



Jersey

## NON-PROFIT ORGANIZATIONS (JERSEY) LAW 2008

### Arrangement

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Jersey

## NON-PROFIT ORGANIZATIONS (JERSEY) LAW 2008

A **LAW** to provide for the registration and monitoring of non-profit organizations.

*Adopted by the States*

*5th June 2008*

*Sanctioned by Order of Her Majesty in Council*

*9th July 2008*

*Registered by the Royal Court*

*25th July 2008*

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

### **PART 1**

#### INTERPRETATION

##### **1 Non-profit organization defined**

- (1) An organization is a non-profit organization for the purposes of this Law if –
  - (a) it is established solely or primarily for charitable, religious, cultural, educational, social, or fraternal purposes with the intention of benefiting the public or a section of the public; and
  - (b) it raises or disburses funds in pursuance of those purposes.
- (2) In paragraph (1) “organization” means a body of persons (whether incorporated or unincorporated), any legal entity and any equivalent or similar structure or arrangement and for the purpose of this Law the expression “organization” also includes persons acting as trustees of a trust.
- (3) The States may amend this Article by Regulations.

## 2 Exemptions

- (1) A non-profit organization need not comply with any requirement of this Law if the funds it has raised during the preceding 12 months (not including any period before the commencement of this Article) have not exceeded £1000.
- (2) A non-profit organization that is provided with a prescribed service in the course of trust company business under the Financial Services (Jersey) Law 1998<sup>1</sup> need only comply with those requirements of Part 2 of this Law that are expressed to apply also to regulated NPOs.
- (3) The States may amend this Article by Regulations.

## 3 General interpretations and application

- (1) In this Law, unless the context otherwise requires –
  - “Commission” means the Jersey Financial Services Commission established by the Financial Services Commission (Jersey) Law 1998<sup>2</sup>;
  - “disbursed”, in respect of the funds of an NPO, does not include the disbursement of funds paid to the NPO by persons to become or remain members of the NPO if those funds are applied in a way that only benefits members of the NPO;
  - “documents” includes information recorded in any form and, in relation to information recorded otherwise than in legible form, references to its provision or production include references to providing or producing a copy of the information in legible form;
  - “financial statement”, in respect of an NPO for a particular period, means a statement –
    - (a) that contains a breakdown of the NPO’s income and expenditure (in each case, with such explanation as may be reasonably necessary) during the period; and
    - (b) that sets out the state of its funds at the end of the period;
  - “financial records”, in respect of an NPO, means records of its transactions, both within and outwith Jersey, that are sufficient to show that its funds have been utilized in a manner consistent with its purpose, objectives and activities as shown in the register;
  - “funds” means –
    - (a) assets of every kind, whether tangible or intangible, movable or immovable, however acquired; and
    - (b) legal documents or instruments in any form, including electronic or digital, evidencing title to, or interest in, such assets, including, but not limited to, bank credits, travellers cheques, bank cheques, money orders, shares, securities, bonds, drafts and letters of credit;
  - “Minister” means the Minister for Economic Development;
  - “NPO” means a non-profit organization as defined by Article 1;
  - “organization” has the meaning given to that expression by Article 1(2);

“prescribed” means prescribed by Order made by the Minister;

“published”, in respect of any matter, means published by the Commission in a manner that is likely to bring the matter to the attention of those affected and “publish” shall be interpreted accordingly;

“raised”, in respect of the funds of an NPO, includes funds given to the NPO but does not include –

- (a) income earned on the funds of the NPO; or
- (b) amounts paid to the NPO by persons to become or remain members of the NPO;

“register”, as a noun, means the register kept by the Commission for the purposes of this Law;

“registered” means registered under this Law;

“regulated NPO” means an NPO to which Article 2(2) applies;

“terrorism” shall be construed in accordance with Article 2 of the Terrorism Law;

“Terrorism Law” means the Terrorism (Jersey) Law 2002<sup>3</sup>.

- (2) Where, because of the nature, relationship or structure of a group of NPOs or proposed NPOs, the Commission considers it appropriate to do so, it may, for all or any of the provisions of this Law, treat as one NPO or as one proposed NPO, as the case may be, the NPOs or proposed NPOs that make up the group although they may also be separate NPOs or proposed NPOs for the purpose of this Law.
- (3) Where, for the purposes of this Law –
  - (a) an NPO is constituted by persons acting as trustees of a trust; and
  - (b) the trust has, as its governing law, Jersey law,the NPO shall not, solely by virtue of that fact, be taken to be established in Jersey unless it has at least one trustee who is ordinarily resident in Jersey.
- (4) The States may amend this Article by Regulations.

## **PART 2**

### **OBLIGATIONS OF AN NPO**

#### **4 Obligation of NPOs to register**

Except as provided by Article 2, an NPO must be registered if –

- (a) it is established in Jersey; or
- (b) it is administered in or from Jersey,

whether or not it carries on any activity in Jersey.

**5 Application for registration**

- (1) An application to register an NPO or a proposed NPO may be made by sending to the Commission a completed application form in respect of the NPO or proposed NPO.
- (2) The application form –
  - (a) must substantially follow the form set out in the Schedule; and
  - (b) must be signed by a person acting on behalf of the NPO and dated.
- (3) Where –
  - (a) Article 3(2) applies; and
  - (b) one application form is sent to the Commission under paragraph (1) covering a number of NPOs or proposed NPOs,  
the form shall not be considered by the Commission to be complete unless the form specifies each of the NPOs or proposed NPOs to which it applies.
- (4) Where –
  - (a) Article 3(2) applies; and
  - (b) more than one application form is sent to the Commission under paragraph (1) covering a number of NPOs or proposed NPOs that have some details in common,  
the forms shall be considered by the Commission to be complete although the details that the NPOs or proposed NPOs have in common are not repeated on each form.
- (5) If an application form is permitted under the Electronic Communications (Jersey) Law 2000<sup>4</sup> to be sent to the Commission under paragraph (1) by way of electronic communication, any application form so sent is not required to be signed.

**6 Registration**

The Commission must, following the receipt of a completed application form in respect of an NPO or a proposed NPO, take one of the following actions –

- (a) register the NPO or proposed NPO by entering its name in the register and by giving it a registration number or reference;
- (b) refuse the application under Article 8;
- (c) require additional information or documents under Article 7 and, following receipt of the information or documents, take the action mentioned in sub-paragraph (a) or (b).

**7 Obligation of NPOs to provide further information and documents**

- (1) The Commission may require an applicant for the registration of an NPO or a proposed NPO to supply additional information or documents in respect of the NPO.

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- (2) However, the Commission must not do so unless it is necessary and reasonable for it to do so to enable it to assess the extent (if any) to which the NPO or proposed NPO is assisting or being used to assist terrorism or is likely to assist or be used to assist terrorism, as the case may be.

## **8 Refusal of application**

- (1) The Commission may refuse an application to register an NPO or a proposed NPO if the Commission is of the opinion that –
- (a) the NPO or proposed NPO is assisting or being used to assist terrorism or is likely to assist or be used to assist terrorism, as the case may be; or
  - (b) the organization specified in the application form is not or will not be an NPO.
- (2) If the Commission does refuse to accept an application, it must send notice of the refusal to the applicant.
- (3) The notice must –
- (a) give the reason for the refusal; and
  - (b) set out the applicant's rights under paragraphs (4) and (6).
- (4) The applicant may, within 28 days of receiving the notice, request, in writing, that the Commission reconsider its refusal of the application.
- (5) The Commission shall, within the period of 56 days following receipt of a request under paragraph (4), reconsider its decision and shall either –
- (a) confirm the refusal, and send notice of the confirmation to the applicant, giving the reasons for the confirmation of the original decision; or
  - (b) register the applicant.
- (6) A person aggrieved by the Commission's refusal of an application may, whether or not the person has requested the Commission to reconsider the refusal, appeal to the Royal Court.
- (7) The appeal may be made on the grounds that the refusal was unreasonable having regard to all the circumstances of the case.
- (8) On the appeal the Court may –
- (a) confirm the decision of the Commission to refuse the application; or
  - (b) order the Commission to accept the application and to register the NPO or proposed NPO.
- (9) On the appeal, the Court may further order that all or any of the costs of the appeal shall be paid out of public funds.
- (10) The Commission must not refuse an application under paragraph (1)(a) if to do so would be contrary to Article 35(4) of the Terrorism Law (tipping off).

**9 Obligation of NPOs to give notice of change of registered information**

- (1) This Article applies if there is a change in –
  - (a) the information provided to the Commission in respect of a registered NPO prior to its registration; or
  - (b) that information as subsequently amended under this Article.
- (2) The NPO must give the Commission written notice of the change.
- (3) The notice –
  - (a) must be given within 3 months of the change; and
  - (b) may be given by utilizing the whole or any part of the form set out in the Schedule.
- (4) For the purpose of this Article, a difference between an estimate of the funds to be raised or disbursed by an NPO in a financial year and the actual funds raised or disbursed by the NPO in the financial year is not, of itself, a change that must be reported under this Article.
- (5) However, any change in the estimate of the funds to be raised or disbursed by the NPO in any subsequent financial year must be reported under this Article.

**10 Obligation of prescribed NPOs to prepare and provide financial statement**

- (1) A prescribed NPO or an NPO that belongs to a prescribed class of NPOs must prepare and provide to the Commission a financial statement for a period of not more than 18 months.
- (2) The period –
  - (a) must begin on or before the date the NPO became a prescribed NPO or an NPO belonging to a prescribed class of NPOs; but
  - (b) if the NPO has previously prepared and provided a financial statement under paragraph (1), must begin at the end of the period covered by its most recent financial statement.
- (3) The financial statement must –
  - (a) be in a form published or approved for the purpose by the Commission; and
  - (b) be provided to the Commission within 10 months after the end of the period covered by the statement.

**11 Obligation of NPOs to keep and retain financial records**

- (1) An NPO must –
  - (a) keep financial records; and
  - (b) retain them for at least 5 years.
- (2) An NPO must make its financial records available to the Commission if required to do so to enable the Commission to carry out its obligations under this Law.

- (3) However, the Commission must not require it to do so unless it is necessary and reasonable for it to do so to enable it to assess the extent (if any) to which the NPO is assisting or being used to assist terrorism or is likely to assist or be used to assist terrorism.
- (4) The Minister may by Order, exempt an NPO or any class of NPOs from the obligations imposed on an NPO by paragraph (1).
- (5) The requirements mentioned in paragraph (1) also apply to regulated NPOs.

## **12 Obligation of prescribed NPOs to provide information to Commission**

- (1) A prescribed NPO or an NPO that belongs to a prescribed class of NPOs must provide prescribed information to the Commission if required to do so by the Commission.
- (2) However, the Commission must not require a prescribed NPO to provide the information unless it is necessary and reasonable for the Commission to do so to enable it to assess the extent (if any) to which the NPO could be, or is being, used to facilitate terrorism.

## **13 Obligation of NPOs to provide certain information**

- (1) An NPO must, upon being requested to do so, provide a person with –
  - (a) details of its purpose, objectives and intended activities;
  - (b) details of its structure (for example, whether it is an unincorporated body of persons, a trust, or an incorporated body and, if so, what type of incorporated body); and
  - (c) if it is a prescribed NPO or an NPO that belongs to a prescribed class of NPOs, such other information as may be prescribed.
- (2) An NPO must not charge for the provision of information under this Article.
- (3) The States may amend paragraph (1) by Regulations.

# **PART 3**

## **FUNCTIONS OF THE COMMISSION**

## **14 Commission to keep register and to provide certain information**

- (1) The Commission must keep a register for the purposes of this Law that contains –
  - (a) the name of each registered NPO;
  - (b) the contact information for each registered NPO; and
  - (c) the purpose, objectives and activities of each registered NPO.

- (2) The Commission must, upon being requested to do so, inform a person if a name specified by the person appears in the register as the name of an NPO.
- (3) If it does, the Commission must give the person –
  - (a) the registration number or reference of the NPO; and
  - (b) details of how it may be contacted.
- (4) The Commission must not charge for the provision of information under this Article.

### **15 Registration obligations of the Commission**

- (1) This Article applies where the Commission becomes aware that an organization that the Commission believes to be an NPO that is required to register under this Law is not registered.
- (2) The Commission must make reasonable efforts to ensure that the organization receives a written notice setting out –
  - (a) the provisions of this Law that may require it to register; and
  - (b) the action the Commission is required to take under this Article.
- (3) If –
  - (a) the Commission has given an organization notice under paragraph (2);
  - (b) after giving the organization at least 1 month in which to respond, the organization does not register; and
  - (c) the Commission continues to believe that the organization is an NPO that is required to register,the Commission must take the action mentioned in paragraph (4).
- (4) The Commission must –
  - (a) inform the Attorney General of its belief that the organization is an NPO that is required to register; and
  - (b) provide the Attorney General with any evidence it has to support that belief.
- (5) This Article is without prejudice to Article 17.

### **16 Continuing registration obligations of the Commission**

- (1) This Article applies where the Commission believes that a registered NPO has failed to comply with Article 9.
- (2) The Commission must give the NPO a written notice setting out –
  - (a) the provisions of Articles 9 and 27(1); and
  - (b) the action the Commission is required to take under this Article.
- (3) If –

- (a) the Commission has given an NPO notice under paragraph (2) on at least 2 occasions (the second being at least 2 months after the first);
  - (b) after giving the NPO at least 3 months in which to respond the NPO has not provided information under Article 9; and
  - (c) the Commission continues to believe that the NPO has failed to comply with Article 9,
- the Commission must take the action mentioned in paragraph (4).
- (4) The Commission must –
    - (a) inform the Attorney General of its belief that the NPO has failed to comply with Article 9; and
    - (b) provide the Attorney General with any evidence it has to support that belief.
  - (5) The Commission need not give an NPO notice under this Article of a failure to comply with Article 9 where the NPO is a prescribed NPO for the purpose of Article 10.
  - (6) This Article is without prejudice to Article 17.

#### **17 Obligation of the Commission in respect of terrorism**

- (1) It is an obligation of the Commission to help to determine if an NPO is assisting or being used to assist terrorism.
- (2) Accordingly, the Commission –
  - (a) must as soon as practicable after it receives an application for the registration of an NPO or a proposed NPO consider if it raises any suspicion that the NPO or proposed NPO is assisting or being used to assist terrorism or is likely to assist or be used to assist terrorism, as the case may be;
  - (b) must as soon as practicable after it receives a financial statement from an NPO, consider if it raises any suspicion that the NPO is assisting or being used to assist terrorism; and
  - (c) may otherwise monitor the activities of each NPO.
- (3) If the Commission considers that an NPO is assisting or being used to assist terrorism, it must immediately inform the Attorney General, giving the Attorney General any evidence that the Commission has for its suspicions.

#### **18 Financial records held by the Commission**

- (1) This Article applies where –
  - (a) a person, acting on behalf of the Commission, has required an NPO to make its financial records available to the Commission under Article 11(2); and
  - (b) the NPO has complied with the requirement.

- (2) The person who required the records may –
  - (a) take copies of them or extracts from them; and
  - (b) request the person who provided them on behalf of the NPO or any other person who appears to be in possession of relevant information, to provide an explanation of them.
- (3) If original records have been provided –
  - (a) they may be retained for a year; but
  - (b) if within that year proceedings to which the records are relevant are commenced against any person, they may be retained until the conclusion of the proceedings.
- (4) If records are retained under paragraph (3), the Commission must, upon being requested to do so, provide a copy of them or any part of them to any person the Commission is satisfied is lawfully entitled to the records.
- (5) The Commission need not do so unless it is satisfied that the copy is reasonably required for a lawful purpose.
- (6) Any copy supplied by the Commission shall be supplied free of charge.

#### **19 Supply of information by the Commission**

- (1) This Article applies to information –
  - (a) that is not already available to the public; and
  - (b) that has come into the Commission's possession as a result of the Commission carrying out its obligations under this Law.
- (2) The Commission may supply information to which this Article applies to –
  - (a) the Minister;
  - (b) the Attorney General;
  - (c) bodies that outside Jersey exercise functions that are similar to the functions that the Commission may exercise under this Law.
- (3) The Commission may, in particular do so, if it is satisfied that the information is required –
  - (a) to investigate a suspected offence in or outwith Jersey;
  - (b) to institute criminal proceedings in or outwith Jersey; or
  - (c) in respect of any proceeding arising under this Law.
- (4) However, the Commission must not supply information to a body mentioned in paragraph (2)(c) unless the Commission is satisfied that the information is to be used by the body solely in the exercise of its functions that are similar to the functions the Commission may exercise under this Law.
- (5) The Commission may also supply information to which this Article applies to a person acting on behalf of an international body, if –
  - (a) the functions of the body include the assessment of compliance by Jersey with international standards; and

- (b) the supply of the information is to enable the body to discharge those functions.
- (6) Nothing in this Article is to be taken as preventing the Commission from publishing information in the form of a summary or collection of information so framed that information in respect of any particular person cannot be obtained from it.
- (7) The States may amend this Article by Regulations.

## **20 Documents kept by the Commission**

A document delivered to the Commission under this Law may be kept by the Commission in any form that is capable of being reproduced in a legible form.

## **21 Commission may destroy certain documents**

- (1) The Commission may destroy a document delivered to it under this Law that the Commission is not required to return if the Commission has recorded and kept the information in it in accordance with Article 20.
- (2) The Commission may also destroy such a document if it relates solely to –
  - (a) an NPO that has ceased to be registered for at least 10 years; or
  - (b) an organization that has ceased to be an NPO for at least 10 years.

## **22 Commission may change the registration or reference number of an NPO**

- (1) The Commission may, for good cause, change the registration or reference number of a registered NPO.
- (2) If it does so, the Commission must, as soon as reasonably practical, give the NPO written notice of the change.

# **PART 4**

## **OFFENCES**

## **23 Prosecutions under this Law**

No prosecution of an offence under this Law may be instituted except by, or with the consent of, the Attorney General.

## **24 Failure of NPOs to register**

An NPO that is required by this Law to be registered is guilty of an offence and is liable to a fine of level 4 on the standard scale if, without reasonable excuse, it is not registered.

**25 Passing off**

- (1) An organization that is not a registered NPO is guilty of an offence and is liable to a fine of level 4 on the standard scale if it holds itself out as being a registered NPO.
- (2) It is a defence for the organization to show that it did not know and could not reasonably have known that it was not a registered NPO.

**26 Supply of false information**

- (1) This Article applies where an NPO or a person supplies information or documents under –
  - (a) Article 5 (application for registration);
  - (b) Article 7 (supply of further information and documents)
  - (c) Article 9 (change of registered information); or
  - (d) Article 12 (information supplied by certain NPOs).
- (2) The NPO or person is guilty of an offence and liable to a fine if the NPO or person provides information or a document that the NPO or person knows or ought reasonably to know is false or misleading in a material way.

**27 Failure to provide information**

- (1) An NPO is guilty of an offence and is liable to a fine of level 4 on the standard scale if, when required by Article 9 to give the Commission written notice of a change in the information registered in respect of the NPO, it fails, without reasonable excuse, to do so.
- (2) An NPO prescribed for the purpose of Article 12(1) is guilty of an offence and is liable to a fine of level 4 on the standard scale if, when required under that Article to give the Commission prescribed information, it fails, without reasonable excuse, to do so.

**28 Offences in respect of a financial statement**

- (1) An NPO or an NPO that belongs to a class of NPOs that is prescribed for the purpose of Article 10(1) is guilty of an offence and is liable to a fine of level 4 on the standard scale if, without reasonable excuse, it fails to provide a financial statement to the Commission in accordance with that Article.
- (2) An NPO or an NPO that belongs to a class of NPOs that is prescribed for the purpose of Article 10(1) is guilty of an offence and is liable to a fine if it provides to the Commission, in purported compliance with that Article a financial statement that it knows or ought reasonably to know is false or misleading in a material way.

**29 Offences in respect of financial records**

- (1) An NPO is guilty of an offence and is liable to a fine of level 4 on the standard scale if, without reasonable excuse, it fails to keep financial records as required by Article 11(1)(a).
- (2) An NPO is guilty of an offence and is liable to a fine if it keeps, for the purpose of Article 11(1)(a), financial records that it knows or ought reasonably to know are false or misleading in a material way.
- (3) An NPO is guilty of an offence and is liable to a fine of level 4 on the standard scale if, without reasonable excuse, it fails to retain financial records for 5 years as required by Article 11(1)(b).
- (4) An NPO is guilty of an offence and is liable to a fine of level 4 on the standard scale if, without reasonable excuse, it fails to make financial records available to the Commission when required to do so under Article 11(2).
- (5) An NPO is guilty of an offence and is liable to a fine if it makes available to the Commission, in purported compliance with Article 11(2), financial records that it knows or ought reasonably to know are false or misleading in a material way.
- (6) In this Article “financial records”, in respect of an NPO, means the financial records of the NPO created or required to be created by the NPO subsequent to the commencement of this Article.

**30 Offences in respect of supply of information by an NPO**

- (1) An NPO is guilty of an offence and liable to a fine of level 4 on the standard scale if, when requested under Article 13(1) to provide information, the NPO fails, without reasonable excuse, to provide the information.
- (2) An NPO is guilty of an offence and liable to a fine if, when requested under Article 13(1) to provide information, the NPO, in purported compliance with the request, provides information that the NPO knows or ought reasonably to know is false or misleading in a material way.

**31 Offences in respect of supply of an explanation by a person**

- (1) A person is guilty of an offence and liable to a fine of level 4 on the standard scale if, when required under Article 18(2)(b) to provide an explanation of a financial record, the person fails, without reasonable excuse, to provide the explanation.
- (2) A person is guilty of an offence and liable to a fine if, when required under Article 18(2)(b) to provide an explanation of a financial record, the person, in purported compliance with the requirement, provides an explanation that the person knows or ought reasonably to know is false or misleading in a material way.

**PART 5****CRIMINAL LIABILITY****32 Criminal liability in respect of incorporated organizations**

- (1) Where an offence under this Law is committed by an incorporated organization and the offence is proved to have been committed with the consent or connivance of, or to be attributable to neglect on the part of –
  - (a) a person who is a director, manager, secretary or other similar officer of the organization; or
  - (b) a person purporting to act in any such capacity,the person is also guilty of the offence and is liable in the same manner as the organization to the penalty provided for the offence.
- (2) If the affairs of an incorporated organization are managed by its members, paragraph (1) applies in relation to acts and defaults of a member in connection with the member's functions of management as if the member were a director of the organization.

**33 Criminal liability in respect of unincorporated organizations**

Where –

- (a) an offence under this Law appears to have been committed by an organization that is constituted by an unincorporated body of persons; and
- (b) the offence is proved to have been committed with the consent or connivance of, or to be attributable to neglect on the part of certain of those persons,

the persons mentioned in paragraph (b), and only those persons, are guilty of the offence and are liable to the penalty provided for the offence.

**34 Other criminal liability**

A person who aids, abets, counsels or procures the commission of an offence under this Law is also guilty of an offence and liable in the same manner as a principal offender to the penalty provided for that offence.

**PART 6****DEREGISTRATION OF AN NPO****35 Deregistration of NPOs on order of the Royal Court**

- (1) The Commission must remove the name of an NPO from the register if the Royal Court orders the Commission to do so after the Court has –
  - (a) made a forfeiture order in respect of the funds of the NPO; or

- 
- (b) convicted the NPO of an offence under this Law, the Terrorism Orders or the Terrorism Law.
  - (2) In this Article –
    - “forfeiture order” has the same meaning as in Schedule 3 to the Terrorism Law;
    - “Terrorism Orders” means –
      - (a) the Terrorism (United Nations Measures) (Channel Islands) Order 2001<sup>5</sup>; and
      - (b) the Al-Qa’ida and Taliban (United Nations Measures) (Channel Islands) Order 2002<sup>6</sup>,
- of the United Kingdom.

### **36 Deregistration of NPOs on other grounds**

- (1) Except as otherwise provided by this Article, the Commission must remove the name of an NPO from the register if the Minister –
  - (a) orders the Commission to do so; and
  - (b) provides the Commission with his or her reasons for doing so.
- (2) The Minister must not order the Commission to do so unless the Minister is satisfied that the NPO –
  - (a) has persistently failed to comply with any of its obligations under this Law; or
  - (b) no longer exists or is not carrying out and is not likely to carry out the activity specified in the register in respect of the NPO.
- (3) Before acting under paragraph (1), the Commission, if it is reasonably practical for it to do so, must serve notice of its intention to remove the name of the NPO from the register.
- (4) The notice may be served on –
  - (a) the NPO;
  - (b) any person who constitutes or constituted the NPO; or
  - (c) if a body of persons constitutes or constituted the NPO, any person the Commission is satisfied represents that body of persons.
- (5) A notice under paragraph (3) must –
  - (a) give the reason why it is intended to remove the name of the NPO from the register;
  - (b) give the proposed date of its removal; and
  - (c) give details of the right of appeal provided by paragraph (8).
- (6) The Commission shall remove the name of the NPO from the register 28 days after the service of the notice unless, on appeal the Royal Court orders otherwise, whether before or after the determination of the appeal.

- (7) If the Commission finds that it is not reasonably practical to serve a notice under paragraph (4), the Commission may remove the name of the NPO from the register at any time.
- (8) Any person aggrieved by the removal or intended removal of the name of an NPO from the register under this Article may appeal to the Royal Court.
- (9) The appeal may be made on the grounds that the removal of the name of the NPO from the register was not or would not be reasonable in all the circumstances.
- (10) On the appeal, the Royal Court may –
  - (a) confirm the decision of the Minister to order the Commission to remove the name of the NPO from the register;
  - (b) order the Commission not to remove the name of the NPO from the register or, as the case may be, to restore the name of the NPO to the register; or
  - (c) order the Commission to take such other action as the Court considers appropriate in the circumstances.

### **37 Deregistration of NPOs on request**

The Commission must remove from the register the name of an NPO if requested to do so by a person whom the Commission is satisfied has the authority to do so.

### **38 Deregistration**

An NPO ceases to be registered for the purpose of this Law when its name is removed from the register by the Commission in accordance with this Part.

## **PART 7**

### **MISCELLANEOUS**

### **39 Application of this Law to the Terrorism Law**

In its application to NPOs, Article 20 of the Terrorism Law shall have effect as if in Article 20(1)(b) “employment” included work undertaken on behalf of an NPO on a voluntary or an unpaid basis.

### **40 Amendment of Article 8 of the Financial Services Commission (Jersey) Law 1998**

The Financial Services Commission (Jersey) Law 1998<sup>7</sup> is amended by adding the following paragraphs at the end of Article 8 –

- “(5) The Commission may require registered persons who provide services to regulated NPOs in the course of trust company

business, to provide information in respect of those regulated NPOs to the Commission.

(6) In paragraph (5) –

‘registered person’ and ‘trust company business’ have the same meanings as in the Financial Services (Jersey) Law 1998;

‘regulated NPO’ has the same meaning as in the Non-Profit Organizations (Jersey) Law 2008.”.

#### **41 Amendment of Schedule**

The States may, by Regulations, amend the form set out in the Schedule.

#### **42 Orders**

The Minister may prescribe by Order any matter that shall or may be prescribed under this Law

#### **43 Citation**

This Law may be cited as the Non-Profit Organizations (Jersey) Law 2008.

#### **44 Commencement and transitional arrangements**

- (1) This Law, other than Article 24, shall come into force 14 days after it is registered.
- (2) Article 24 shall come in force 3 months after the rest of the Law has come into force.
- (3) It shall be a defence for an NPO charged with an offence under Article 24 for the NPO to show –
  - (a) that it had made an application to the Commission for registration under Article 5 prior to Article 24 coming into force; and
  - (b) that at the time of the alleged offence the application had not been determined or withdrawn.

**A.H. HARRIS**

*Deputy Greffier of the States*

**SCHEDULE**

(Articles 5(2)(a) and 9(3)(b))

**APPLICATION FOR REGISTRATION**

<b>Part 1</b>		
1. Name (or proposed name) of NPO:		
2. Contact details:	Address:	
	Telephone number:	
	Email (if any):	
3. Purpose (or intended purpose) of the NPO:		
4. Objectives (or intended objectives) of the NPO:		
5. Activities (or intended activities) of the NPO:		
6. Structure (or intended structure) of the NPO: <i>(Tick relevant box)</i>	Trust	<input type="checkbox"/>
	Limited company	<input type="checkbox"/>
	Unlimited company	<input type="checkbox"/>
	Fid��icommis or incorporated association	<input type="checkbox"/>
	Foundation	<input type="checkbox"/>
	Unincorporated association	<input type="checkbox"/>
	Other (please describe)	<input type="checkbox"/>

<b>Part 2</b>			
7. Estimate of the funds to be raised and disbursed in each financial year of the NPO within Jersey:  <i>(Tick relevant boxes)</i>		Raised within Jersey	Disbursed within Jersey
	£0 - £1000		
	£1001 - £19,999		
	£20,000 - £99,999		
	£100,000 - £499,999		
	£500,000 - £999,999		
	£1,000,000+		
8. Estimate of the funds to be raised and disbursed in each financial year of the NPO outside Jersey:  <i>(Tick relevant boxes)</i>		Raised outside Jersey	Disbursed outside Jersey
	£0 - £1000		
	£1001 - £19,999		
	£20,000 - £99,999		
	£100,000 - £499,999		
	£500,000 - £999,999		
	£1,000,000+		
<b>NOTES</b>			
<p>“<b>Raised</b>”, in respect of the funds of an NPO, includes funds given to the NPO but does not include –</p> <p>(a) income earned on the funds of the NPO; or</p> <p>(b) amounts paid to the NPO by persons to become or remain members of the NPO.</p> <p>“<b>Disbursed</b>”, in respect of the funds of an NPO, does not include the disbursement of funds paid to the NPO by persons to become or remain members of the NPO if those funds are applied in a way that only benefits members of the NPO.</p> <p>“<b>Funds</b>” means assets of every kind, whether tangible or intangible, movable or immovable.</p>			
<p>Please use this area to provide any additional information you think might help the Commission, e.g. whether the NPO is registered as a charity elsewhere in the British Isles, or whether funds will be disbursed to an affiliated NPO in another part of the British Isles.</p>			
Signature: Name: Position held in NPO: Date:			

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- 1 *chapter 13.225*
  - 2 *chapter 13.250*
  - 3 *chapter 17.860*
  - 4 *chapter 04.280*
  - 5 *chapter 17.910.72*
  - 6 *chapter 17.910.16*
  - 7 *chapter 13.250*