which can include provisions that make EU or UK asset-freeze designations effective immediately. However, Article 3(4)(c) contains a cross-reference to Article 28 that would restrict its use to asset-freeze designations made by the EU or UK that had also been mandated by the United Nations (“UN”). Any other designations made by the EU or UK, that were not required by the UN, would have to be provided for in the relevant sanctions Order by reference to Article 3(1) and (4)(e).
- 1.3 It was intended (as part of the rationalisation of the sanctions system) that the ability to engage Part 3 (asset-freezing) should be as simple as possible to ensure that it is most effective. In line with this, the original intention of Article 3(4)(c) was that it should also be utilised to provide for designations that were not required by the UN.

### 2. Legislative provisions

#### *Article 3(4)(c) and (6)*

- 2.1 The Draft Sanctions and Asset-Freezing (Amendment) (Jersey) Law 201- (“the draft Law”) would remove the inappropriate reference to Article 28 from Article 3(4)(c); and would also introduce Article 3(6), which sets out the purposes referred to in Article 3(4)(c). These changes would ensure that all those who are made subject to an asset-freeze by the EU or UK can be designated for the asset-freeze imposed by Part 3 of SAFL by reference to Article 3(4)(c), regardless of whether the UN does or does not require an asset-freeze.

### 3. Coming into force

- 3.1 The draft Law will come into force on the day after its registration by the Royal Court.

### 4. Financial and manpower implications

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

### 5. Human Rights

- 5.1 The draft Law has been reviewed by the Law Officers’ Department to ensure compliance with the European Convention on Human Rights, and it was determined that, due to the nature of the amendments made, the draft Law does not give rise to any additional human rights issues than exist under the Sanctions and Asset-Freezing (Jersey) Law 2019. There is therefore no separate Human Rights Note appended to this report.



**EXPLANATORY NOTE**

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The Draft Sanctions and Asset-Freezing (Amendment) (Jersey) Law 201- if passed will amend Article 3 of the Sanctions and Asset-Freezing (Jersey) Law 2019. That Article permits the Minister to make Orders implementing sanctions provisions enacted by the European Union or the United Kingdom.

The amendment removes an inappropriate reference (through a cross-reference to Article 28) to persons designated by the United Nations. It also ensures that all those who are made subject to an asset-freeze by the European Union or the United Kingdom can be designated for the asset-freeze imposed by Part 3 of the Sanctions and Asset-Freezing (Jersey) Law 2019, regardless of whether the United Nations does or does not require an asset-freeze.







Jersey

## DRAFT SANCTIONS AND ASSET-FREEZING (AMENDMENT) (JERSEY) LAW 201-

A LAW to amend the Sanctions and Asset-Freezing (Jersey) Law 2019

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<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 –

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### 1 Amendment of Article 3 (implementation of UK and EU sanctions provisions through Orders) of Sanctions and Asset-Freezing (Jersey) Law 2019

- (1) In Article 3(4)(c) of the Sanctions and Asset-Freezing (Jersey) Law 2019<sup>1</sup>, for “a sub-paragraph of Article 28(2)” there is substituted “paragraph (6)”.
- (2) After Article 3(5) of the Sanctions and Asset-Freezing (Jersey) Law 2019<sup>2</sup>, there is inserted –
  - “(6) The purposes mentioned in paragraph (4)(c) are –
    - (a) freezing funds or economic resources owned, held or controlled by the person against whom the prohibition is imposed;
    - (b) preventing funds or economic resources being made available to, or for the benefit of that person;
    - (c) prohibiting access to financial markets or financial services by, or for the benefit of that person.”.

### 2 Citation and commencement

This Law may be cited as the Sanctions and Asset-Freezing (Amendment) (Jersey) Law 201- and comes into force on the day after its registration.

## ENDNOTES

### Table of Endnote References

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<sup>1</sup> *L.2/2019*

<sup>2</sup> *L.2/2019*