



Jersey

NON-PROFIT ORGANISATIONS (MISCELLANEOUS AMENDMENTS) (JERSEY) LAW 2022

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Jersey

NON-PROFIT ORGANISATIONS (MISCELLANEOUS AMENDMENTS) (JERSEY) LAW 2022

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>27th April 2022</i>
<i>Sanctioned by Order of Her Majesty in Council</i>	<i>19th July 2022</i>
<i>Registered by the Royal Court</i>	<i>5th August 2022</i>
<i>Coming into force</i>	<i>in accordance with Article 35</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 2022 and comes into force on a day specified by the Minister by Order.