



Jersey

**COUNTER-TERRORISM AND SECURITY  
(MISCELLANEOUS AMENDMENTS) (JERSEY)  
LAW 2017**

**Arrangement**

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## **COUNTER-TERRORISM AND SECURITY (MISCELLANEOUS AMENDMENTS) (JERSEY) LAW 2017**

**A LAW** to amend further the Terrorism (Jersey) Law 2002, the Regulation of Investigatory Powers (Jersey) Law 2005, and the Postal Services (Jersey) Law 2004

*Adopted by the States*

*19th July 2017*

*Sanctioned by Order of Her Majesty in Council*

*11th October 2017*

*Registered by the Royal Court*

*20th October 2017*

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

### **1 Terrorism (Jersey) Law 2002 amended**

- (1) In this Article, reference to an Article by number and without more is a reference to the Article of that number in the Terrorism (Jersey) Law 2002<sup>1</sup>.
- (2) In Article 1(3) after the words “A reference in this Law” there shall be inserted the words “, without more,”.
- (3) For Article 4(1) there shall be substituted the following paragraph –
  - “(1) In this Law, a ‘terrorist entity’ is –
    - (a) any entity which –
      - (i) commits, prepares or instigates an act of terrorism, or
      - (ii) facilitates the commission, preparation or instigation of an act of terrorism; and
    - (b) any proscribed organization.”.
- (4) In Article 15(1) and (2) for the words “for the purposes of terrorism or for the support of a terrorist entity” in each place there shall be substituted the words “for the purposes of terrorism (and for the avoidance of doubt such purposes include the support of a terrorist entity)”.
- (5) After Article 15(2) there shall be inserted the following paragraph –

“(2A) Without prejudice to the generality of paragraphs (1) and (2), it shall be an offence for a person –

- (a) to provide, or to invite another to provide, property or a financial service; or
- (b) to collect or receive property,

intending that the property or service be used, or knowing, suspecting or having reasonable grounds to suspect that it may be used (whether in whole or in part) for the purpose of travel by an individual to a state or territory other than his or her state or territory of residence for the purposes of terrorism (including, for the avoidance of doubt, the purposes of planning or preparation of acts of terrorism, providing or receiving training in or for the purposes of terrorism, and support of a terrorist entity).”.

- (6) After Article 16 there shall be inserted the following Article –

**“16A Insuring against payments made in response to terrorist demands**

(1) It is an offence for a person who is an insurer under an insurance contract to make a payment under that contract, or purportedly under it, if –

- (a) the payment is made in respect of any property which has been, or is to be, transferred to any person in response to a demand made wholly or partly for the purposes of terrorism; and
- (b) the insurer or other person authorizing the payment on the insurer’s behalf knows or has reasonable cause to suspect that the property has been, or is to be, transferred in response to such a demand.

(2) In paragraph (1), ‘insurance contract’ means a contract under which one party accepts significant insurance risk from another party (the ‘policy holder’) by agreeing to compensate the policy holder if a specified uncertain future event affects the policy holder.

(3) This Article applies to any payment made by an insurer on or after the day on which this Article comes into force, even if the payment is made –

- (a) under, or purportedly under, a contract entered into before that day; or
- (b) in respect of money or other property transferred within the period of 40 days ending on that day.

(4) A person guilty of an offence under this Article shall be liable to imprisonment for a term not exceeding 14 years or to a fine, or both.”.

- (7) In the headings to Articles 17 and 18, for the words “Articles 15 and 16” in each place there shall be substituted the words “Articles 15, 16 and 16A”.

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- (8) In Articles 17(1), 18(1) and (2), 19(1)(a), 21(2)(a) and (5A)(d), and 22(3) for the words “Article 15 or 16” in each place there shall be substituted the words “Article 15, 16 or 16A”.
- (9) In Article 27 –
- (a) in paragraph (1) for the words “Article 15 or 16” there shall be substituted the words “Article 15, 16 or 16A”;
- (b) after paragraph (3) there shall be inserted the following paragraph –
- “(3A) Where the offence of which the person is convicted is an offence under Article 16A, the court may order the forfeiture of the amount paid under, or purportedly under, the insurance contract.”.
- (10) In Schedule 8 to the Terrorism (Jersey) Law 2002<sup>2</sup> –
- (a) in paragraph 7(1) for the words “in the commission, preparation or instigation of acts of terrorism” there shall be substituted the words “for the purposes of terrorism”;
- (b) for paragraph 7(2) to (4) there shall be substituted the following sub-paragraphs –
- “(2) This paragraph applies to goods which have arrived in or are about to leave the Island on a ship or aircraft, and for the purposes of this paragraph –
- (a) goods which are about to leave the Island on a ship include goods held at premises operated by a sea cargo agent which are to be delivered to any place other than those premises for carriage on a ship;
- (b) goods which are about to leave the Island on an aircraft include goods held at premises operated by an air cargo agent which are to be delivered to any place other than those premises for carriage on an aircraft; and
- (c) ‘on a ship’ includes carriage within a vehicle carried on a ship.
- (3) An examination under this paragraph may be carried out only at –
- (a) a port;
- (b) premises operated by a sea cargo agent or an air cargo agent;
- (c) a location designated for that purpose by the Minister, under and in accordance with sub-paragraph (4).
- (4) The Minister may designate a location for the purpose of examination under this paragraph only if the Minister reasonably believes that it is necessary to designate that location so that examining officers may exercise their functions under this paragraph, and if the Minister does so he or she must maintain and publish a list of designated locations.
- (5) For the purposes of determining whether to exercise his or her power under this paragraph, an examining officer may –
- (a) board a ship or aircraft;
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- (b) enter a vehicle;
- (c) enter premises operated by a sea cargo agent or an air cargo agent; and
- (d) enter a designated location.

(6) In this paragraph –

‘air cargo agent’ has the meaning given by section 21F(1) of the Aviation Security Act 1982 of the United Kingdom as extended to Jersey by the Aviation Security (Jersey) Order 1993<sup>3</sup>;

‘goods’ includes property of any description, and containers;

‘sea cargo agent’ has the meaning given by section 41(1) of the Aviation and Maritime Security Act 1990 of the United Kingdom as extended to Jersey by The Maritime Security (Jersey) Order 2014<sup>4</sup>.”;

(c) in paragraph 14(6) after “27(2)” there shall be inserted “, 27B or 27BA”.

## 2 Regulation of Investigatory Powers (Jersey) Law 2005 amended

(1) In this Article, reference to an Article by number and without more is a reference to the Article of that number in the Regulation of Investigatory Powers (Jersey) Law 2005<sup>5</sup>.

(2) At the end of Article 8 there shall be added the following paragraph –

“(5) Conduct consisting in the interception of a communication in the course of its transmission by means of a public postal service is authorized by this Article if it is conduct by an examining officer under paragraph 7 of Schedule 8 to the Terrorism (Jersey) Law 2002<sup>6</sup>.”.

(3) In Article 22 –

(a) at the end of paragraph (1) there shall be added the following sub-paragraph –

“(f) any TEO proceedings (within the meaning given to that expression by paragraph 1 of Schedule 3 to the Counter-Terrorism and Security Act 2015 of the United Kingdom as extended to Jersey by the Counter-Terrorism and Security (Jersey) Order 201-), or any proceedings arising out of those TEO proceedings.”; and

(b) after paragraph (2A) there shall be inserted the following paragraph –

“(2B) Paragraph (1) shall not, by virtue of sub-paragraph (f), authorize the disclosure of anything to –

(a) any person, other than the Minister, who is a party to proceedings to which sub-paragraph (f) refers; or

(b) any person who for the purposes of such proceedings (but otherwise than by virtue of appointment as special counsel under Schedule 3 to the Counter-Terrorism and Security

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Act 2015 of the United Kingdom, as extended to Jersey by the Counter-Terrorism and Security (Jersey) Order 201-) represents a person who falls within sub-paragraph (a).”.

**3 Postal Services (Jersey) Law 2004 amended**

In Article 47(2) of the Postal Services (Jersey) Law 2004<sup>7</sup>, after sub-paragraph (ab) there shall be inserted the following sub-paragraph –

“(ac) a power conferred on an examining officer by paragraph 7 of Schedule 8 to the Terrorism (Jersey) Law 2002<sup>8</sup>.”.

**4 Citation and commencement**

This Law may be cited as the Counter-Terrorism and Security (Miscellaneous Amendments) (Jersey) Law 2017 and shall come into force 7 days after the day on which it is registered.

**W. MILLOW**

*Assistant Greffier of the States*

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- 1 *chapter 17.860*  
2 *chapter 17.860*  
3 *chapter 03.385*  
4 *chapter 19.300*  
5 *chapter 08.830*  
6 *chapter 17.860*  
7 *chapter 06.145*  
8 *chapter 17.860*