

## Jersey & Guernsey Law Review – October 2013

### SUMMARY OF LEGISLATION

#### BAILIWICK OF JERSEY

1 May–31 August 2013

#### 1. LAWS ADOPTED BY THE STATES

- (a) [\*Procureurs du Bien Public \(Terms of Office\) \(Jersey\) Law 201-\*](#)  
(P.45/2013—adopted in 3rd reading, 14.5.13)  
This Law provides for the terms of office of *Procureurs du Bien Public*.
- (b) [\*Discrimination \(Jersey\) Law 201-\*](#)  
(P.6/2013—adopted in 3rd reading, 15.5.13)  
This Law introduces protection against discrimination. Initially, the protection afforded by the Law will apply only to discrimination on the ground of race.
- (c) [\*Education \(Amendment No 2\) \(Jersey\) Law 201-\*](#)  
(P.54/2013—adopted in 3rd reading, 4.6.13)  
This Law revises the power for an Order to be made regarding a person's eligibility for an education grant.
- (d) [\*Wills and Successions \(Amendment No 2\) \(Jersey\) Law 201-\*](#)  
(P.38/2013—adopted in 3rd reading, 18.6.13)  
This Law abolishes *viduité* and extends dower so that it becomes a right enjoyed by a widower to the same extent and on the same terms as by a widow.
- (e) [\*Succession to the Crown \(Jersey\) Law 201-\*](#)  
(P.57/2013—adopted in 3rd reading, 16.7.13)  
This Law makes provision for succession to the Crown in right of the Bailiwick of Jersey.
- (f) [\*Trusts \(Amendment No 6\) \(Jersey\) Law 201-\*](#)  
(P.62/2013—adopted in 3rd reading, 16.7.13)  
This Law makes provision as to the remedies available where there has been a mistake in a transfer or disposition, or the exercise of a power, in connection with a trust.
- (g) [\*Social Housing \(Transfer\) \(Jersey\) Law 201-\*](#)  
(P.63/2013—adopted in 3rd reading, 17.7.13)  
This Law provides for the transfer from the States to a company limited by guarantee of certain assets, rights and liabilities of the States connected with the provision of social housing.

- (h) [\*Firearms \(Amendment No 3\) \(Jersey\) Law 201-\*](#)  
(P.69/2013—adopted in 3rd reading, 17.7.13)  
This Law revises the offence of having an offensive weapon in a public place without lawful authority or reasonable excuse.

## **2. LAWS, ORDERS IN COUNCIL, ETC REGISTERED IN THE ROYAL COURT**

- (a) [\*Restriction on Smoking \(Amendment No 3\) \(Jersey\) Law 2013\*](#)  
(L.7/2013—registered 21.6.13. Not in force)
- (b) [\*Education \(Amendment No 2\) \(Jersey\) Law 2013\*](#)  
(L.8/2013—registered 19.7.13. In force 26.7.13)
- (c) [\*Procureurs du Bien Public \(Terms of Office\) \(Jersey\) Law 2013\*](#)  
(L.9/2013—registered 19.7.13. In force 26.7.13)

## **3. APPOINTED DAY ACTS**

- (a) [\*Control of Housing and Work \(Jersey\) Law 2012 \(Appointed Day\) Act 2013\*](#)  
(R&O.63/2013—in force 1.5.13)  
Whole Law brought into force on 01.07.13.
- (b) [\*Register of Names and Addresses \(Jersey\) Law 2012 \(Appointed Day\) Act 2013\*](#)  
(R&O.64/2013—in force 1.5.13)  
Whole Law brought into force on 01.07.13.
- (c) [\*Security \(Interests\) \(Jersey\) Law 2012 \(Appointed Day\) Act 2013\*](#)  
(R&O.104/2013—in force 17.7.13)  
Articles 1–4A, 8, 9, 14(1), 60–84, 90–93, 95 and 96 of, and paras 1 and 6 of Schedule 2 to, the Law brought into force on 01.10.13; remainder brought into force on 02.01.14.
- (d) [\*States of Jersey Police Force Law 2012 \(Appointed Day\) Act 2013\*](#)  
(R&O.105/2013—in force 17.7.13)  
Articles 1, 2, 3(1)–(4), 17(1)–(4), 18–20 and 34 of, and, to the extent that it repeals art 8(1) and (2) and 9(3) of the Police Force (Jersey) Law 1974, para 11(9) of Schedule 1 to, the Law brought into force on 24.07.13.

## **4. REGULATIONS MADE BY THE STATES**

- (a) [\*Policing of Parks \(Amendment No 5\) \(Jersey\) Regulations 2013\*](#)  
(R&O.62/2013—in force 8.5.13)  
These Regulations designates Florence Boot Playing Fields, Grainville Playing Fields and Les Quennevais Playing Fields as parks.
- (b) [\*Unlawful Public Entertainments \(Jersey\) Regulations 2013\*](#)  
(R&O.71/2013—in force 21.7.13)

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These Regulations continue the restriction that the Bailiff's permission is required for the holding of a public entertainment.

- (c) [\*Control of Housing and Work \(Transitional and Consequential Provisions\) \(No 2\) \(Jersey\) Regulations 2013\*](#)  
(R&O.72/2013—in force 1.7.13)  
These Regulations make transitional arrangements regarding the returns of staffing levels that employers must make and other matters.
- (d) [\*Taxation \(Accounting Records\) \(Jersey\) Regulations 2013\*](#)  
(R&O.73/2013—in force 11.6.13)  
These Regulations impose minimum standards for record keeping by entities that receive or possess income or profits from a business or from letting property.
- (e) [\*Taxation \(Implementation\) \(Disclosure Facility\) \(Jersey\) Regulations 2013\*](#)  
(R&O.81/2013—in force 25.6.13)  
These Regulations requires financial institutions to notify their clients who are taxpayers in the United Kingdom of the disclosure facility described in the Memorandum of Understanding reproduced in the Schedule to the Regulations.
- (f) [\*Taxation \(Double Taxation\) \(Amendment No 2\) \(Jersey\) Regulations 2013\*](#)  
(R&O.93/2013—in force 2.7.13)  
These Regulations implement double taxation agreements with Guernsey, Isle of Man and Luxembourg.
- (g) [\*Security Interests \(Amendment of Law\) \(Jersey\) Regulations 2013\*](#)  
(R&O.102/2013—in force 1.10.13)  
These Regulations make miscellaneous amendments to the Security Interests (Jersey) Law 2012, in particular as to the descriptions of security interests to which that Law applies and as to the transitional provisions applicable upon its commencement.
- (h) [\*Dwelling-Houses \(Rent Control\) \(Standard Tenancy Agreement\) \(Amendment\) \(Jersey\) Regulations 2013\*](#)  
(R&O.103/2013—in force 24.7.13)  
These Regulations amend the standard form of written contract for exemption control so that it complies with the requirements of the Residential Tenancy (Jersey) Law 2011.
- (i) [\*Income Support \(Amendment No 9\) \(Jersey\) Regulations 2013\*](#)  
(R&O.106/2013—Regulation 3 in force 7.10.13; remainder in force 25.7.13)  
These Regulations revise rates for the housing component of income support.

- (j) [\*States of Jersey \(Transfer of Functions No 6\) \(Economic Development and Treasury and Resources to Chief Minister\) \(Jersey\) Regulations 2013\*](#)  
(R&O.107/2013—in force 19.7.13)  
These Regulations transfer functions associated with financial services legislation and financial crime to the Chief Minister.

## 5. OTHER SUBORDINATE LEGISLATION OF NOTE

- (a) [\*Control of Housing and Work \(Exemptions\) \(Jersey\) Order 2013\*](#)  
(R&O.85/2013—in force 1.7.13)  
This Order sets out various exemptions from requirements and other provisions under the Control of Housing and Work (Jersey) Law 2012.
- (b) [\*Control of Housing and Work \(Guidance on Temporary Absence and Significant Ownership\) \(Jersey\) Order 2013\*](#)  
(R&O.87/2013—in force 1.7.13)  
This Order gives effect to guidance issued under the Control of Housing and Work (Jersey) Law 2012. The guidance is set out in R.69/2012 and R.70/2012.
- (c) [\*Control of Housing and Work \(Exemptions\) \(Amendment\) \(Jersey\) Order 2013\*](#)  
(R&O.112/2013—in force 30.7.13)  
This Order amends R&O.85/2013, referred to above.
- (d) [\*Money Laundering \(Amendment No 5\) \(Jersey\) Order 2013\*](#)  
(R&O.115/2013—in force 9.8.13)  
This Order further amends the Money Laundering (Jersey) Order 2008, to align it with certain of the revised recommendations of the Financial Action Task Force on Money Laundering, and to clarify the application in certain circumstances of simplified or, as the case may be, enhanced customer due diligence measures.

**BAILIWICK OF GUERNSEY**

**1 May–31 August 2013**

**A. GUERNSEY**

**1. LAWS APPROVED BY THE STATES OF DELIBERATION**

- (a) *Debt Relief (Developing Countries) (Guernsey and Alderney) Law, 2013*  
(*Billet d'État* No XII of 2013. Approved 26.06.13)  
The Law limits the capacity of creditors to enforce payment of qualifying debt through courts in Guernsey and Alderney. In broad terms, “qualifying debts” are those public, or publicly guaranteed, debts owed to non-resident creditors incurred before the operative date (17.05.13—*Billet* publication date) by countries to which the Initiative applies or potentially eligible Initiative countries. The Initiative is the enhanced Heavily Indebted Poor Countries Initiative of the International Monetary Fund and the World Bank. The Law limits recovery of qualifying debts to a relevant proportion in accordance with the intent of the Initiative.
- (b) *Aviation Registry (Guernsey) Law, 2013*  
(*Billet d'État* No XII of 2013. Approved 26.06.13)  
This Law establishes the Office of the Aircraft Registrar and creates an aircraft registry in Guernsey, together with a subordinate engines register and charges register.

**2. ORDINANCES APPROVED BY THE STATES OF DELIBERATION**

- (a) *Income Tax (Guernsey) (Approval of Agreements with Brazil, Isle of Man, Jersey, Mauritius and Singapore) Ordinance, 2013*  
(*Billet d'État* No VIII of 2013. Approved 29.05.13—in force 29.05.13)  
This Ordinance specifies the agreements providing for the obtaining and exchanging of information in relation to tax, made for the purposes of the Income Tax (Guernsey) Law, 1975. The agreements specified were made between the States of Guernsey and the Governments of Jersey, the Isle of Man, the Federative Republic of Brazil, the Republic of Mauritius and the Republic of Singapore, and were signed in January and February 2013.
- (b) *Income Tax (Guernsey) (Approval of Agreement with Qatar) Ordinance, 2013*  
(*Billet d'État* No XII of 2013. Approved 26.06.13—in force 26.06.13)

This Ordinance specifies the agreement providing for the obtaining and exchanging of information in relation to tax, made for the purposes of the Income Tax (Guernsey) Law, 1975. The agreement specified was made between the States of Guernsey and the Government of the State of Qatar, and was signed on 22.02.13.

- (c) *Supplementary Benefit (Classes of persons to whom the Law applies) (Amendment) Ordinance, 2013*  
(*Billet d'État* No XV of 2013. Approved 30.07.13—in force 30.07.13)

This Ordinance amends part of the definition of “child” in the Supplementary Benefit (Classes of persons to whom the Law applies) Ordinance, 2009 so that it means a person who is under 7 years of age.

- (d) *Employment Agencies (Enabling Provisions) (Bailiwick of Guernsey) Law, 2012 (Commencement) (Guernsey and Alderney) Ordinance, 2013*  
(*Billet d'État* No XV of 2013. Approved 30.07.13—in force 01.08.13)

This Ordinance commences the Employment Agencies (Enabling Provisions) (Bailiwick of Guernsey) Law, 2012 on 01.08.13 in Guernsey and Alderney. (The Law provides for its commencement in Sark by Ordinance made by Chief Pleas.)

### **3. ORDINANCES, SUBORDINATE LEGISLATION ETC LAID BEFORE THE STATES OF DELIBERATION**

- (a) *Mental Health (Miscellaneous Provisions) (Guernsey and Alderney) Ordinance, 2013*  
(*Billet d'État* No VIII of 2013. Made by the Legislation Select Committee—in force 08.04.13 and laid on 29.05.13)
- (b) *Foundations (Guernsey) Law, 2012 (Commencement) Regulations, 2013*  
(*Billet d'État* No VIII of 2013. Made by the Commerce and Employment Department—in force 08.01.13 and laid on 29.05.13)
- (c) *Foundations (Guernsey) (Fees) Regulations, 2013*  
(*Billet d'État* No VIII of 2013. Made by the Commerce and Employment Department—in force 08.01.13 and laid on 29.05.13)
- (d) *Liquor Licence (Fees) Regulations, 2013*  
(*Billet d'État* No VIII of 2013. Made by the Home Department—in force 01.06.13 and laid on 29.05.13)
- (e) *Motor Vehicles, Licensing, Traffic and Public Transport (Fees) (Guernsey) Regulations, 2013*

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*(Billet d'État No VIII of 2013. Made by the Environment Department—in force 01.04.13 and laid on 29.05.13)*

- (f) *Civil Contingencies (Contingencies Planning) (Bailiwick of Guernsey) Regulations, 2013*  
*(Billet d'État No VIII of 2013. Made by the Civil Contingencies Authority—in force 01.04.13 and laid on 29.05.13)*
- (g) *North Korea (Restrictive Measures) (Guernsey) (Amendment) Ordinance, 2013*  
*(Billet d'État No XII of 2013. Made by the Legislation Select Committee—in force on 22.04.13 and laid on 26.06.13)*
- (h) *Merchant Shipping (Oil Pollution) (Supplementary Fund Protocol) (Bailiwick of Guernsey) (Commencement) Order, 2013*  
*(Billet d'État No XII of 2013. Made by the States Public Services Department—in force on 17.04.13 and laid on 26.06.13)*
- (i) *Foreign Tax (Retention Arrangements) (Guernsey and Alderney) (Amendment) Ordinance, 2013*  
*(Billet d'État No XV of 2013. Made by the Legislation Select Committee—in force on 01.07.13 or the date on which the agreement on the taxation of savings income between Guernsey and Croatia is made, whichever is the later, and laid on 30.07.13)*
- (j) *Myanmar/Burma (Restrictive Measures) (Guernsey) Ordinance, 2013*  
*(Billet d'État No XV of 2013. Made by the Legislation Select Committee—in force on 20.05.13 and laid on 30.07.13)*
- (k) *Health Service (Benefit) (Limited List) (Pharmaceutical Benefit) (Amendment) (No.2) Regulations, 2013*  
*(Billet d'État No XV of 2013. Made by the Social Security Department—in force on 07.05.13 and laid on 30.07.13)*

#### **4. LAWS, ORDERS IN COUNCIL, ETC REGISTERED IN THE ROYAL COURT OF GUERNSEY**

None registered during the period under review.

#### **5. SARK ORDINANCES CONSIDERED BY THE ROYAL COURT UNDER S 39(1) OF THE REFORM (SARK) LAW 2008**

- (a) *Egypt (Freezing of Funds) (Sark) (Amendment) Ordinance, 2013*  
(Made by General Purposes and Advisory Committee in exercise of its powers under s 41 of the Reform (Sark) Law, 2008. In force on 02.04.13. Laid before the Chief Pleas of Sark on 03.07.13—placed before the Private Court on 23.05.13)
- (b) *Tunisia (Freezing of Funds) (Sark) (Amendment) Ordinance, 2013*  
(Made by General Purposes and Advisory Committee in exercise of its powers under s 41 of the Reform (Sark) Law, 2008. In force on

02.04.13. Laid before the Chief Pleas of Sark on 03.07.13—placed before the Private Court on 23.05.13)

- (c) *Iran (Restrictive Measures) (Sark) (Amendment) Ordinance, 2013*  
(Made by General Purposes and Advisory Committee in exercise of its powers under s 41 of the Reform (Sark) Law, 2008. In force on 02.04.13. Laid before the Chief Pleas of Sark on 03.07.13—placed before the Private Court on 23.05.13)
- (d) *North Korea (Restrictive Measures) (Sark) (Amendment) Ordinance, 2013*  
(Made by General Purposes and Advisory Committee in exercise of its powers under s 41 of the Reform (Sark) Law, 2008. In force on 12.04.13. Laid before the Chief Pleas of Sark on 03.07.13—placed before the Private Court on 23.05.13)
- (e) *Mental Health (Bailiwick of Guernsey) Law, 2010 (Commencement) (Sark) Ordinance, 2013*  
(Made by the Chief Pleas of Sark on 10.04.13. In force on 10.04.13—placed before the Private Court on 23.05.13)
- (f) *Mental Health (Miscellaneous Provisions) (Sark) Ordinance, 2013*  
(Made by the Chief Pleas of Sark on 10.04.13. In force on 10.04.13—placed before the Private Court on 23.05.13)
- (g) *Traps (Sark) Ordinance, 2013*  
(Made by the Chief Pleas of Sark on 10.04.13. In force on 10.04.13—placed before the Private Court on 23.05.13)
- (h) *Myanmar/Burma (Restrictive Measures) (Sark) Ordinance, 2013*  
(Made by General Purposes and Advisory Committee in exercise of its powers under s 41 of the Reform (Sark) Law, 2008. In force on 04.06.13. To be laid before the Chief Pleas of Sark on 02.10.13—placed before the Private Court on 11.07.13)
- (i) *Libya (Restrictive Measures) (Sark) (Amendment) Ordinance, 2013*  
(Made by General Purposes and Advisory Committee in exercise of its powers under s 41 of the Reform (Sark) Law, 2008. In force on 10.06.13. To be laid before the Chief Pleas of Sark on 02.10.13—placed before the Private Court on 11.07.13)

## 6. RULES OF COURT

None registered during the period under review.

**B. ALDERNEY**

**1. LAWS APPROVED BY THE STATES OF ALDERNEY**

None approved during the period under review.

**2. ORDINANCES APPROVED BY THE STATES OF ALDERNEY**

- (a) *Speed Trials (Alderney) Ordinance, 2013*  
(Billet d'État 19.06.13. Approved 19.06.13—in force 19.06.13)
- (b) *North Korea (Restrictive Measures) (Alderney) (Amendment) Ordinance, 2013*  
(Billet d'État 19.06.13. Approved 19.06.13—in force 19.06.13)
- (c) *Iran (Restrictive Measures) (Alderney) (Amendment) Ordinance, 2013*  
(Billet d'État 19.06.13. Approved 19.06.13—in force 19.06.13)
- (d) *Tunisia (Freezing of Funds) (Alderney) (Amendment) Ordinance, 2013*  
(Billet d'État 19.06.13. Approved 19.06.13—in force 19.06.13)
- (e) *Egypt (Freezing of Funds) (Alderney) (Amendment) Ordinance, 2012*  
(Billet d'État 19.06.13. Approved 19.06.13—in force 19.06.13)
- (f) *Housing (Exemptions) (Alderney) Ordinance, 2013*  
(Billet d'État 17.07.13. Approved 15.07.13—in force 15.07.13)
- (g) *Alderney eGambling (Amendment) Ordinance, 2013*  
(Billet d'État 17.07.13. Approved 15.07.13—in force 18.07.13, with the exception of ss 4 and 5, which shall come into force on the day appointed by regulations made by the Commission)
- (h) *Myanmar/Burma (Restrictive Measures) (Alderney) Ordinance, 2013*  
(Billet d'État 17.07.13. Approved 15.07.13—in force 15.07.13)

### C. SARK

#### 1. LAWS APPROVED BY THE CHIEF PLEAS OF SARK

None approved during the period under review.

#### 2. ORDINANCES APPROVED BY THE CHIEF PLEAS OF SARK

None approved during the period under review.

#### 3. ORDINANCES LAID BEFORE THE CHIEF PLEAS OF SARK

- (a) *Egypt (Freezing of Funds) (Sark) (Amendment) Ordinance, 2013*  
(Made by General Purposes and Advisory Committee in exercise of its powers under s 41 of the Reform (Sark) Law, 2008. In force on 02.04.13. Laid before the Chief Pleas of Sark on 03.07.13)
- (b) *Tunisia (Freezing of Funds) (Sark) (Amendment) Ordinance, 2013*  
(Made by General Purposes and Advisory Committee in exercise of its powers under s 41 of the Reform (Sark) Law, 2008. In force on 02.04.13. Laid before the Chief Pleas of Sark on 03.07.13)
- (c) *Iran (Restrictive Measures) (Sark) (Amendment) Ordinance, 2013*  
(Made by General Purposes and Advisory Committee in exercise of its powers under s 41 of the Reform (Sark) Law, 2008. In force on 02.04.13. Laid before the Chief Pleas of Sark on 03.07.13)
- (d) *North Korea (Restrictive Measures) (Sark) (Amendment) Ordinance, 2013*  
(Made by General Purposes and Advisory Committee in exercise of its powers under s 41 of the Reform (Sark) Law, 2008. In force on 12.04.13. Laid before the Chief Pleas of Sark on 03.07.13)