



Jersey

**EUROPEAN UNION LEGISLATION  
(IMPLEMENTATION) (JERSEY)  
LAW 2014**

**Revised Edition**

17.245

Showing the law as at 1 January 2018

This is a revised edition of the law





Jersey

## **EUROPEAN UNION LEGISLATION (IMPLEMENTATION) (JERSEY) LAW 2014**

### **Arrangement**

---

#### **Article**

1	Interpretation.....	5
2	Implementation of EU provisions through Orders or Regulations .....	6
3	Implementation of EU provisions: financial services.....	7
3A	Interim application to UN designated person pending EU designation.....	8
4	General provisions Orders .....	8
5	Interpretation of EU provisions, Regulations and Orders.....	9
6	Repeal of European Communities Legislation (Implementation) (Jersey) Law 1996.....	10
7	Citation.....	10

### **Supporting Documents**

---

#### **ENDNOTES** **11**

---

Table of Legislation History.....	11
Table of Renumbered Provisions .....	11
Table of Endnote References .....	11





Jersey

## **EUROPEAN UNION LEGISLATION (IMPLEMENTATION) (JERSEY) LAW 2014**

**A LAW** to enable the States or the Minister for External Relations to give effect in Jersey to legislation of the European Union and to make supplementary provision in relation to that legislation, to make amendments and other provision in connection with the Treaty of Lisbon, and for related purposes

Commencement [[see endnotes](#)]

### **1 Interpretation**

- (1) In this Law, unless the context otherwise requires –
  - “1973 Law” means the European Union (Jersey) Law 1973<sup>1</sup>;
  - “Minister” means the Minister for External Relations;
  - “Treaty on European Union” means the treaty of that name signed at Maastricht on 7th February 1992, as amended from time to time by the EU Treaties;
  - “Treaty on the Functioning of the European Union” means the treaty of that name signed (as the Treaty Establishing the European Economic Community) at Rome on the 25th March 1957, as amended from time to time by the EU Treaties.
- (2) An expression defined in the 1973 Law (including in particular “EU instrument” and “EU Treaties”) has, when used in this Law, the same meaning as in that Law.
- (3) For the purposes of this Law an “EU provision” is any provision, whether or not directly applicable in or binding upon Jersey, that –
  - (a) is contained in or arises under any one or more of the following –
    - (i) the Treaty on European Union,
    - (ii) the Treaty on the Functioning of the European Union,
    - (iii) any of the EU Treaties; or
  - (b) comprises or is contained in an EU instrument.

---

**2 Implementation of EU provisions through Orders or Regulations**

- (1) The Minister may by Order make such provision as appears to him or her to be necessary or expedient for the purposes of –
  - (a) giving further effect to any EU provision that is directly applicable in or binding upon Jersey;
  - (b) giving effect, either wholly or partly, to any other EU provision adopted under any one or more of –
    - (i) Chapter 2 of Title V of the Treaty on European Union,
    - (ii) Article 75 of the Treaty on the Functioning of the European Union, and
    - (iii) Article 215 of that Treaty;
  - (c) dealing with matters arising out of or related to any EU provision falling within sub-paragraph (a) or (b).
- (2) The States may by Regulations make such provision as appears to them to be necessary or expedient for the purposes of –
  - (a) giving effect, either wholly or partly, to any EU provision, whether or not one in respect of which the Minister may make an Order under paragraph (1);
  - (b) dealing with matters arising out of or related to any such provision.
- (3) Subject to paragraphs (5) and (6), the provision that may be made under paragraph (1) or (2) includes any such provision (of any such extent) as might be made by a Law passed by the States.
- (4) Without prejudice to the generality of paragraphs (1) to (3), an Order or Regulations under this Article may –
  - (a) make provision by reference to or by incorporation (by reference, annexation or otherwise) of any EU provision, or of any class or description of EU provisions;
  - (b) when making the provision described in sub-paragraph (a) –
    - (i) do so to such extent and subject to such exceptions, adaptations and modifications to the EU provision as may be specified in the Order or Regulations,
    - (ii) make adaptations or modifications mentioned in clause (i) by providing that any one or more of Jersey, Guernsey and the Isle of Man are to be treated as if they were a member State, or formed part of any member State, for the purpose of the provision,
    - (iii) provide that a reference to the EU provision is to be read as a reference to that EU provision as amended, substituted, extended or applied from time to time by any other EU provision, or as that provision otherwise has effect in the EU from time to time by virtue of any judgment of the European Court;
  - (c) amend any Law or other enactment that may be amended by a Law;

- (d) contain such incidental, supplemental or transitional provisions or savings as the Minister or States consider expedient.
- (5) The provision that may be made by Regulations under paragraph (2) does not include provision –
  - (a) imposing or increasing taxation;
  - (b) taking effect from a date earlier than that of the making of the Order or Regulations containing the provision; or
  - (c) amending this Law or the 1973 Law.
- (6) The provision that may be made by Order under paragraph (1) does not include provision –
  - (a) imposing a penalty of imprisonment –
    - (i) for more than 7 years, for an offence contravening a provision made under paragraph (1)(b), or
    - (ii) for more than 2 years, for any other offence;
  - (b) falling within any of paragraphs (5)(a), (b) and (c); or
  - (c) amending Regulations made under paragraph (2), or making any provision inconsistent with any such Regulations.<sup>2</sup>

### **3 Implementation of EU provisions: financial services**

- (1) Paragraph (2) applies if an EU provision –
  - (a) imposes an obligation or prohibition on any description of persons in respect of the finances of, or a financial service of any sort in relation to, another person; and
  - (b) falls within Article 2(1)(b), or includes any restrictive measure similar to those that may be included in EU provisions falling within that Article.
- (2) An Order or Regulations under Article 2 may, if the Minister or the States consider it necessary or expedient in the interests of Jersey or for the better implementation of the EU provision in Jersey –
  - (a) impose the obligation or prohibition on any description of persons falling within paragraph (3); and
  - (b) adapt the obligation or prohibition as necessary or expedient for its imposition on such persons.
- (3) A person falls within this paragraph if –
  - (a) the EU provision would not otherwise impose the obligation or prohibition on persons of that description in the EU; and
  - (b) the person –
    - (i) whether or not an individual, carries on financial services business, within the meaning of the Proceeds of Crime (Jersey) Law 1999<sup>3</sup>, in or from within Jersey, or

- (ii) not being an individual, is incorporated or constituted under the law of Jersey and carries on such financial services business in any part of the world.

### **3A Interim application to UN designated person pending EU designation<sup>4</sup>**

- (1) In this Article –
  - (a) the terms “person”, “UN financial sanctions resolution” and “UN-listed person” have the same meaning as in the United Nations (Financial Sanctions) (Jersey) Law 2017<sup>5</sup>; and
  - (b) “asset-freezing measure” means a prohibition imposed for a purpose falling within a sub-paragraph of Article 2(1) of that Law.
- (2) This Article applies to an Order under Article 2(1)(b) that gives effect to an EU provision that –
  - (a) implements, in the EU, a UN financial sanctions resolution; and
  - (b) lists the persons (“EU-listed persons”), being UN-listed persons in relation to that resolution, in respect of whom an asset-freezing measure is to be applied in the EU.
- (3) The Order may include provision that, if, after the making of the Order, a person becomes a UN-listed person in relation to the UN resolution, that person is to be treated, for the purpose of the EU provision as implemented by the Order, as if that person were already listed by the EU provision as an EU-listed person.
- (4) A provision made under paragraph (3) must be expressed so as to cease to have effect in relation to each UN-listed person on whichever is the soonest of –
  - (a) the end of a period of 30 days starting when that person becomes a UN-listed person;
  - (b) the coming into force of an amendment to the EU provision, by virtue of which that person becomes an EU-listed person (under the EU provision as it has effect in the EU, rather than as it is implemented in Jersey by the Order); and
  - (c) the date (if any) on which that person ceases to be a UN-listed person.
- (5) Nothing in this Article is to be read as preventing a provision described in paragraph (3) from being read as forming part of the Order by virtue of a general provisions Order under Article 4.

## **4 General provisions Orders**

- (1) The Minister may by Order prescribe general provisions that are to be read as forming part of special Orders.
- (2) For the purposes of this Article –
  - (a) a special Order is an Order made under Article 2(1) in relation to one or more particular EU provisions;



- (b) a general provision is any provision that, although not relating to a particular EU provision, could, if it did so relate, be made in a special Order; and
  - (c) a general provisions Order is an Order made under this Article.
- (3) A general provisions Order may provide that a general provision –
  - (a) is to be read as forming part of any special Order unless that special Order expressly provides otherwise; or
  - (b) is to be read as forming part of a special Order only if that special Order expressly so provides by reference to the general provisions Order.
- (4) Without prejudice to the application of Article 11(4) of the Interpretation (Jersey) Law 1954<sup>6</sup>, a general provisions Order may provide that a general provision applies –
  - (a) in respect of special Orders whenever enacted; or
  - (b) only in respect of special Orders made after the commencement of the general provisions Order.

## **5 Interpretation of EU provisions, Regulations and Orders**

- (1) In this Article “implemented EU provision” means an EU provision in respect of which Regulations or an Order purport –
  - (a) to give effect, wholly or partly, to that EU provision, or to deal with matters arising out of or related to it, under Article 2; or
  - (b) to impose or adapt it under Article 3(2).
- (2) Unless the contrary intention appears, an expression used in Regulations or an Order under Article 2 is to be read –
  - (a) if that expression is used in the implemented EU provision, as having the same meaning as in that provision; or
  - (b) if sub-paragraph (a) does not apply, but that expression is defined in the 1973 Law or in this Law, as having the meaning so assigned.
- (3) Article 3 of the 1973 Law applies to any question as to the validity, meaning or effect of an implemented EU provision that does not have effect in Jersey by virtue of the arrangements for the Channel Islands contained in the EU Treaties, as that Article applies to such a question in relation to a provision or instrument that does have effect in Jersey by virtue of those arrangements.
- (4) Regulations or an Order under Article 2 may provide that paragraph (3) does not apply, at all or to any specified extent, to the EU provision implemented by those Regulations or that Order.

**6 Repeal of European Communities Legislation (Implementation) (Jersey) Law 1996**

- (1) The European Communities Legislation (Implementation) (Jersey) Law 1996<sup>7</sup> is repealed.
- (2) For the purpose of paragraph (3) a “relevant enactment” is an enactment that was –
  - (a) made under the European Communities Legislation (Implementation) (Jersey) Law 1996; and
  - (b) in force immediately before 31st October 2014.
- (3) A relevant enactment –
  - (a) continues in force and is to be treated as if made under this Law; and
  - (b) is to be construed as if any reference in the relevant enactment to the European Community or Communities were a reference to the European Union, and any reference to a Community instrument were to an EU instrument.

**7 Citation**

This Law may be cited as the European Union Legislation (Implementation) (Jersey) Law 2014.

## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement	*Projet No (where applicable)
European Union Legislation (Implementation) (Jersey) Law 2014	L.28/2014	31 October 2014	P.164/2013
United Nations Financial Sanctions (Jersey) Law 2017	L.3/2017	1 April 2017 (R&O.42/2017)	P.108/2016

\*Projets available at [www.statesassembly.gov.je](http://www.statesassembly.gov.je)

### Table of Renumbered Provisions

Original	Current
7	spent
8	7
Schedules 1 and 2	spent, omitted

### Table of Endnote References

- 
- <sup>1</sup> chapter 17.210  
<sup>2</sup> Article 2(6) amended by L.3/2017  
<sup>3</sup> chapter 08.780  
<sup>4</sup> Article 3A inserted by L.3/2017  
<sup>5</sup> chapter 17.918  
<sup>6</sup> chapter 15.360  
<sup>7</sup> L.2/1996 (chapter 17.245)