



Jersey

# **TERRORISM (JERSEY) LAW 2002**

## **Official Consolidated Version**

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Jersey

# TERRORISM (JERSEY) LAW 2002

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Jersey

## **TERRORISM (JERSEY) LAW 2002<sup>1</sup>**

**A LAW** to replace the Prevention of Terrorism (Jersey) Law 1996 and to make further provision about terrorism

Commencement [[see endnotes](#)]

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### **PART 1**

#### **INTERPRETATION<sup>2</sup>**

##### **1 General interpretation<sup>3</sup>**

(1) In this Law –

“act of terrorism” means an act or threat of a kind described in Article 2;

“association” includes an unincorporated body;

“customs officer” means the Agent of the Impôts and any other officer of the Impôts appointed pursuant to Article 4 of the [Customs and Excise \(Jersey\) Law 1999](#);

“designated customs officer” means an officer of the Impôts who is designated under Article 26(2) or, if no such officer is designated for the time being, the Agent of the Impôts;

“designated police officer” means an officer of the Force who is designated under Article 26(1) or, if no such officer is designated for the time being, the Chief Officer of the Force;

“explosive” means –

- (a) an article or substance manufactured for the purpose of producing a practical effect by explosion, or intended for that purpose by a person possessing the article or substance;
- (b) materials for making an article or substance within paragraph (a);
- (c) anything used or intended to be used for causing or assisting in causing an explosion;
- (d) a part of anything within sub-paragraph (a) or (c);

“financial institution” means a person carrying on any business described in Schedule 2 to the [Proceeds of Crime \(Jersey\) Law 1999](#);

“financial services” has the meaning given by the [Terrorist Asset-Freezing \(Jersey\) Law 2011](#);

“firearm” includes a gun or an air pistol;

“Force” means the States of Jersey Police Force;

“Immigration Act 1971” means the Immigration Act 1971 of the United Kingdom Parliament as it is extended to Jersey by Order in Council;

“immigration officer” means a person appointed as an immigration officer under paragraph 1 of Schedule 2 to the Immigration Act 1971;

“Islands” means the Bailiwick of Guernsey and the Isle of Man;

“legal representative” means an advocate, solicitor, or any person who, not being an advocate or solicitor, is employed by a firm of advocates or solicitors and notified by that employer to the Chief Officer of the Force as a legal representative for the purposes of this Law;

“Minister” means the Minister for Home Affairs;

“organization” includes any association, group or combination of persons;

“police officer” means an officer of the Force or a member of the Honorary Police;

“premises” includes a place and in particular includes a vehicle, installation, tent or moveable structure;

“property” means all property, whether movable or immovable, or vested or contingent, and whether in Jersey or elsewhere, including –

- (a) any legal document or instrument evidencing title to or interest in any such property;
- (b) any interest in or power in respect of any such property;
- (c) in relation to movable property, any right, including a right to possession,

and for the avoidance of doubt, a reference in this Law to property being obtained by a person includes a reference to any interest in that property being obtained;

“proscribed organization” shall be construed in accordance with Article 6;

“road” has the meaning given by Article 1 of the [Road Traffic \(Jersey\) Law 1956](#);

“terrorism” has the meaning given by Article 2;

“terrorist entity” has the meaning given by Article 4;

“terrorist investigation” means an investigation of any of the following –

- (a) the commission, preparation or instigation of an act of terrorism or of any offence under this Law;
- (b) action facilitating the commission, preparation or instigation of such an act or offence;

- (c) property which is or is alleged to be terrorist property; or
- (d) action which appears to have been taken for the purposes of terrorism;

“terrorist property” has the meaning given by Article 3;

“vehicle”, except in Articles 44 to 48 and Schedule 8, includes an aircraft, hovercraft, or vessel.<sup>4</sup>

- (2) A reference in this Law to an Act of the United Kingdom is a reference to that enactment as amended from time to time.
- (3) A reference in this Law, without more, to action taken for the purposes of terrorism includes a reference to action taken for the benefit or support (as defined by Article 15(3)(c)) of a terrorist entity.<sup>5</sup>

## 2 Meaning of “terrorism”<sup>6</sup>

- (1) In this Law, “terrorism” means –
  - (a) an act which constitutes an offence under the laws of Jersey and is listed in Schedule 10 to this Law; or
  - (b) an act falling within paragraph (2), where the act or threat of such an act is intended or may reasonably be regarded as intended –
    - (i) to influence, coerce or compel the States of Jersey or the government of any other place or country, or an international organization, to do or refrain from doing any act, or
    - (ii) to intimidate the public or a section of the public,and the act is done or the threat is made for the purpose of advancing a political, racial, religious or ideological cause.
- (2) An act falls within this paragraph if it is an act other than one referred to in paragraph (1)(a) which –
  - (a) is intended to cause the death of, or serious injury to, a person not taking an active part in hostilities in a situation of armed conflict;
  - (b) creates a serious risk to the health or safety of the public or a section of the public;
  - (c) involves serious damage to property;
  - (d) seriously disrupts or seriously interferes with any electronic system or the provision of any service directly relating to communications infrastructure, banking and financial services, public utilities, transportation or other infrastructure;
  - (e) seriously disrupts or seriously interferes with the provision of emergency police, fire and rescue or medical services; or
  - (f) involves prejudice to national security or national defence.
- (3) An act or the threat of an act falling within paragraph (2) which involves the use of firearms or explosives is terrorism whether or not sub-paragraph (i) or (ii) of paragraph (1)(b) is satisfied.
- (4) For the purposes of this Article –

- (a) a reference to an act includes an act carried out in a place or country other than Jersey;
  - (b) a reference to a person or to property is a reference to any person or to property wherever situated;
  - (c) a reference to the public includes reference to the public in a place or country other than Jersey.
- (5) The Minister may by Order amend Schedule 10 to add or delete an offence for the purposes of this Article.

### **3 Meaning of “terrorist property”<sup>7</sup>**

- (1) In this Law, “terrorist property” –
- (a) means property which is intended to be used or likely to be used, in whole or in part, directly or indirectly, for the purposes of terrorism or for the support of a terrorist entity; and
  - (b) includes, but is not limited to, the resources of a terrorist entity.
- (2) Reference in paragraph (1)(b) to resources includes reference to any property which is applied or made available, or is intended to be applied or made available, for use by a terrorist entity.

### **4 Meaning of “terrorist entity”<sup>8</sup>**

- (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.<sup>9</sup>
- (2) For the purposes of paragraph (1) it does not matter –
- (a) whether a specific act of terrorism is committed or not; nor
  - (b) whether, if an act of terrorism is in fact committed, it is committed by an entity charged with an offence under this Law or any other enactment, or by a related entity.
- (3) In this Article –
- (a) “entity” includes an organization (whether or not proscribed), and a legal or natural person;
  - (b) one entity is related to another where –
    - (i) one entity directs or controls another,
    - (ii) one entity participates as an accomplice in the acts of another, or

- (iii) one entity contributes to the commission of acts by the other intentionally and with the knowledge of the intention of the other to commit such acts.

5 10

## PART 2

### PROSCRIBED ORGANIZATIONS

#### *Procedure*

#### 6 **Proscription**

- (1) For the purposes of this Law an organization is proscribed if –
  - (a) it is listed in Schedule 1;
  - (b) it operates under the same name as an organization listed in that Schedule; or
  - (c) it is proscribed by virtue of or under section 3 of the Terrorism Act 2000 (c. 11) of the United Kingdom Parliament.<sup>11</sup>
- (2) Paragraph (1)(b) shall not apply in relation to an organization listed in Schedule 1 if its entry is the subject of a note in that Schedule.
- (3) The Minister may by Order –
  - (a) add an organization to Schedule 1;
  - (b) remove an organization from that Schedule;
  - (c) amend that Schedule in some other way.
- (4) The Minister may exercise the Minister's power under paragraph (3)(a) in respect of an organization only if the Minister believes that it is concerned in terrorism.
- (5) For the purposes of paragraph (4) an organization is concerned in terrorism if it –
  - (a) commits or participates in acts of terrorism;
  - (b) prepares for terrorism;
  - (c) promotes or encourages terrorism; or
  - (d) is otherwise concerned in terrorism.

#### 7 **Deproscription: application**

- (1) An application may be made to the Minister for the exercise of the Minister's power under Article 6(3)(b) to remove an organization from Schedule 1.
- (2) An application may be made by –

- (a) the organization; or
  - (b) any person affected by the organization's proscription.
- (3) The Minister shall make an Order prescribing the procedure for applications under this Article.
- (4) An Order under paragraph (3) shall, in particular –
  - (a) require the Minister to determine an application within a specified period of time; and
  - (b) require an application to state the grounds on which it is made.

## **8 Deproscription: appeal**

- (1) There shall be a commission, to be known as the Proscribed Organizations Appeal Commission.
- (2) Where an application under Article 7 has been refused, the applicant may appeal to the Commission.
- (3) The Commission shall allow an appeal against a refusal to deproscribe an organization if it considers that the decision to refuse was flawed when considered in the light of the principles applicable on an application for judicial review.
- (4) Where the Commission allows an appeal under this Article by or in respect of an organization, it may make an order under this paragraph.
- (5) Where an order is made under paragraph (4) the Minister shall as soon as is reasonably practicable make an Order under Article 6(3)(b) removing the organization from the list in Schedule 1.
- (6) Schedule 2 shall have effect in respect of the constitution and procedures of the Commission.

## **9 Further appeal**

- (1) A party to an appeal under Article 8 which the Commission has determined may bring a further appeal on a question of law to the Court of Appeal.
- (2) An appeal under paragraph (1) may be brought only with the permission –
  - (a) of the Commission; or
  - (b) where the Commission refuses permission, of the Court of Appeal.
- (3) An order under Article 8(4) shall not require the Minister to take any action until the final determination or disposal of an appeal under this Article (including any appeal to the Privy Council).

## **10 Appeal: effect on conviction, etc.**

- (1) This Article applies where –
  - (a) an appeal under Article 8 has been allowed in respect of an organization;

- (b) an order has been made under Article 6(3)(b) in respect of the organization in accordance with an order of the Commission under Article 8(4);
  - (c) a person has been convicted of an offence in respect of the organization under any of Articles 12 to 16, 20 and 52; and
  - (d) the activity to which the charge referred took place on or after the date of the refusal to deproscribe against which the appeal under Article 8 was brought.<sup>12</sup>
- (2) If the person mentioned in paragraph (1)(c) was convicted by or before the Royal Court –
  - (a) the person may appeal against the conviction to the Court of Appeal; and
  - (b) the Court of Appeal shall allow the appeal.
- (3) A person may appeal against a conviction by virtue of paragraph (2) whether or not he or she has already appealed against the conviction.
- (4) An appeal by virtue of paragraph (2) –
  - (a) must be brought within the period of 28 days beginning with the date on which the order mentioned in paragraph (1)(b) comes into force; and
  - (b) shall be treated as an appeal under Article 24 of the [Court of Appeal \(Jersey\) Law 1961](#) (but does not require any leave).
- (5) If the person mentioned in paragraph (1)(c) was convicted by the Magistrate's Court –
  - (a) the person may appeal against the conviction to the Royal Court; and
  - (b) the Royal Court shall allow the appeal.
- (6) A person may appeal against a conviction by virtue of paragraph (5) –
  - (a) whether or not he or she pleaded guilty;
  - (b) whether or not he or she has already appealed against the conviction; and
  - (c) whether or not he or she has made an application in respect of the conviction under Article 37 of the [Criminal Procedure \(Jersey\) Law 2018](#).<sup>13</sup>
- (7) An appeal by virtue of paragraph (5) –
  - (a) must be brought within the period of 28 days beginning with the date on which the order mentioned in paragraph (1)(b) comes into force; and
  - (b) shall be treated as an appeal under Article 33(2)(b) of the [Criminal Procedure \(Jersey\) Law 2018](#).<sup>14</sup>

## 11 Evidence: inadmissibility

- (1) The following shall not be admissible as evidence in proceedings for an offence under any of Articles 12 to 16, 20 and 52 –

- (a) evidence of anything done in relation to an application to the Minister under Article 7;
  - (b) evidence of anything done in relation to proceedings before the Commission under Article 8;
  - (c) evidence of anything done in relation to proceedings under Article 9; and
  - (d) any document submitted for the purposes of proceedings mentioned in any of sub-paragraphs (a) to (c).<sup>15</sup>
- (2) But paragraph (1) shall not prevent evidence from being adduced on behalf of the accused.

### *Offences*

## **12 Membership**

- (1) A person commits an offence if he or she belongs or professes to belong to a proscribed organization.
- (2) It is a defence for a person charged with an offence under paragraph (1) to prove –
  - (a) that the organization was not proscribed on the last (or only) occasion on which the person became a member or began to profess to be a member; and
  - (b) that the person has not taken part in the activities of the organization at any time while it was proscribed.
- (3) A person guilty of an offence under this Article shall be liable to imprisonment for a term not exceeding 10 years or to a fine, or both.
- (4) In paragraph (2) “proscribed” means proscribed for the purposes of this Law.

## **13 Support**

- (1) A person commits an offence if –
  - (a) he or she invites support for a proscribed organization; and
  - (b) the support is not, or is not restricted to, the provision of property (within the meaning of Article 15).<sup>16</sup>
- (2) A person commits an offence if he or she arranges, manages or assists in arranging or managing a meeting which he or she knows is –
  - (a) to support a proscribed organization;
  - (b) to further the activities of a proscribed organization; or
  - (c) to be addressed by a person who belongs or professes to belong to a proscribed organization.
- (3) A person commits an offence if he or she addresses a meeting and the purpose of his or her address is to encourage support for a proscribed organization or to further its activities.



- (4) Where a person is charged with an offence under paragraph (2)(c) in respect of a private meeting it is a defence for the person to prove that he or she had no reasonable cause to believe that the address mentioned in paragraph (2)(c) would support a proscribed organization or further its activities.
- (5) In paragraph (2) to (4) –
  - (a) “meeting” means a meeting of 3 or more persons, whether or not the public are admitted; and
  - (b) a meeting is private if the public are not admitted.
- (6) A person guilty of an offence under this Article shall be liable to imprisonment for a term not exceeding 10 years or to a fine, or both.

## **14 Uniform**

- (1) A person in a public place commits an offence if he or she –
  - (a) wears an item of clothing; or
  - (b) wears, carries or displays an article,in such a way or in such circumstances as to arouse reasonable suspicion that the person is a member or supporter of a proscribed organization.
- (2) A person guilty of an offence under this Article shall be liable to imprisonment for a term of 6 months and to a fine.<sup>17</sup>

## **PART 3**

### **OFFENCES RELATING TO TERRORIST FINANCING<sup>18</sup>**

## **15 Use and possession etc. of property for purposes of terrorism<sup>19</sup>**

- (1) It is an offence for a person to use property for the purposes of terrorism (and for the avoidance of doubt such purposes include the support of a terrorist entity).<sup>20</sup>
- (2) It is an offence for a person –
  - (a) to possess property;
  - (b) to provide, or invite another to provide, property or a financial service; or
  - (c) 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, for the purposes of terrorism (and for the avoidance of doubt such purposes include the support of a terrorist entity).<sup>21</sup>
- (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).<sup>22</sup>
- (3) In this Article –
- (a) reference to the use of property includes use in whole or in part, directly or indirectly;
  - (b) reference to the provision of property or a financial service is a reference to the property or service being given, lent, or otherwise made available, whether or not for consideration; and
  - (c) “support of a terrorist entity” includes, but is not limited to, support by way of providing or subsidizing educational or other day-to-day living expenses.
- (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.

## **16 Dealing with terrorist property<sup>23</sup>**

- (1) It is an offence for a person to do any act (including but not limited to an act listed in paragraph (3)) which facilitates the retention or control of terrorist property.
- (2) It is a defence for a person charged with an offence under paragraph (1) to prove that the person did not know or suspect or had no reasonable grounds to suspect that –
  - (a) the purpose of the act was to facilitate the retention or control of terrorist property; or
  - (b) the property in question was terrorist property.
- (3) The following acts are those mentioned in paragraph (1) –
  - (a) concealing or disguising the property;
  - (b) removing the property from Jersey;
  - (c) transferring the property to nominees.
- (4) In paragraph (1), reference to doing an act includes reference to omitting to do something.
- (5) In paragraph (3)(a), reference to concealing or disguising property includes concealing or disguising its nature, source, location, disposition, movement or ownership or any rights with respect to it.
- (6) A person guilty of an offence under this Article shall be liable to imprisonment for a term not exceeding 14 years or a fine, or both.

**16A Insuring against payments made in response to terrorist demands<sup>24</sup>**

- (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.

**17 Articles 15, 16 and 16A: jurisdiction<sup>25</sup>**

- (1) A person who does anything outside Jersey which, if it were done in Jersey, would constitute an offence under Article 15, 16 or 16A, may be charged with that offence and if found guilty shall be liable to the penalty provided for that offence.<sup>26</sup>
- (2) For the purposes of this Article, Article 16(3)(b) shall be read as if for “Jersey” there were substituted “a country or place outside Jersey”.

**18 Offences under Articles 15, 16 and 16A: co-operation with police<sup>27</sup>**

- (1) No offence is committed under Article 15, 16 or 16A if a person acting with the express consent of an officer of the Force or customs officer does anything which would, apart from this paragraph, amount to the commission of an offence under either of those Articles.<sup>28</sup>
- (2) No offence is committed under Article 15, 16 or 16A if a person involved in a transaction or arrangement relating to property discloses, in accordance with the conditions set out in paragraph (4) –
  - (a) a suspicion or belief that the property is terrorist property; and
  - (b) the information on which the suspicion or belief is based.<sup>29</sup>
- (3) No offence is committed under Article 15(2)(b) if a person involved in a transaction or arrangement relating to the provision of a financial service discloses, in accordance with the conditions set out in paragraph (4) –

- (a) a suspicion or belief that the service is being or to be provided for the purposes of terrorism or for the support of a terrorist entity; and
  - (b) the information on which the suspicion or belief is based.
- (4) The conditions mentioned in paragraph (2) and (3) are that the disclosure is made –
  - (a) after the person became involved in the transaction or arrangement to which the disclosure relates (“the relevant transaction”);
  - (b) to an officer of the Force or a customs officer;
  - (c) in good faith and on the person’s own initiative; and
  - (d) as soon as reasonably practicable.
- (5) The defences provided by paragraphs (2) and (3) cease to apply if –
  - (a) an officer of the Force or customs officer forbids the person to continue involvement in the relevant transaction; but
  - (b) the person continues to be involved.
- (6) It is a defence for a person charged with an offence under Article 15 or 16 to prove that the person –
  - (a) intended to make a disclosure to which paragraph (2) or (3) applies; and
  - (b) has reasonable excuse for failing to do so.
- (7) Paragraph (8) applies where –
  - (a) a person is employed by any other person (“the employer”); and
  - (b) the employer has established procedures for the making of disclosures to which paragraph (2) or (3) would apply if such disclosure were made to an officer of the Force or customs officer.
- (8) Where this paragraph applies, it is a defence for the employed person, if charged with an offence under Article 15 or 16, to prove that a disclosure was made by the person in good faith and in accordance with the employer’s procedures.

## **19 General duty of disclosure of information<sup>30</sup>**

- (1) This Article applies, subject to paragraph (2), where –
  - (a) a person (“A”) believes or suspects that another person has committed an offence under Article 15, 16 or 16A; and
  - (b) the basis for that belief or suspicion is information which comes to A’s attention in the course of A’s trade, profession, business or employment.<sup>31</sup>
- (2) This Article does not apply where the information mentioned in paragraph (1)(b) comes to A in the course of business of a financial institution (in which case Article 21 shall apply).
- (3) Where this Article applies, A must disclose, in accordance with the conditions set out in paragraph (4) –

- (a) the belief or suspicion mentioned in paragraph (1)(a); and
  - (b) the information on which that belief or suspicion is based,and if A does not make such a disclosure, A commits an offence.
- (4) The conditions mentioned in paragraph (3) are that the disclosure is made –
  - (a) to an officer of the Force or a customs officer;
  - (b) in good faith; and
  - (c) as soon as practicable after the information came to A's attention.
- (5) A does not commit an offence under paragraph (3) if –
  - (a) A has a reasonable excuse for not making a disclosure of information; or
  - (b) A is a professional legal adviser and the information or other matter is an item subject to legal privilege.<sup>32</sup>
- (6) Where A is a professional legal adviser, nothing in this Article requires A to disclose an item subject to legal privilege or any belief or suspicion based on information contained in an item subject to legal privilege.<sup>33</sup>
- (7) <sup>34</sup>
- (8) <sup>35</sup>
- (9) Paragraph (10) applies where –
  - (a) a person is employed by any other person except a financial institution ("the employer"); and
  - (b) the employer has established procedures for the making of disclosures of the matters specified in paragraph (3).
- (10) Where this paragraph applies, it is a defence for the employed person, if charged with an offence under paragraph (3), to prove that a disclosure of matters specified in that paragraph was made by the person in good faith and in accordance with the employer's procedures.
- (11) A person guilty of an offence under this Article shall be liable to imprisonment for a term not exceeding 5 years or to a fine, or both.

## **20 Disclosure of information: immunity<sup>36</sup>**

- (1) This Article applies to a disclosure made in good faith to which either paragraph (2) or paragraph (3) applies, and which is made –
  - (a) to an officer of the Force or a customs officer; or
  - (b) where the person making the disclosure is employed by another person, in accordance with any procedures established by the employer for the making of such disclosures.
- (2) This paragraph applies to a disclosure made in the circumstances mentioned in Article 19(1)(a) and (b).
- (3) This paragraph applies to a disclosure of –

- (a) a person's suspicion or belief that any property is, or is derived from, terrorist property; and
  - (b) any matter on which that suspicion or belief is based.
- (4) A disclosure to which this Article applies shall not be treated as a breach of any restriction on the disclosure of information imposed by any enactment or contract or otherwise.

## **21<sup>37</sup> Failure to disclose: financial institutions**

- (1) This Article applies where the conditions in both paragraph (2) and paragraph (3) are fulfilled.<sup>38</sup>
- (2) The first condition is that a person ("A") knows, suspects or has reasonable grounds for suspecting that –
  - (a) another person has committed an offence under Article 15, 16 or 16A; or
  - (b) any property is or may be terrorist property.<sup>39</sup>
- (3) The second condition is that the information or other matter on which A's knowledge or suspicion is based, or which gives reasonable grounds for such suspicion, came to A in the course of business of a financial institution.<sup>40</sup>
- (4) Where this Article applies, A must disclose, in accordance with the conditions set out in paragraph (4A) –
  - (a) the knowledge, suspicion or grounds for suspicion mentioned in paragraph (2); and
  - (b) the information or other matter mentioned in paragraph (3),and if A does not make such a disclosure, A commits an offence.<sup>41</sup>
- (4A) The conditions mentioned in paragraph (4) are that the disclosure is made –
  - (a) to a designated police officer, a designated customs officer or a nominated officer;
  - (b) in good faith; and
  - (c) as soon as is practicable after the information or other matter comes to A.<sup>42</sup>
- (5) But a person does not commit an offence under this Article if –
  - (a) the person has a reasonable excuse for not disclosing the information or other matter;
  - (b) the person is a professional legal adviser and the information or other matter is an item subject to legal privilege.<sup>43</sup>
- (5A) A person does not commit an offence under this Article by failing to disclose any information or other matter that has come to his or her attention, if –
  - (a) it comes to the person in the course of his or her employment in the financial institution;

- (b) the financial institution was required by an Order made under Article 37 of the [Proceeds of Crime \(Jersey\) Law 1999](#) to provide the employee with training, but had not done so;
  - (c) the training, if it had been given, would have been material; and
  - (d) the employee does not know or suspect that the other person concerned had committed an offence under Article 15, 16 or 16A.<sup>44</sup>
- (6) In deciding whether a person has committed an offence under this Article, the court –
- (a) shall take account of any relevant Code of Practice or guidance that applies to that person or the business carried on by that person and is issued by the supervisory body exercising supervisory functions in respect of that person; or
  - (b) if no such Code of Practice or guidance applies, shall take into account any relevant Code of Practice or guidance that is issued by another supervisory body; or
  - (c) if there is no such relevant Code of Practice or guidance, may take account of any other relevant guidance issued by a body that is representative of that person or any supervised business carried on by that person.<sup>45</sup>
- (6A) For the purposes of paragraph (6), “Code of Practice”; “supervisory body”, “supervisory functions” and “supervised business” have the same meaning as in the [Proceeds of Crime \(Supervisory Bodies\) \(Jersey\) Law 2008](#).<sup>46</sup>
- (7) A disclosure to a nominated officer is a disclosure which –
- (a) is made to a person nominated by the employer of the person making the disclosure to receive disclosures under this Article; and
  - (b) is made in the course of the discloser’s employment and in accordance with the procedure established by the employer for the purpose.<sup>47</sup>
- (8) <sup>48</sup>
- (9) <sup>49</sup>
- (10) For the purposes of paragraph (2), a person is to be taken to have committed an offence there mentioned if –
- (a) the person has taken action or been in possession of a thing; and
  - (b) the person would have committed the offence if he or she had been in Jersey at the time when he or she took the action or was in possession of the thing.
- (11) A person guilty of an offence under this Article shall be liable to imprisonment for a term not exceeding 5 years or to a fine, or both.

## 22<sup>50</sup> Protected disclosures

- (1) A disclosure which satisfies the following 3 conditions is not to be taken to breach any restriction on the disclosure of information (however imposed).

- (2) The first condition is that the information or other matter disclosed came to the person making the disclosure in the course of the business of a financial institution.<sup>51</sup>
- (3) The second condition is that the information or other matter –
  - (a) causes the discloser to know or suspect; or
  - (b) gives him or her reasonable grounds for knowing or suspecting, that another person has committed an offence under Article 15, 16 or 16A.<sup>52</sup>
- (4) The third condition is that the disclosure is made to a designated police officer, designated customs officer or nominated officer in good faith and as soon as is practicable after the information or other matter comes to the discloser.<sup>53</sup>
- (5) A disclosure to a nominated officer is a disclosure which –
  - (a) is made to a person nominated by the discloser's employer to receive disclosures under this Article; and
  - (b) is made in the course of the discloser's employment and in accordance with the procedure established by the employer for the purpose.

## **23 Restrictions on disclosure<sup>54</sup>**

- (1) Information which is disclosed to an officer of the Force or customs officer as described in any provision of Articles 18, 19, 20 or 22 shall not be disclosed by that officer, or by any person who obtains the information directly or indirectly from the officer, unless its disclosure is permitted under Article 24 or 25.<sup>55</sup>
- (2) A person who contravenes paragraph (1) shall be guilty of an offence and liable to imprisonment for a term of 6 months and to a fine.<sup>56</sup>
- (3) It is a defence for a person charged with an offence under this Article to prove that the person took all reasonable steps and exercised due diligence to avoid committing the offence.

## **24 Disclosure for purposes within Jersey<sup>57</sup>**

- (1) Article 23 does not prohibit the disclosure of information to a person in Jersey for the purposes of the investigation of crime in Jersey or of criminal proceedings in Jersey.<sup>58</sup>
- (2) Article 23 does not prohibit the disclosure of information, for other purposes in Jersey, to –
  - (a) the Attorney General;
  - (b) the Jersey Financial Services Commission;
  - (c) an officer of the Force or customs officer; or
  - (d) any other person who is for the time being authorized in writing by the Attorney General to obtain that information.<sup>59</sup>



- (3) In this Article, “Jersey Financial Services Commission” means the Commission established under the [Financial Services Commission \(Jersey\) Law 1998](#).<sup>60</sup>

## **25 Disclosure for purposes outside Jersey<sup>61</sup>**

- (1) Article 23 does not prohibit the disclosure of information if –
- (a) the Attorney General has consented to the disclosure and has not withdrawn that consent; and
  - (b) the information is disclosed –
    - (i) for the purposes of the investigation of crime outside Jersey or of criminal proceedings outside Jersey, or
    - (ii) to an authority outside Jersey which is a competent authority for the purposes of Article 3(3) of the [Investigation of Fraud \(Jersey\) Law 1991](#).<sup>62</sup>
- (2) The Attorney General may give consent –
- (a) generally or specifically; and
  - (b) unconditionally or subject to such conditions as the Attorney General may stipulate.
- (3) Without prejudice to the generality of paragraph (2), the Attorney General’s consent may be given in terms which permit the disclosure from time to time (as the occasion requires) of such a class of information as is specified in the consent to such a person or authority or class of persons or authorities as is so specified.
- (4) Without prejudice to the generality of paragraph (2), a condition –
- (a) may be expressed generally or in respect of any specified information;
  - (b) may provide that information may only be disclosed in specified circumstances or for a specified purpose; or
  - (c) may provide that any person or authority to whom information is disclosed shall not disclose it to any other person or body without the prior consent of the Attorney General.

## **26 Designated police and customs officers<sup>63</sup>**

- (1) The Chief Officer of the Force may by public notice designate one or more police officers (whether by reference to the name of the officer or officers or post), being members of that Force, for the purposes of Articles 21 and 22.<sup>64</sup>
- (2) The Agent of the Impôts may by public notice designate one or more officers of the Impôts for the purposes of Articles 21 and 22.<sup>65</sup>

*Forfeiture***27 Forfeiture of property used for purposes of terrorism<sup>66</sup>**

- (1) The court by or before which a person is convicted of an offence under Article 15, 16 or 16A may make a forfeiture order in accordance with the provisions of this Article.<sup>67</sup>
- (2) Where the offence of which the person is convicted is an offence under Article 15, the court may order the forfeiture of any property which, at the time of the offence –
  - (a) was possessed or controlled by that person; and
  - (b) was intended to be used, or there is reasonable cause to suspect would be used, for the purposes of terrorism or for the support of a terrorist entity.
- (3) Where the offence of which the person is convicted is an offence under Article 16, the court may order the forfeiture of the terrorist property in question.
- (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.<sup>68</sup>
- (4) Where a person other than the convicted person claims to be the owner of or otherwise interested in any property which may be forfeit by virtue of an order under this Article, the court shall give that person an opportunity to be heard before making such an order.
- (5) Schedule 3 shall have effect to make further provision as to orders under this Article.

**PART 4****TERRORIST INVESTIGATION***Cordons***28 Cordoned areas**

- (1) An area is a cordoned area for the purposes of the Law if it is designated under this Article.
- (2) A designation may be made by an officer of the Force of at least the rank of chief inspector and only if he or she considers it expedient for the purposes of a terrorist investigation.
- (3) If a designation is made orally, the officer making it shall confirm it in writing as soon as is reasonably practicable.
- (4) The officer making a designation shall arrange for the demarcation of the cordoned area, so far as is reasonably practicable –
  - (a) by means of tape marked with the word “police”; or

- (b) in such other manner as an officer of the Force considers appropriate.
- (5) An officer of the Force who is not of the rank required by paragraph (2) may make a designation if he or she considers it necessary by reasons of urgency.
- (6) Where an officer of the Force makes a designation in reliance on paragraph (5) he or she shall as soon as is reasonably practicable –
  - (a) make a written record of the time at which the designation was made; and
  - (b) ensure that an officer of the Force of at least the rank of chief inspector is informed.
- (7) An officer who is informed of a designation in accordance with paragraph (6)(b) –
  - (a) shall confirm the designation or cancel it with effect from such time as he or she may direct; and
  - (b) shall, if he or she cancels the designation, make a written record of the cancellation and the reason for it.

## **29 Duration**

- (1) A designation under Article 28 has effect, subject to paragraphs (2) to (5), during the period –
  - (a) beginning at the time when it is made; and
  - (b) ending with a date or at a time specified in the designation.
- (2) The date or time specified under paragraph (1)(b) must not occur after the end of the period of 14 days beginning with the day on which the designation is made.
- (3) The period during which a designation has effect may be extended in writing from time to time by –
  - (a) the person who made it; or
  - (b) an officer of the Force of at least the rank of chief inspector.
- (4) An extension shall specify the additional period during which the designation is to have effect.
- (5) A designation shall not have effect after the end of the period of 28 days beginning with the day on which it is made.

## **30 Police powers**

- (1) A police officer may –
  - (a) order a person in a cordoned area to leave it immediately;
  - (b) order a person immediately to leave premises which are wholly or partly in or adjacent to a cordoned area;

- (c) order the driver or person in charge of a vehicle in a cordoned area to move it from the area immediately;
  - (d) arrange for the removal of a vehicle from a cordoned area;
  - (e) arrange for the movement of a vehicle within a cordoned area;
  - (f) prohibit or restrict access to a cordoned area by pedestrians or vehicles.
- (2) A police officer not in uniform shall, if requested by a person given an order or affected by the exercise of any other power under paragraph (1), produce proof of his or her authority.
- (3) A person commits an offence if the person fails to comply with an order, prohibition or restriction imposed by virtue of paragraph (1).
- (4) It is a defence for a person charged with an offence under paragraph (3) to prove that he or she had a reasonable excuse for his or her failure.
- (5) A person guilty of an offence under paragraph (3) shall be liable to imprisonment for a term not exceeding 3 months or to a fine not exceeding level 3 on the standard scale, or both.

### *Information and evidence*

## **31 Powers**

Schedule 5 shall have effect to confer powers required for the purposes of a terrorist investigation.

## **32 Financial information**

Schedule 6 shall have effect to confer powers required to obtain financial information.

## **33 Account monitoring orders**

Schedule 7 shall have effect to confer further powers to obtain information regarding terrorist finance.

## **34 Information about acts of terrorism**

- (1) This Article applies where a person has information which he or she knows or believes might be of material assistance –
  - (a) in preventing the commission by another person of an act of terrorism;
  - (b) in securing the apprehension, prosecution or conviction of another person, in Jersey, for an offence involving the commission, preparation or instigation of an act of terrorism.
- (2) The person commits an offence if he or she does not disclose the information as soon as reasonably practicable in accordance with paragraph (3).

- (3) Disclosure is in accordance with this paragraph if it is made to an officer of the Force.
- (4) It is a defence for a person charged with an offence under paragraph (2) to prove that he or she had a reasonable excuse for not making the disclosure.
- (5) A person guilty of an offence under this Article shall be liable to imprisonment for a term not exceeding 5 years or to a fine, or both.
- (6) Proceedings for an offence under this Article may be taken, and the offence may for the purposes of those proceedings be treated as having been committed, in any place where the person charged is or has at any time been since he or she first knew or believed that the information might be of material assistance as mentioned in paragraph (1).
- (7) Where –
  - (a) a disclosure is made; and
  - (b) a failure to have made it would have constituted an offence under this Article,the disclosure is not to be taken to breach any restriction on the disclosure of information (however imposed).

### **35 Tipping off and interference with material<sup>69</sup>**

- (1) Paragraph (2) applies where a person knows or suspects that the Attorney General or any police officer is acting or proposing to act in connection with a terrorist investigation or proposed terrorist investigation.
- (2) It is an offence for the person –
  - (a) to disclose to another person any information relating to the investigation; or
  - (b) to interfere with material which is likely to be relevant to the investigation.
- (3) Paragraph (4) applies where a person knows or suspects that a disclosure has been or will be made under any of Articles 18, 19 or 21.
- (4) It is an offence for the person –
  - (a) to disclose to another person –
    - (i) the fact that such a disclosure has been or will be made, or
    - (ii) any information otherwise relating to such a disclosure;or
  - (b) to interfere with material which is likely to be relevant to an investigation resulting from such a disclosure.
- (5) The States may by Regulations specify cases in which a disclosure or interference to which paragraph (2) or (4) would otherwise apply shall not amount to the commission of an offence.
- (6) Paragraphs (2) and (4) do not apply to a disclosure which –
  - (a) is made by a professional legal adviser –

- (i) to a client, or to the client's representative, in connection with the provision of legal advice to the client, or
    - (ii) to any person for the purpose of actual or contemplated legal proceedings;
  - (b) is made by a person who is the client of a professional legal adviser to that adviser, for either of the purposes mentioned in subparagraph (a)(i) or (ii); or
  - (c) is made by a person who is the client of an accountant to that accountant for the purpose of enabling him or her to provide any of the services listed in paragraph 2(1) of Part B of Schedule 2 to the [Proceeds of Crime \(Jersey\) Law 1999](#),  
and is not made with a view to furthering a criminal purpose.<sup>70</sup>
- (7) For the purposes of paragraphs (2) and (4), interference with material includes falsifying, concealing, destroying or disposing of the material or part of it.
  - (8) A person shall not be guilty of an offence under paragraph (2) or (4) in respect of anything done by the person in the course of acting in connection with the enforcement, or intended enforcement, of any provision of this Law or of any other enactment relating to terrorism or the investigation of terrorism.
  - (9) A person who is guilty of an offence under this Article is liable to imprisonment for a term not exceeding 5 years or to a fine, or both.
  - (10) No prosecution shall be instituted for an offence under this Article without the consent of the Attorney General.

## PART 5

### COUNTER-TERRORIST POWERS

#### *Suspected terrorists*

#### **36 Interpretation of Part 5: "terrorist"**

In this Part, "terrorist" means a person who –

- (a) has committed an offence under any of Articles 12, 13, 15, 16, or 50 to 55;
- (b) is or has been concerned in the commission, preparation or instigation of an act of terrorism; or
- (c) is or has been concerned in action facilitating the commission, preparation or instigation of such an act.<sup>71</sup>

#### **37 Arrest and detention of suspected terrorists**

- (1) A police officer may arrest a person whom he or she reasonably suspects to be a terrorist.

- (2) Where a person is arrested under this Article the provisions of Schedule 9 shall apply to regulate his or her detention.
- (3) Subject to paragraphs (4) to (7), a person detained under this Article shall (unless detained under any other power) be released not later than the end of the period of 48 hours beginning –
  - (a) with the time of his or her arrest under this Article; or
  - (b) if the person was being detained under Schedule 8 when he or she was arrested under this Article, with the time when his or her examination under that Schedule began.
- (4) If on a review of a person's detention under Part 2 of Schedule 9 the review officer does not authorize continued detention, the person shall (unless detained in accordance with paragraph (5) or (6) or under any other power) be released.
- (5) Where a police officer intends to make an application for a warrant under paragraph 25 of Schedule 9 extending a person's detention, the person may be detained pending the making of the application.
- (6) Where an application has been made under paragraph 25 or 32 of Schedule 9 in respect of a person's detention, he or she may be detained pending the conclusion of proceedings on the application.
- (7) Where an application under paragraph 25 or 32 of Schedule 9 is granted in respect of a person's detention, he or she may be detained, subject to paragraph 33 of that Schedule, during the period specified in the warrant.
- (8) The refusal of an application in respect of a person's detention under paragraph 25 or 32 of Schedule 9 shall not prevent his or her continued detention in accordance with this Article.

### **38 Warrant for search of premises for terrorist**

- (1) The Bailiff may on the application of a police officer issue a warrant in relation to specified premises if he or she is satisfied that there are reasonable grounds for suspecting that a person whom the police officer reasonably suspects to be a terrorist is to be found there.
- (2) A warrant under this Article shall authorize any police officer to enter and search the specified premises for the purpose of arresting the person referred to in paragraph (1) under Article 37.

### **39 Search of suspected terrorist**

- (1) A police officer may stop and search a person whom he or she reasonably suspects to be a terrorist to discover whether the person has in his or her possession anything which may constitute evidence that the person is a terrorist.
- (2) A police officer may search a person arrested under Article 37 to discover whether the person has in his or her possession anything which may constitute evidence that the person is a terrorist.

- (3) A search of a person under this Article must be carried out by someone of the same sex.
- (4) A police officer may seize and retain anything which he or she discovers in the course of a search of a person under paragraph (1) or (2) and which he or she reasonably suspects may constitute evidence that the person is a terrorist.

*Power to stop and search*

#### **40 Authorization to stop and search to prevent acts of terrorism**

- (1) An authorization under this paragraph authorizes an officer of the Force in uniform to stop a vehicle in an area or at a place specified in the authorization and to search –
  - (a) the vehicle;
  - (b) the driver of the vehicle;
  - (c) a passenger in the vehicle;
  - (d) anything in or on the vehicle or carried by the driver or a passenger.
- (2) An authorization under this paragraph authorizes any officer of the Force in uniform to stop a pedestrian in an area or at a place specified in the authorization and to search –
  - (a) the pedestrian;
  - (b) anything carried by him or her.
- (3) An authorization under paragraph (1) or (2) may be given only if the person giving it considers it expedient for the prevention of acts of terrorism.
- (4) An authorization may be given by an officer of the Force of at least the rank of chief inspector.
- (5) If an authorization is given orally, the person giving it shall confirm it in writing as soon as is reasonably practicable.

#### **41 Exercise of power**

- (1) The power conferred by an authorization under Article 40(1) or (2) –
  - (a) may be exercised only for the purpose of searching for articles of a kind which could be used in connection with terrorism; and
  - (b) may be exercised whether or not the officer of the Force has grounds for suspecting the presence of articles of that kind.
- (2) An officer of the Force may seize and retain an article which he or she discovers in the course of a search by virtue of Article 40(1) or (2) and which he or she reasonably suspects is intended to be used in connection with terrorism.
- (3) An officer of the Force exercising the power conferred by an authorization may not require a person to remove any clothing in public except for headgear, footwear, an outer coat, a jacket or gloves.



- (4) A search of a person under this Article must be carried out by someone of the same sex.
- (5) Where an officer of the Force proposes to search a person or vehicle by virtue of Article 40(1) or (2) he or she may detain the person or vehicle for such time as is reasonably required to permit the search to be carried out at or near the place where the person or vehicle is stopped.
- (6) Where –
  - (a) a vehicle or pedestrian is stopped by virtue of Article 40(1) or (2); and
  - (b) the driver of the vehicle or the pedestrian applies for a written statement that the vehicle was stopped, or that he or she was stopped, by virtue of Article 40(1) or (2),the written statement shall be provided.
- (7) An application under paragraph (6) must be made within the period of 12 months beginning with the date on which the vehicle or pedestrian was stopped.

## **42 Duration of authorization**

- (1) An authorization under Article 40 has effect, subject to paragraphs (2) to (7), during the period –
  - (a) beginning at the time when the authorization is given; and
  - (b) ending with a date or at a time specified in the authorization.
- (2) The date or time specified under paragraph (1)(b) must not occur after the end of the period of 28 days beginning with the day on which the authorization is given.
- (3) The officer who gives an authorization shall inform the Minister as soon as is reasonably practicable.
- (4) If an authorization is not confirmed by the Minister before the end of the period of 48 hours beginning with the time when it is given –
  - (a) it shall cease to have effect at the end of that period; but
  - (b) its ceasing to have effect shall not affect the lawfulness of anything done in reliance on it before the end of that period.
- (5) Where the Minister confirms an authorization the Minister may substitute an earlier date or time for the date or time specified under paragraph (1)(b).
- (6) The Minister may cancel an authorization with effect from a specified time.
- (7) An authorization may be renewed in writing by any officer of the Force of at least the rank of chief inspector and paragraphs (1) to (6) shall apply as if a new authorization were given on each occasion on which the authorization is renewed.

## **43 Offences**

- (1) A person commits an offence if he or she –

- (a) fails to stop a vehicle when required to do so by an officer of the Force in the exercise of the power conferred by an authorization under Article 40(1);
  - (b) fails to stop when required to do so by an officer of the Force in the exercise of the power conferred by an authorization under Article 40(2);
  - (c) wilfully obstructs an officer of the Force in the exercise of the power conferred by an authorization under Article 40(1) or (2).
- (2) A person guilty of an offence under this Article shall be liable to imprisonment for a term of 6 months and to a fine of level 3 on the standard scale.<sup>72</sup>

### *Parking*

## **44 Interpretation of Articles 45 to 48**

In Articles 45 to 48 –

“disabled person’s badge” means such a badge issued pursuant to an Order made under Article 60 of the [Road Traffic \(Jersey\) Law 1956](#);

“driver” means, in relation to a vehicle which has been left on any road, the person who was driving it when it was left there;

“parking” means leaving a vehicle or permitting it to remain at rest;

“parking place” means a place under the administration of a public or parochial authority where vehicles may be parked;

“traffic sign” has the same meaning as in the [Road Traffic \(Jersey\) Law 1956](#).

## **45 Authorization to prohibit or restrict parking**

- (1) An authorization under this Article authorizes a police officer to prohibit or restrict the parking of vehicles on a road specified in the authorization.
- (2) An authorization may be given only if the officer giving it considers it expedient for the prevention of acts of terrorism.
- (3) An authorization may be given by an officer of the Force of at least the rank of chief inspector.
- (4) If an authorization is given orally, the person giving it shall confirm it in writing as soon as is reasonably practicable.

## **46 Exercise of powers**

- (1) The power conferred by an authorization under Article 45 shall be exercised by placing a traffic sign on the road concerned.
- (2) A police officer exercising the power conferred by an authorization under Article 45 may suspend a parking place.

- (3) Where a parking place is suspended under paragraph (2), the suspension shall be treated as a restriction imposed by Article 45 for the purposes of Article 56 of the [Road Traffic \(Jersey\) Law 1956](#) and of any Order made under it.
- (4) A police officer not in uniform shall, if requested by a person affected by the exercise by him or her of the power conferred by an authorization under Article 45, produce proof of his or her authority.

#### **47 Duration of authorization**

- (1) An authorization under Article 45 has effect, subject to paragraphs (2) and (3), during the period specified in the authorization.
- (2) The period specified shall not exceed 28 days.
- (3) An authorization may be renewed in writing by the person who gave it or by a person who could have given it and paragraphs (1) and (2) shall apply as if a new authorization were given on each occasion on which the authorization is renewed.

#### **48 Offences**

- (1) A person commits an offence if he or she parks a vehicle in contravention of a prohibition or restriction imposed by virtue of Article 45.
- (2) A person commits an offence if –
  - (a) he or she is the driver or other person in charge of a vehicle which has been permitted to remain at rest in contravention of any prohibition or restriction imposed by virtue of Article 45; and
  - (b) he or she fails to move the vehicle when ordered to do so by a police officer.
- (3) It is a defence for a person charged with an offence under this Article to prove that he or she had a reasonable excuse for the act or omission in question.
- (4) Possession of a current disabled person's badge shall not itself constitute a reasonable excuse for the purposes of paragraph (3).
- (5) A person guilty of an offence under paragraph (1) shall be liable to a fine of level 3 on the standard scale.<sup>73</sup>
- (6) A person guilty of an offence under paragraph (2) shall be liable to imprisonment for a term not exceeding 3 months or to a fine not exceeding level 3 on the standard scale, or both.

#### *Port controls*

#### **49 Port controls**

- (1) Schedule 8 shall have effect to confer powers exercisable at ports.
- (2) The States may by Regulations repeal paragraph 13 of Schedule 8.

- (3) The powers conferred by Schedule 8 shall be exercisable notwithstanding the rights conferred by section 1 of the Immigration Act 1971.

## PART 6

### FURTHER TERRORIST OFFENCES

#### 50 Weapons training

- (1) Subject to paragraph (5), a person commits an offence if he or she provides instruction or training in the making or use of –
- (a) firearms;
  - (b) radioactive material or weapons designed or adapted for the discharge of any radioactive material;
  - (c) explosives; or
  - (d) chemical, biological or nuclear weapons.
- (2) Subject to paragraph (5), a person commits an offence if he or she receives instruction or training in the making or use of –
- (a) firearms;
  - (b) radioactive material or weapons designed or adapted for the discharge of any radioactive material;
  - (c) explosives; or
  - (d) chemical, biological or nuclear weapons.
- (3) Subject to paragraph (5), a person commits an offence if he or she invites another to receive instruction or training and the receipt –
- (a) would constitute an offence under paragraph (2); or
  - (b) would constitute an offence under paragraph (2) but for the fact that it is to take place outside Jersey.
- (4) For the purpose of paragraphs (1) and (3) –
- (a) a reference to the provision of instruction includes a reference to making it available either generally or to one or more specific persons; and
  - (b) an invitation to receive instruction or training may be either general or addressed to one or more specific persons.
- (5) It is a defence for a person charged with an offence under this Article in relation to instruction or training to prove that his or her action or involvement was wholly for a purpose other than assisting, preparing for or participating in terrorism.
- (6) A person guilty of an offence under this Article shall be liable to imprisonment for a term not exceeding 10 years or to a fine, or both.
- (7) A court by or before which a person is convicted of an offence under this Article may order the forfeiture of anything which the court considers to

have been in the person's possession for purposes connected with the offence.

- (8) Before making an order under paragraph (7) a court must give an opportunity to be heard to any person, other than the convicted person, who claims to be the owner of or otherwise interested in anything which can be forfeited under that paragraph.
- (9) An order under paragraph (7) shall not come into force until there is no further possibility of it being varied, or set aside, on appeal (disregarding any power of a court to grant leave to appeal out of time).
- (10) In this Article –

“biological weapon” means anything to which section 1(1)(b) of the Biological Weapons Act 1974 of the United Kingdom, as it is extended to Jersey by Order in Council, applies;

“chemical weapon” has the meaning given by section 1 of the Chemical Weapons Act 1996 of the United Kingdom as it is extended to Jersey by Order in Council;

“nuclear weapon” means a weapon which contains nuclear material within the meaning of Article 1(a) and (b) of the Convention on the Physical Protection of Nuclear Material opened for signature at Vienna and New York on 3rd March 1980;

“radioactive material” means radioactive material capable of endangering life or causing harm to human health.

## **51 Directing terrorist organization**

- (1) A person commits an offence if he or she directs, at any level, the activities of an organization which is concerned in the commission of acts of terrorism.
- (2) A person guilty of an offence under this Article is liable to imprisonment for life.

## **52 Possession for terrorist purposes**

- (1) A person commits an offence if he or she possesses an article in circumstances which give rise to a reasonable suspicion that his or her possession is for a purpose connected with the commission, preparation or instigation of an act of terrorism.
- (2) It is a defence for a person charged with an offence under this Article to prove that his or her possession of the article was not for a purpose connected with the commission, preparation or instigation of an act of terrorism.
- (3) In proceedings for an offence under this Article, if it is proved that an article –
  - (a) was on any premises at the same time as the accused; or
  - (b) was on premises of which the accused was the occupier or which he or she habitually used otherwise than as a member of the public,

the court may assume that the accused possessed the article, unless the accused proves that he or she did not know of its presence on the premises or that the accused had no control over it.

- (4) A person guilty of an offence under this Article shall be liable to imprisonment for a term not exceeding 10 years or to a fine, or both.

### **53 Collection of information**

- (1) A person commits an offence if –
- (a) he or she collects or makes a record of information of a kind likely to be useful to a person committing or preparing an act of terrorism; or
  - (b) he or she possesses a document or record containing information of that kind.
- (2) In this Article “record” includes a photographic or electronic record.
- (3) It is a defence for a person charged with an offence under this Article to prove that he or she had a reasonable excuse for his or her action or possession.
- (4) A person guilty of an offence under this Article shall be liable to imprisonment for term not exceeding 10 years or to a fine, or both.
- (5) A court by or before which a person is convicted of an offence under this Article may order the forfeiture of any document or record containing information of the kind mentioned in paragraph (1)(a).
- (6) Before making an order under paragraph (5) a court must give an opportunity to be heard to any person, other than the convicted person, who claims to be the owner of or otherwise interested in anything which can be forfeited under that paragraph.
- (7) An order under paragraph (5) shall not come into force until there is no further possibility of it being varied, or set aside, on appeal (disregarding any power of a court to grant leave to appeal out of time).

### **54 Inciting terrorism overseas**

- (1) A person commits an offence if –
- (a) he or she incites another person to commit an act of terrorism wholly or partly outside Jersey; and
  - (b) the act would, if committed in Jersey, constitute one of the offences listed in paragraph (2).
- (2) Those offences are –
- (a) murder;
  - (b) grave and criminal assault;
  - (c) malicious damage to property.
- (3) A person guilty of an offence under this Article shall be liable to any penalty to which he or she would be liable on conviction of the offence

listed in paragraph (2) which corresponds to the act which the person incites.

- (4) For the purposes of paragraph (1) it is immaterial whether or not the person incited is in Jersey at the time of the incitement.
- (5) Nothing in this Article imposes criminal liability on any person acting on behalf of, or holding office under, the Crown.

## **55 Terrorist bombing: jurisdiction**

- (1) If –
  - (a) a person does anything outside Jersey as an act of terrorism or for the purposes of terrorism; and
  - (b) his or her action would have constituted the commission of one of the offences listed in paragraph (2) if it had been done in Jersey,he or she shall be guilty of the offence.
- (2) The offences referred to in paragraph (1)(b) are –
  - (a) an offence under Article 2 or 3 of the [Loi \(1884\) sur les matières explosives](#);
  - (b) an offence under section 1 of the Biological Weapons Act 1974 of the United Kingdom, as it is extended to Jersey by Order in Council;
  - (c) an offence under section 2 of the Chemical Weapons Act 1996 of the United Kingdom, as it is extended to Jersey by Order in Council.

## **PART 7**

### **GENERAL**

## **56 Police powers**

- (1) A power conferred by virtue of this Law on a police officer –
  - (a) is additional to powers which he or she has at customary law or by virtue of any other enactment; and
  - (b) shall not be taken to affect those powers.
- (2) A police officer may if necessary use reasonable force for the purpose of exercising a power conferred on him or her by virtue of this Law (apart from paragraph 2 of Schedule 8).
- (3) Where anything is seized by a police officer under a power conferred by virtue of this Law, it may (unless the contrary intention appears) be retained only for so long as is necessary in all the circumstances.

## **57 Exercise of officers' powers**

An examining officer within the meaning of Schedule 8 may –

- (a) enter a vehicle for the purpose of exercising any functions conferred on him or her by virtue of this Law; and
- (b) use reasonable force for the purpose of exercising a power conferred on him or her by virtue of this Law (apart from paragraph 2 of Schedule 8).<sup>74</sup>

## **58 Powers to stop and search**

- (1) A power to search premises conferred by virtue of this Law shall be taken to include power to search a container.
- (2) A power conferred by virtue of this Law to stop a person includes power to stop a vehicle (other than an aircraft which is airborne).
- (3) A person commits an offence if he or she fails to stop a vehicle when requires to do so by virtue of this Article.
- (4) A person guilty of an offence under paragraph (3) shall be liable to imprisonment for a term of 6 months and to a fine.<sup>75</sup>

## **59 Defences**

- (1) Paragraph (2) applies where in accordance with a provision mentioned in paragraph (5) it is a defence for a person charged with an offence to prove a particular matter.
- (2) If the person adduces evidence which is sufficient to raise an issue with respect to the matter the court or jury shall assume that the defence is satisfied unless the prosecution proves beyond reasonable doubt that it is not.
- (3) Paragraph (4) applies where in accordance with a provision mentioned in paragraph (5) a court –
  - (a) may make an assumption in relation to a person charged with an offence unless a particular matter is proved; or
  - (b) may accept a fact as sufficient evidence unless a particular matter is proved.
- (4) If evidence is adduced which is sufficient to raise an issue with respect to the matter mentioned in paragraph (3)(a) or (b) the court shall treat it as proved unless the prosecution disproves it beyond reasonable doubt.
- (5) The provisions in respect of which paragraphs (2) and (4) apply are Articles 13(4), 35(5)(a), 50, 52 and 53 of this Law.

## **60 Evidence**

- (1) A document which purports to be a notice or direction given under this Law by and signed on behalf of the Minister or by the Lieutenant Governor shall be received in evidence and shall, unless the contrary is proved, be deemed to be made or given by them.
- (2) A document bearing a certificate or purporting to be signed on behalf of the Minister or by the Lieutenant Governor, stating that the document is a



true copy of such a notice or direction mentioned in paragraph (1) shall, in any legal proceedings, be evidence of the notice or direction.

#### **61 Crown servants, regulators, etc.**

- (1) The Minister may by Order provide for any of Articles 15 to 22, 27 and 35 to apply to persons in the public service of the Crown.<sup>76</sup>
- (2) The Minister may by Order provide for either or both of Articles 19 and 34 not to apply to persons who are in the Minister's opinion performing or connected with the performance of regulatory, supervisory, investigative or registration functions of a public nature.<sup>77</sup>
- (3) Orders under this Article –
  - (a) may make different provision for different purposes;
  - (b) may make provision which is to apply only in specified circumstances; and
  - (c) may make provision which applies only to particular persons or to persons of a particular description.

#### **62** <sup>78</sup>

#### **63 Offences by body corporate, etc.**

- (1) Where an offence under this Law committed by a limited liability partnership, separate limited partnership or body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of –
  - (a) a person who is a partner of the partnership, or director, manager, secretary or other similar officer of the body corporate; or
  - (b) any person purporting to act in any such capacity,the person shall also be guilty of the offence and, save as provided in paragraph 8 of Schedule 6, liable in the same manner as the partnership or body corporate to the penalty provided for that offence.<sup>79</sup>
- (2) Where the affairs of a body corporate are managed by its members, paragraph (1) shall apply in relation to acts and defaults of a member in connection with his or her functions of management as if the member were a director of the body corporate.

#### **64 Consent to prosecution**

Proceedings for an offence under this Law shall not be instituted without the consent of the Attorney General.

**65 Orders and Rules**

- (1) The Minister may by Order amend the definition “financial institution” in Article 1(1).
- (2) The Minister may by Order prescribe anything that shall or may be prescribed for the purposes of this Law.
- (3) <sup>80</sup>

**66** <sup>81</sup>

**67** <sup>82</sup>

**68 Citation**

This Law may be cited as the Terrorism (Jersey) Law 2002.<sup>83</sup>

**SCHEDULE 1<sup>84</sup>**

(Article 6)

**PROSCRIBED ORGANIZATIONS**

The Irish Republican Army.

Cumann na mBan.

Fianna na hEireann.

The Red Hand Commando.

Saor Eire.

The Ulster Freedom Fighters.

The Ulster Volunteer Force.

The Irish National Liberation Army.

The Irish People's Liberation Organisation.

The Ulster Defence Association.

The Loyalist Volunteer Force.

The Continuity Army Council.

The Orange Volunteers.

The Red Hand Defenders.

Al-Qa'ida (also known as the al-Nusrah Front or ANF, Jabhat al-Nusrah li-ahl al Sham, Jabhat Fatah al-Sham and Hay'at Tahrir al-Sham).

Egyptian Islamic Jihad.

Al-Gama'at al-Islamiya.

Armed Islamic Group (Groupe Islamique Armée) (GIA).

Salafist Group for Call and Combat (Groupe Salafiste pour la Prédication et le Combat) (GSPC).

Babbar Khalsa.

Harakat Mujahideen.

Jaish e Mohammed.

Lashkar e Tayyaba (also known as Jama'at ud Da'wa).

Liberation Tigers of Tamil Eelam (LTTE).

Hizballah or Party of God, including the military wing of Hizballah, the Jihad Council and all units reporting to it (including the Hizballah External Security Organisation).

Hamas-Izz al-Din al-Qassem Brigades.

Palestinian Islamic Jihad - Shaqaqi.

Abu Nidal Organisation.

Islamic Army of Aden.

Kurdistan Workers' Party (Partiya Karkeren Kurdistan) (PKK) (also known as Kongra Gele Kurdistan and KADEK).

Revolutionary People's Liberation Party – Front (also known as Devrimci Halk Kurtulus Partisi-Cephesi or DHKP-C, Revolutionary People's Liberation Party or DHKP, and Revolutionary People's Liberation Front/Armed Propaganda Units or DHKC/SPB).

Basque Homeland and Liberty (Euskadi ta Askatasuna) (ETA).

17 November Revolutionary Organisation (N17).

Abu Sayyaf Group.

Asbat Al-Ansar (also known as League of Partisans or Band of Helpers, The Abu Muhjin group and Jama'at Nour).

Islamic Movement of Uzbekistan.

Jemaah Islamiyah.

Al Ittihad Al Islamia.

Ansar Al Islam.

Ansar Al Sunna.

Groupe Islamique Combattant Marocain.

Harakat-ul-Jihad-ul-Islami.

Harakat-ul-Jihad-ul-Islami (Bangladesh).

Harakat-ul-Mujahideen/Alami.

Islamic Jihad Union.

Jamaat ul-Furquan.

Jundallah.

Khuddam ul-Islam.

Lashkar-e Jhangvi.

Libyan Islamic Fighting Group.

Sipah-e Sahaba Pakistan (also known as Millat-e Islami Pakistan or MIP, Ahle Sunnat wal Jamaat or ASWJ and Lashkar-e Jhangvi).

Al-Ghurabaa (also known as Al Muhajiroun or ALM, Call to Submission, Islam4UK, Islamic Path, London School of Sharia, Muslims against Crusades, Need4Khilafah, the Shariah Project and the Islamic Dawah Association).

The Saved Sect or Saviour Sect (also known by the same names as Al-Ghurabaa).

Baluchistan Liberation Army.

Teyrebaz Azadiye Kurdistan.

Tehrik Nefaz-e Shari'at Muhammadi.

Jammat-ul Mujahideen Bangladesh.

Al Shabaab.

Tehrik-e Taliban Pakistan.

Indian Mujahideen.

Ansarul Muslimina Fi Biladis Sudan (Vanguard for the protection of Muslims in Black Africa) (Ansaru).

Abdallah Azzam Brigades, including the Ziyad al-Jarrah Battalions.

Al Murabitun.

Al Nusrah Front for the People of the Levant.

Ansar al Sharia-Tunisia.

Ansar Bayt al-Maqdis.

Imarat Kavkaz (also known as Caucasus Emirate).

Jama'atu Ahli Sunna Lidda Awati Wal Jihad (also known as Boko Haram).

Islamic State of Iraq and the Levant (also known as Islamic State of Iraq, Islamic State of Iraq and al-Sham, Islamic State of Iraq and Syria; Dawlat al-'Iraq al-Islamiyya; Dawlat al Islamiya fi Iraq wa al Sham or DAISh, the Islamic State in Iraq and Sham, Jaysh Khalid bin Walid or JKbW, Jaysh Khalid bin al-Walid or KBW, and Khalid ibn-Walid Army or KBWA).

Kateeba al-Kawthar (also known as Ajnad al-sham and Junud ar-Rahman al Muhajireen).

Minbar Ansar Deen (also known as Ansar Al-Sharia UK).

Popular Front for the Liberation of Palestine-General Command.

Turkiye Halk Kurtulus Partisi-Cephesi (also known as the Turkish People's Liberation Party, the Front of Turkey, THKP-C Acilciler, the Hasty Ones and Mukavamet Suriye).

Ajnad Misr (Soldiers of Egypt).

Ansar al-Sharia-Benghazi (AAS-B) (which translates as the Partisans of Islamic Law).

Jaysh al Khalifatu Islamiya (JKI) (which translates as the Army of the Islamic Caliphate and as the Majahideen of the Caucasus and the Levant).

Jund al-Aqsa (JAA) (which translates as Soldiers of al-Aqsa).

Jund al Khalifa-Algeria (JaK-A) (which translates as Soldiers of the Caliphate).

Haqqani Network (HQN).

Jamaat ul-Ahrar (JuA).

al-Ashtar Brigades, including Saraya al-Ashtar, Wa'ad Allah Brigades, Islamic Allah Brigades, Imam al-Mahdi Brigades and al-Haydariyah Brigades.

al-Mukhtar Brigades, including Saraya al-Mukhtar.

Ansaroul Islam (also known as Ansar ul Islam and Ansaroul Islam Lil Irchad Wal Jihad).

Global Islamic Media Front or GIMF, including GIMF Bangla Team (also known as Ansarullah Bangla Team or ABT and Ansar al-Islam).

Hasam, including Harakat Sawa'd Misr, Harakat Hasm and Hasm.

Mujahideen Indonesia Timur or MIT (also known as Mujahideen of Eastern Indonesia).

Turkestan Islamic Party or TIP (also known as East Turkestan Islamic Party or ETIP, East Turkestan Islamic Movement or ETIM and Hizb al-Islami al-Turkistani or HAAT).

Jamaah Anshorut Daulah.

Jamaat Nusrat al-Islam Wal-Muslimin or JNIM (also known as Nusrat al-Islam, Nusrat al Islam-wal Muslimeen, including Ansar al-Dine or AAD, Macina Liberation Front or MLF, al-Murabitun, al-Qa'ida in the Maghreb and az-Zallaqa).

Liwa al-Thawra.

National Action (also known as Scottish Dawn, NS131 and National Socialist Anti-Capitalist Action).

Note: The entry for The Orange Volunteers refers to the organization which uses that name and in the name of which a statement described as a press release was published on 14th October 1998.

Note: The entry for Jemaah Islamiyah refers to the organization using that name that is based in south-east Asia, members of which were arrested by the Singapore authorities in December 2001 in connection with a plot to attack US and other Western targets in Singapore.

**SCHEDULE 2<sup>85</sup>**

(Article 8)

**THE PROSCRIBED ORGANIZATIONS APPEAL COMMISSION****1 Constitution**

- (1) The Commission shall consist of members appointed by the Bailiff.
- (2) The Bailiff shall appoint one of the members as chairman.
- (3) A member shall hold and vacate office in accordance with the terms of his or her appointment.
- (4) A member may resign at any time by notice in writing to the Bailiff.

**2 Officers, etc.**

The Chief Minister may appoint officers and servants for the Commission.

**3 Expenses**

The Minister for Treasury and Resources –

- (a) may pay sums by way of remuneration, allowances, pensions and gratuities to or in respect of members, officers and servants;
- (b) may pay compensation to a person who ceases to be a member of the Commission if it thinks it appropriate because of special circumstances; and
- (c) may pay sums in respect of expenses of the Commission.

**4 Sittings**

- (1) The Commission shall sit at such times and in such places as the Bailiff may direct.
- (2) At each sitting of the Commission –
  - (a) 3 members shall attend;
  - (b) one of the members shall be an ordinary judge of the Court of Appeal;
  - (c) the chairman or another member nominated by him or her shall preside and report the Commission's decision.

**5 Procedure**

- (1) The Bailiff may make Rules –

- (a) regulating the exercise of the right of appeal to the Commission;
  - (b) prescribing practice and procedure to be followed in relation to proceedings before the Commission;
  - (c) providing for proceedings before the Commission to be determined without an oral hearing in specified circumstances;
  - (d) making provision about evidence in proceedings before the Commission (including provision about the burden of proof and admissibility of evidence);
  - (e) making provision about proof of the Commission's decisions.
- (2) In making Rules the Bailiff shall, in particular, have regard to the need to secure –
  - (a) that decisions which are the subject of appeals are properly reviewed; and
  - (b) that information is not disclosed contrary to the public interest.
- (3) The Rules shall make provision permitting organizations to be legally represented in proceedings before the Commission.
- (4) The Rules may, in particular –
  - (a) provide for full particulars of the reasons for proscription or refusal to deproscribe to be withheld from the organization or applicant concerned and from any person representing it or him or her;
  - (b) enable the Commission to exclude persons (including representatives) from all or part of proceedings;
  - (c) enable the Commission to provide a summary of evidence taken in the absence of a person excluded by virtue of clause (b);
  - (d) permit preliminary or incidental functions to be discharged by a single member;
  - (e) permit proceedings for permission to appeal under Article 9 to be determined by a single member;
  - (f) make provision about the functions of persons appointed under paragraph 7;
  - (g) make different provision for different parties or descriptions of party.
- (5) In this paragraph a reference to proceedings before the Commission includes a reference to proceedings arising out of proceedings before the Commission.

## **6 Conduct of proceedings**

- (1) This paragraph applies to –
  - (a) proceedings brought by an organization before the Commission; and
  - (b) proceedings arising out of proceedings to which clause (a) applies.



- (2) Proceedings shall be conducted on behalf of the organization by a person designated by the Commission (with such legal representation as he or she may choose to obtain).
- (3) In paragraph 5, a reference to an organization includes a reference to a person designated under this paragraph.

## **7 Representation of excluded person in proceedings**

- (1) The Attorney General may appoint a person to represent the interests of an organization or other applicant in proceedings in relation to which an order has been made by virtue of paragraph 5(4)(b).
- (2) A person shall not be eligible for appointment under this paragraph unless he or she is an advocate or solicitor of the Royal Court.
- (3) A representative appointed under this paragraph shall not be responsible to the organization or other applicant whose interests he or she is appointed to represent.
- (4) In paragraph 5, a reference to a representative does not include a reference to a person appointed under this paragraph.

## **8**

**SCHEDULE 3<sup>86</sup>**

(Article 27(5))

**FORFEITURE ORDERS RELATING TO PROPERTY****1 Implementation and enforcement**

- (1) Where the Royal Court makes an order under Article 26 (in this Schedule referred to as a “forfeiture order”) it may make an order –
  - (a) requiring any property to which the forfeiture order applies to be paid or handed over to the Viscount;
  - (b) directing any such property other than money or immovable property to be sold or otherwise disposed of in such manner as the Royal Court may direct and the proceeds paid to the Viscount;
  - (c) directing that any such property which is immovable property –
    - (i) shall vest in the Viscount, subject to such conditions and exceptions as may be specified by the Royal Court, and
    - (ii) shall be realized by the Viscount in such manner as the Royal Court may further direct;
  - (d) directing a specified part of any property which is money, or of the proceeds of sale, disposal or realisation of any property to be paid by the Viscount to or for a specified person falling within Article 26(7);
  - (e) making such other provision as appears to the Royal Court to be necessary for giving effect to the forfeiture order or to any order made by virtue of clause (a), (b), (c) or (d).
- (2) A forfeiture order shall not come into force until (disregarding any power of a court to grant leave to appeal out of time) there is no further possibility of the order being set aside.
- (3) The balance of any sums in the hands of the Viscount by virtue of an order made under sub-paragraph (1) shall, after making payment (where appropriate) under sub-paragraph (1)(d), be paid into the Criminal Offences Confiscations Fund established by Article 24 of the [Proceeds of Crime \(Jersey\) Law 1999](#).
- (4) The Viscount shall, on the application of Attorney General or the defendant in the proceedings in which the forfeiture order was made, certify in writing the extent (if any) to which, at the date of the certificate, effect has been given to the order in respect of the property to which it applies.
- (5) In this paragraph references to the proceeds of sale, disposal or realisation of property are references to the proceeds after deduction of the costs of sale, disposal or realisation.

## **2 Liability etc. of Viscount**

- (1) Where the Viscount takes any action –
  - (a) in relation to property which is not subject to forfeiture being action which he or she would be entitled to take if it were such property;
  - (b) believing, and having reasonable grounds for believing, that he or she is entitled to take that action in relation to that property,the Viscount shall not be liable to any person in respect of any loss or damage resulting from his or her action unless he or she is shown to have acted negligently or in bad faith.
- (2) The Viscount is entitled to be paid his or her remuneration and expenses out of the proceeds of realisation of the property.

## **3 Restraint orders**

- (1) The Royal Court may, in accordance with this paragraph, by order (in this Schedule referred to as a “restraint order”) prohibit any person, subject to such conditions and exceptions as may be specified therein, from dealing with any property liable to forfeiture, that is to say any property in respect of which a forfeiture order has been made or could be made in any proceedings mentioned in paragraph (3) or (4).
- (2) A restraint order may apply –
  - (a) to all property in the possession of or under the control of a specified person, whether the property is described or not;
  - (b) to property coming into the possession of or under the control of a specified person after the making of the order.
- (3) A restraint order may be made where –
  - (a) proceedings have been instituted against a person for an offence under Article 15 or 16;
  - (b) the proceedings have not been concluded; and
  - (c) either a forfeiture order has been made or it appears to the Royal Court that a forfeiture order may be made in the proceedings.
- (4) A restraint order may also be made where –
  - (a) a criminal investigation has been started in Jersey with regard to an offence under Article 15 or 16; and
  - (b) it appears to the Royal Court that a forfeiture order may be made in any proceedings for the offence.
- (5) For the purposes of this paragraph, dealing with property includes, without prejudice to the generality of that expression –
  - (a) where a debt is owed to the person concerned, making a payment to any person in reduction of the amount of the debt; and
  - (b) removing property from Jersey.
- (6) In exercising the powers conferred by this paragraph, the Royal Court shall not take account of any obligations of any person having an interest in the

property subject to the restraint order which might frustrate the making of a forfeiture order.

- (7) In this paragraph, “criminal investigation” means an investigation which police officers or other persons have a duty to conduct with a view to it being ascertained whether a person should be charged with an offence.
- (8) For the purposes of this paragraph proceedings for an offence are instituted –
  - (a) when the Bailiff issues a warrant in respect of the offence for the arrest of a person who is out of Jersey;
  - (b) when a person is arrested for and charged with the offence;
  - (c) when a summons in respect of the offence is served on a person in accordance with Article 19 of the [Criminal Procedure \(Jersey\) Law 2018](#),

and where the application of this sub-paragraph would result in there being more than one time for the institution of proceedings, they shall be taken to be instituted at the earliest of those times.

- (9) For the purposes of this paragraph and paragraph 5(2) proceedings are concluded –
  - (a) when a forfeiture order has been made in those proceedings and effect has been given to it in respect of all the property to which it applies; or
  - (b) when (disregarding any power of a court to grant leave to appeal out of time) there is no further possibility of a forfeiture order being made in the proceedings.

#### **4 Procedure for restraint order**

A restraint order –

- (a) may be made only on an application by or on behalf of the Attorney General;
- (b) may be made on an *ex parte* application to the Bailiff in chambers (and references in paragraphs 3, 6 and 7 to the Royal Court shall be construed accordingly); and
- (c) shall provide for notice to be given to persons affected by the order.

#### **5 Discharge or variation of restraint order**

- (1) A restraint order may be discharged or varied by the Royal Court on the application of a person affected by it.
- (2) A restraint order made by virtue of paragraph 3(3) shall, in particular, be discharged on an application under sub-paragraph (1) if the proceedings for the offence have been concluded.
- (3) A restraint order made by virtue of paragraph 3(4) shall, in particular, be discharged on an application under sub-paragraph (1) –

- (a) if no proceedings in respect of offences under Article 15 or 16 are instituted within such time as the Royal Court considers reasonable; and
- (b) if all proceedings in respect of offences under Article 15 or 16 have been concluded.

## **6 Effect of restraint order**

- (1) Where the Royal Court has made a restraint order, an officer of the Force may seize any property subject to the order for the purpose of preventing it from being removed from Jersey.
- (2) Property seized under this paragraph shall be dealt with in accordance with the Royal Court's directions.

## **7 Further effect and registration of order affecting immovable property**

- (1) A restraint order in respect of immovable property shall have effect as an injunction restraining any person from disposing of or hypothecating the property.
- (2) Where the Royal Court makes a restraint order affecting immovable property in Jersey it shall direct the Judicial Greffier, in accordance with Rules of Court, to place a copy of the order, until it is discharged, in a file which shall form part of the Public Registry.

## **8 Compensation**

- (1) Where –
  - (a) a restraint order is discharged under paragraph 5(3); or
  - (b) proceedings are instituted against a person for an offence under Article 15 or 16 and either –
    - (i) the proceedings do not result in his or her conviction for any such offence, or
    - (ii) where the person is convicted of one or more such offences, the conviction or convictions are quashed, or the person is pardoned by Her Majesty in respect of the conviction or convictions concerned,

the Royal Court may, on application by a person who had an interest in any property which was subject to a forfeiture or restraint order made in or in relation to those proceedings, and subject to sub-paragraphs (2) and (3), order compensation to be paid to the applicant if, having regard to all the circumstances, it considers it appropriate to do so.

- (2) The Royal Court shall not order compensation to be paid in any case unless it is satisfied that –
  - (a) there is some serious default on the part of a person concerned in the investigation or prosecution of the offence concerned; and

- (b) the applicant has suffered loss in consequence of anything done in relation to the property by or in pursuance of a forfeiture order or restraint order.
- (3) The amount of compensation to be paid under this paragraph shall be such as the Royal Court thinks just in all the circumstances of the case.
- (4) Compensation payable under this paragraph shall be paid out of the annual income of the States.

## **9 Enforcement of orders made elsewhere in the British Islands**

In the following provisions of this Schedule –

“an English order” means –

- (a) an order made in England or Wales under section 23 of the 2000 Act (an “English forfeiture order”);
- (b) an order made under paragraph 5 of Schedule 4 to the 2000 Act (an “English restraint order”); or
- (c) an order made under any other provision of Part I of that Schedule in relation to an English forfeiture or restraint order;

“a Scottish order” means –

- (a) an order made in Scotland under section 23 of the 2000 Act (a “Scottish forfeiture order”);
- (b) an order made under paragraph 18 of Schedule 4 to the 2000 Act (a “Scottish restraint order”); or
- (c) an order made under any other provision of Part II of that Schedule in relation to a Scottish forfeiture or restraint order;

“a Northern Irish order” means –

- (a) an order made in Northern Ireland under section 23 of the 2000 Act (a “Northern Irish forfeiture order”);
- (b) an order made under paragraph 30 of Schedule 4 to the 2000 Act (a “Northern Irish restraint order”); or
- (c) an order made under any other provision of Part III of that Schedule in relation to a Northern Irish forfeiture or restraint order;

“an Islands order” means –

- (a) an order made in any of the Islands under a provision of the written law of that Island corresponding to Article 26 of this Law;
- (b) a restraint order made in any of the Islands under a provision of the written law of that Island corresponding to paragraph 3 of this Schedule;
- (c) an order made in any of the Islands under a provision of the written law of that corresponding to any of the other foregoing paragraphs of this Schedule.

## **10 Procedures and enforcement for orders made elsewhere in the British Islands**

- (1) An English, Scottish, Northern Irish or Islands order shall, subject to this paragraph, have effect in the law of Jersey but shall be enforced in Jersey only in accordance with this paragraph and any rules of court as to the manner in which and the conditions subject to which such orders are to be enforced in Jersey.
- (2) The Royal Court shall on an application made to it in accordance with rules of court for the registration of an English, Scottish, Northern Irish or Islands order, direct that the order shall, in accordance with such rules, be registered in the Royal Court.
- (3) Rules of court shall also make provision –
  - (a) for cancelling or varying the registration of an English, Scottish, Northern Irish or Islands forfeiture order when effect has been given to it (whether in Jersey or elsewhere) in respect of all or, as the case may be, part of the property to which the order applies;
  - (b) for cancelling or varying the registration of an English, Scottish, Northern Irish or Islands restraint order which has been discharged or varied by the court by which it was made.
- (4) If an English, Scottish, Northern Irish or Islands forfeiture order is registered under this paragraph, the Royal Court shall have in relation to that order, the same powers as it has under paragraph 1(1) in relation to a forfeiture order made by it (and paragraph 2 applies accordingly).
- (5) The balance of any sums received by the Viscount by virtue of an order made under sub-paragraph (4) shall, after making payment (where appropriate) under paragraph 1(1)(d) or 2(2), be paid by him or her to the Treasurer of the States.
- (6) Paragraphs 3(5), 6 and 7 apply to a registered English, Scottish, Northern Irish or Islands restraint order as they apply to a restraint order, and the Royal Court shall have the same power to make an order for or in relation to the arrest of any property in relation to proceedings brought or likely to be brought for an English, Scottish, Northern Irish or Islands restraint order as it would have if those proceedings had been brought or were likely to be brought in the Royal Court.
- (7) Without prejudice to the foregoing provisions, if an English, Scottish, Northern Irish or Islands order is registered under this paragraph –
  - (a) the Royal Court shall have in relation to its enforcement, the same power;
  - (b) proceedings for or in respect of its enforcement may be taken; and
  - (c) proceedings for or in respect of any contravention of it (whether before or after such registration) may be taken,as if the order had originally been made in the Royal Court.
- (8) The Royal Court may additionally, for the purpose of –
  - (a) assisting the achievement in Jersey of the purposes of an English, Scottish, Northern Irish or Islands order; or

- (b) assisting any receiver or other person directed by any such order to sell or otherwise dispose of property,

make such orders or do otherwise as seems to it appropriate.
- (9) A document which purports to be a copy of an English, Scottish, Northern Irish or Islands order and which purports to be certified as such by a proper officer of the court by which it was made and a document which purports to be a certificate for purposes corresponding to those of paragraph 1(4) and which purports to be certified by a proper officer of the court concerned shall, in the Islands be received in evidence without further proof.
- (10) The power to make rules of court under Article 13 of the [Royal Court \(Jersey\) Law 1948](#) shall include power to make rules for the purposes of this paragraph.

## **11 Enforcement of external orders**

- (1) The States may by Regulations make provision for the purpose of enabling the enforcement in Jersey of external orders.
- (2) An “external order” means an order –
  - (a) which is made in a country or territory outside Jersey; and
  - (b) which makes relevant provision.
- (3) “Relevant provision” means –
  - (a) provision for the forfeiture of terrorist property (“an external forfeiture order”); or
  - (b) provision, made in a country or territory outside Jersey, prohibiting dealing with property –
    - (i) which is subject to an external forfeiture order, or
    - (ii) in respect of which such an order could be made in proceedings which have been or are to be instituted in that country or territory (“an external restraint order”).
- (4) Regulations under this paragraph may, in particular, include provision –
  - (a) which, for the purpose of facilitating the enforcement of any external order that may be made, has effect at times before there is an external order to be enforced;
  - (b) for matters corresponding to those for which provision is made by, or can be made under, paragraph 10(1) to (8) in relation to the orders to which that paragraph applies;
  - (c) for the proof of any matter relevant for the purposes of anything falling to be done in pursuance of the Regulations.
- (5) Regulations under this paragraph may also make provision with respect to anything falling to be done on behalf of Jersey in a country or territory outside Jersey in relation to proceedings in that country or territory for or in connection with the making of an external order.



- (6) Regulations under this paragraph may make different provision for different cases.

## **SCHEDULE 4<sup>87</sup>**

**SCHEDULE 5<sup>88</sup>**

(Article 31)

**TERRORIST INVESTIGATIONS: INFORMATION****SEARCHES****1 Warrant for search of premises**

- (1) An officer of the Force may apply to the Bailiff for the issue of a warrant under this paragraph for the purposes of a terrorist investigation.
- (2) A warrant under this paragraph shall authorize any officer of the Force –
  - (a) to enter the premises specified in the warrant;
  - (b) to search the premises and any person found there; and
  - (c) to seize and retain any relevant material which is found on a search under clause (b).
- (3) For the purpose of sub-paragraph (2)(c) material is relevant if the officer of the Force has reasonable grounds for believing that –
  - (a) it is likely to be of substantial value, whether by itself or together with other material, to a terrorist investigation; and
  - (b) it must be seized in order to prevent it from being concealed, lost, damaged, altered or destroyed.
- (4) A warrant under this paragraph shall not authorize –
  - (a) the seizure and retention of items subject to legal privilege; or
  - (b) an officer of the Force to require a person to remove any clothing in public except for headgear, footwear, an outer coat, a jacket or gloves.
- (5) Subject to paragraph 2, the Bailiff may grant an application under this paragraph if satisfied –
  - (a) that the warrant is sought for the purposes of a terrorist investigation;
  - (b) that there are reasonable grounds for believing that there is material on premises specified in the application which is likely to be of substantial value, whether by itself or together with other material, to a terrorist investigation and which does not consist of or include items subject to legal privilege; and
  - (c) that the issue of a warrant is likely to be necessary in the circumstances of the case.

## **2 Extended power to issue warrant for search of non-residential premises**

- (1) This paragraph applies where an application is made under paragraph 1 and –
  - (a) the application is made by an officer of the Force of at least the rank of chief inspector;
  - (b) the application does not relate to residential premises; and
  - (c) the Bailiff is not satisfied of the matter referred to in paragraph 1(5)(c).
- (2) The Bailiff may grant the application if satisfied of the matters referred to in paragraph 1(5)(a) and (b).
- (3) Where a warrant under paragraph 1 is issued by virtue of this paragraph, the powers under paragraph 1(2)(a) and (b) are exercisable only within the period of 24 hours beginning with the time when the warrant is issued.
- (4) For the purpose of sub-paragraph (1), “residential premises” means any premises which the officer making the application has reasonable grounds for believing are used wholly or mainly as a dwelling.

## **3 Search of premises within cordoned area**

- (1) Subject to sub-paragraph (2), an officer of the Force of at least the rank of chief inspector may by a written authority signed by him or her authorize a search of specified premises which are wholly or partly within a cordoned area.
- (2) An officer of the Force who is not of the rank required by sub-paragraph (1) may give an authorization under this paragraph if he or she considers it necessary by reason of urgency.
- (3) An authorization under this paragraph shall authorize any officer of the Force –
  - (a) to enter the premises specified in the authority;
  - (b) to search the premises and any person found there; and
  - (c) to seize and retain any relevant material (within the meaning of paragraph 1(3)) which is found on a search under clause (b).
- (4) The powers under sub-paragraph (3)(a) and (b) may be exercised –
  - (a) on one or more occasions; and
  - (b) at any time during the period when the designation of the cordoned area under Article 28 has effect.
- (5) An authorization under this paragraph shall not authorize –
  - (a) the seizure and retention of items subject to legal privilege;
  - (b) an officer of the Force to require a person to remove any clothing in public except for headgear, footwear, an outer coat, a jacket or gloves.

- (6) A person commits an offence if he or she wilfully obstructs a search under this paragraph.
- (7) A person guilty of an offence under sub-paragraph (6) shall be liable to imprisonment for a term not exceeding 3 months or to a fine not exceeding level 3 on the standard scale, or both.

#### **4 Order for production of material**

- (1) An officer of the Force may, for the purposes of a terrorist investigation, apply to the Bailiff for an order under sub-paragraph (2) in relation to particular material or material of a particular description.
- (2) If on such an application the Bailiff is satisfied on information on oath that the conditions referred to in sub-paragraph (3) are fulfilled, the Bailiff may make an order that the person who appears to the Bailiff to have in his or her possession, custody or power the material to which the application relates shall –
  - (a) produce it to an officer of the Force for the officer to take away; or
  - (b) give an officer of the Force access to it, within such period as the order may specify or, if the material is not in that person's possession, custody or power (and will not come into his or her possession, custody or power within that period), that the person shall state to the best of his or her knowledge and belief where it is.
- (3) The conditions referred to in sub-paragraph (2) are –
  - (a) that a terrorist investigation is being carried out and that there are reasonable grounds for believing that the material is likely to be of substantial value (whether by itself or together with other material) to the investigation for the purpose of which the application is made;
  - (b) that there are reasonable grounds for believing that it is in the public interest, having regard –
    - (i) to the benefit likely to accrue to the investigation if the material is obtained, and
    - (ii) to the circumstances under which the person in possession of the material holds it,that the material should be produced or that access to it should be given; and
  - (c) that the material does not consist of or include items subject to legal privilege.
- (4) An order under sub-paragraph (2) may relate to material expected to come into existence or to become available to the person concerned in the period of 28 days beginning with the date of the order; and in this case the order shall require that person to notify a named officer of the Force as soon as possible after the material comes into existence or becomes available to that person.
- (5) The period to be specified in an order under sub-paragraph (2) shall be 7 days from the date of the order or, in the case of an order made by virtue of sub-paragraph (4), from the notification to the named officer of the

Force, unless it appears in either case to the Bailiff that a longer or shorter period would be appropriate in all the circumstances.

- (6) Where the Bailiff makes an order under sub-paragraph (2)(b) in relation to material on any premises, the Bailiff may, on the application of an officer of the Force, order any person who appears to the Bailiff to be entitled to grant entry to the premises to allow an officer of the Force to enter the premises to obtain access to the material.

## **5 Rules of court for orders under paragraph 4**

- (1) The power to make rules of court under Article 13 of the [Royal Court \(Jersey\) Law 1948](#) shall include a power to make rules as to –
  - (a) the discharge and variation of orders made under paragraph 4;
  - (b) proceedings relating to such orders.
- (2) Pending the making of such rules –
  - (a) an order under paragraph 4 may be discharged or varied by the Bailiff on a written application made by any person subject to the order; and
  - (b) unless the Bailiff otherwise directs on grounds of urgency, the applicant shall, not less than 48 hours before making the application, send a copy of it and a notice in writing of the time and place where it is to be made to the Attorney General and to the officer of the Force on whose application the order to be discharged or varied was made or to any other officer of the Force.
- (3) Where the material to which an application under paragraph 4 relates consists of information contained in a computer –
  - (a) an order under paragraph 4(2)(a) shall have effect as an order to produce the material in a form in which it can be taken away and in which it is visible and legible; and
  - (b) an order under paragraph 4(2)(b) shall have effect as an order to give access to the material in a form in which it is visible and legible.
- (4) An order under paragraph 4 –
  - (a) confers no right to production of, or access to, items subject to legal privilege;
  - (b) has effect notwithstanding any obligation as to secrecy or other restriction on the disclosure of information imposed by any enactment or otherwise.
- (5) An order may be made under paragraph 4 in relation to material in the possession, custody or control of any Minister and any such order (which shall be served as if the proceedings were civil proceedings against the Minister concerned) may require any officer of an administration of the States for which that Minister is assigned responsibility, whether named in the order or not, who may for the time being have in his or her possession, custody or control the material concerned, to comply with the order.

## **5A Transitional arrangement for variation or discharge of certain orders made by Royal Court**

- (1) This paragraph applies to an order made by the Royal Court under paragraph 4 before 5th May 2006.
- (2) The Bailiff may vary or discharge an order to which this paragraph applies.
- (3) Pending the making of rules of court in accordance with paragraph 5(1) –
  - (a) an order to which this paragraph applies may be discharged by the Bailiff on a written application made by any person subject to the order; and
  - (b) unless the Bailiff otherwise directs on grounds of urgency, the applicant shall, not less than 48 hours before making the application, send a copy of it and a notice in writing of the time and place where it is to be made to the Attorney General and to the officer of the Force on whose application the order to be discharged or varied was made or to any other officer of the Force.

## **6 Explanations**

- (1) An officer of the Force may apply to the Bailiff for an order under this paragraph requiring any person specified in the order to provide an explanation of any material seized in pursuance of a warrant under paragraph 1 or produced or made available to an officer of the Force under paragraph 4.
- (2) An order under this paragraph shall not require any person to disclose any information which he or she would be entitled to refuse to disclose on grounds of legal professional privilege.
- (3) However, a lawyer may be required to provide the name and address of his or her client.
- (4) A statement by a person in response to a requirement imposed by an order under this paragraph –
  - (a) may be made orally or in writing; and
  - (b) may be used in evidence against him or her only on a prosecution for an offence under paragraph 7.

## **7 Offence**

- (1) A person commits an offence if, in purported compliance with an order under paragraph 6, he or she –
  - (a) makes a statement which the person knows to be false or misleading in a material particular; or
  - (b) recklessly makes a statement which is false or misleading in a material particular.
- (2) A person guilty of an offence under sub-paragraph (1) shall be liable to imprisonment for a term not exceeding 2 years or to a fine, or both.

**8 Urgent cases: authority for search**

- (1) An officer of the Force of at least the rank of chief inspector may by a written order signed by him or her give to any officer of the Force the authority which may be given by a search warrant under paragraph 1.
- (2) An order shall not be made under this paragraph unless the officer has reasonable grounds for believing –
  - (a) that the case is one of great emergency; and
  - (b) that immediate action is necessary.
- (3) Where an order is made under this paragraph, particulars of the case shall be notified as soon as is reasonably practicable to the Minister, the Bailiff and the Attorney General.
- (4) A person commits an offence if he or she wilfully obstructs a search under this paragraph.
- (5) A person guilty of an offence under sub-paragraph (4) shall be liable to imprisonment for a term of 6 months and to a fine of level 3 on the standard scale.

**9 Urgent cases: explanations**

- (1) If an officer of the Force of at least the rank of chief inspector has reasonable grounds for believing that the case is one of great emergency the officer may by a written notice signed by him or her require any person specified in the notice to provide an explanation of any material seized in pursuance of an order under paragraph 8.
- (2) Paragraph 6(2) to (4) and paragraph 7 shall apply to a notice under this paragraph as they apply to an order under paragraph 6.
- (3) A person commits an offence if he or she fails to comply with a notice under this paragraph.
- (4) It is a defence for a person charged with an offence under sub-paragraph (3) to show that he or she had a reasonable excuse for his or her failure.
- (5) A person guilty of an offence under sub-paragraph (3) shall be liable to imprisonment for a term of 6 months and to a fine.

**10 Supplementary**

- (1) An application may only be made under paragraph 1(1), 4 or 6 with the consent of the Attorney General.
- (2) An officer of the Force may, if necessary, use reasonable force for the purpose of exercising any power conferred on him or her by this Schedule.
- (3) A search of a person under this Schedule may only be carried out by a person of the same sex.



**11 Interpretation**

- (1)
- (2)
- (3) In this Schedule, “dwelling” means a building or part of a building used as a dwelling, and includes a vehicle which is habitually stationary and is so used.

**SCHEDULE 6<sup>89</sup>**

(Article 32)

**FINANCIAL INFORMATION****1 Order to provide customer information**

- (1) Where an order has been made under this paragraph in relation to a terrorist investigation, an officer of the Force named in the order may require a financial institution to which the order applies to provide customer information for the purposes of the investigation.
- (2) The order may provide that it applies to –
  - (a) all financial institutions;
  - (b) a particular description, or particular descriptions, of financial institutions; or
  - (c) a particular financial institution or particular financial institutions.
- (3) The information shall be provided –
  - (a) in such manner and within such time as the officer of the Force may specify; and
  - (b) notwithstanding any restriction on the disclosure of information imposed by any enactment or otherwise.
- (4) An institution which fails to comply with a requirement under this paragraph shall be guilty of an offence.
- (5) It is a defence for an institution charged with an offence under sub-paragraph (4) to prove –
  - (a) that the information required was not in the institution's possession; or
  - (b) that it was not reasonably practicable for the institution to comply with the requirement.
- (6) An institution guilty of an offence under sub-paragraph (4) shall be liable to a fine.

**2 Who may apply for order**

An order under paragraph 1 may be made on the application of an officer of the Force of at least the rank of chief inspector.

**3 Who may make order**

An order under paragraph 1 may be made only by the Bailiff.

#### **4 Consent required for application**

An application for an order under paragraph 1 may only be made with the consent of the Attorney General.

#### **5 Rules of court**

The power to make rules of court under Article 13 of the [Royal Court \(Jersey\) Law 1948](#) shall include power to make provision about the procedure for an application under paragraph 1.

#### **6 Criteria for making order**

The Bailiff may only make an order under paragraph 1 if satisfied that –

- (a) the order is sought for the purposes of a terrorist investigation;
- (b) the tracing of terrorist property is desirable for the purposes of the investigation; and
- (c) the order will enhance the effectiveness of the investigation.

#### **7 Customer information**

- (1) In this Schedule “customer information” means (subject to sub-paragraph (3)) –
  - (a) information whether a business relationship exists or existed between a financial institution and a particular person (“a customer”);
  - (b) a customer’s account number;
  - (c) a customer’s full name;
  - (d) a customer’s date of birth;
  - (e) a customer’s address or former address;
  - (f) the date on which a business relationship between a financial institution and a customer begins or ends;
  - (g) any evidence of a customer’s identity obtained by a financial institution in pursuance of or for the purposes of any legislation relating to money laundering; and
  - (h) the identity of a person sharing an account with a customer.
- (2) For the purposes of this Schedule “business relationship” means a business, professional or commercial relationship between a financial institution and a customer where that relationship is expected by the first person, at the time when contact is established, to have an element of duration.
- (3) The States may by Regulations –
  - (a) provide for a class of information to be customer information, or to cease to be customer information, for the purposes of this Schedule; or

- (b) extend the meaning of the expression “business relationship” for the purposes of this Schedule.

## **8 Offence by body corporate, etc.**

Where an individual is convicted of an offence under paragraph 1(4) by virtue of this paragraph and Article 63, the individual shall be liable to imprisonment for a term of 6 months and to a fine of level 3 on the standard scale.

## **9 Self-incrimination**

- (1) Customer information provided by a financial institution under this Schedule shall not be admissible in evidence in criminal proceedings against the institution or any of its officers or employees.
- (2) Sub-paragraph (1) shall not apply in relation to proceedings for an offence under paragraph 1(4) (including proceedings brought by virtue of paragraph 8).

**SCHEDULE 7<sup>90</sup>**

(Article 33)

**ACCOUNT MONITORING ORDERS****1 Account monitoring orders**

- (1) The Bailiff may, on an application made to him or her by an officer of the Force of at least the rank of chief inspector, make an account monitoring order if he or she is satisfied that –
  - (a) the order is sought for the purposes of a terrorist investigation;
  - (b) the tracing of terrorist property is desirable for the purposes of the investigation; and
  - (c) the order will enhance the effectiveness of the investigation.
- (2) An application for an order under sub-paragraph (1) may only be made with the consent of the Attorney General.
- (3) The application for an account monitoring order must state that the order is sought against the financial institution specified in the application in relation to information which –
  - (a) relates to an account or accounts held with the institution by the person specified in the application (whether solely or jointly with another); and
  - (b) is of the description so specified.
- (4) The application for an account monitoring order may specify information relating to –
  - (a) all accounts that the person specified in the application for the order holds with the financial institution so specified;
  - (b) a particular description, or particular descriptions, of accounts so held; or
  - (c) a particular account, or particular accounts, so held.
- (5) An account monitoring order is an order that the financial institution specified in the application for the order must –
  - (a) for the period specified in the order;
  - (b) in the manner so specified;
  - (c) at or by the time or times so specified; and
  - (d) at the place or places so specified,provide information of the description specified in the application to an officer of the Force named in the order.
- (6) The period stated in an account monitoring order must not exceed the period of 90 days beginning with the day on which the order is made.

## 2 Applications

- (1) An application for an account monitoring order may be made *ex parte* to the Bailiff in chambers.
- (2) The description of information specified in an application for an account monitoring order may be varied by the officer who applied for the order or another officer of the Force of at least the rank of chief inspector.

## 3 Discharge or variation

- (1) An application to discharge or vary an account monitoring order may be made to the Bailiff by –
  - (a) the officer who applied for the order or another officer of the Force of at least the rank of chief inspector;
  - (b) any person affected by the order.
- (2) The Bailiff may confirm, vary or discharge the order.

## 4 Rules of court

The power to make rules of court under Article 13 of the [Royal Court \(Jersey\) Law 1948](#) shall include power to make provision as to the practice and procedure to be followed in connection with proceedings relating to account monitoring orders.

## 5 Effect of orders

- (1) An account monitoring order has effect in spite of any restriction on the disclosure of information (however imposed).
- (2) An account monitoring order has effect as if it were an order of the Royal Court.

## 6 Statements

- (1) A statement made by a financial institution in response to an account monitoring order may not be used in evidence against it in criminal proceedings.
- (2) But sub-paragraph (1) does not apply –
  - (a) in the case of proceedings for contempt of court;
  - (b) in the case of proceedings under Article 27 where the financial institution has been convicted of an offence under Article 15 or 16;
  - (c) on a prosecution for an offence where, in giving evidence, the financial institution makes a statement inconsistent with the statement mentioned in sub-paragraph (1).
- (3) A statement may not be used by virtue of sub-paragraph (2)(c) against a financial institution unless –
  - (a) evidence relating to it is adduced; or

- (b) a question relating to it is asked,  
by or on behalf of the financial institution in the proceedings arising out of  
the prosecution.

**SCHEDULE 8<sup>91</sup>**

(Article 49)

**PORT CONTROLS****1 Interpretation**

- (1) In this Schedule –
  - “captain” means master of a ship or commander of an aircraft;
  - “examining officer” means any of the following –
    - (a) a police officer;
    - (b) an immigration officer; or
    - (c) a customs officer;
  - “port” includes an airport.
- (2) A place shall be treated as a port for the purposes of this Schedule in relation to a person if an examining officer believes that the person –
  - (a) has gone there for the purpose of embarking on a ship or aircraft; or
  - (b) has arrived there on disembarking from a ship or aircraft.

**2 Power to question**

- (1) An examining officer may question a person to whom this paragraph applies for the purpose of determining whether he or she appears to be a person falling within Article 36(b) or (c).
- (2) This paragraph applies to a person if –
  - (a) the person is at a port; and
  - (b) the examining officer believes that the person’s presence at the port or in the area is connected with the person’s entering or leaving Jersey.
- (3) This paragraph also applies to a person on a ship or aircraft which has arrived in Jersey.
- (4) An examining officer may exercise his or her powers under this paragraph whether or not he or she has grounds for suspecting that a person falls within Article 36(b) or (c).

**3 Requirement to give information**

A person who is questioned under paragraph 2 must –

- (a) give the examining officer any information in his or her possession which the officer requests;



- (b) give the examining officer on request either a valid passport which includes a photograph or another document which establishes the person's identity;
- (c) declare whether the person has with him or her documents of a kind specified by the examining officer;
- (d) give the examining officer on request any document which the person has with him or her and which is of a kind specified by the officer.

#### **4 Power to stop and detain**

- (1) For the purposes of exercising a power under paragraph 2 an examining officer may –
  - (a) stop a person or vehicle;
  - (b) detain a person.
- (2) For the purpose of detaining a person under this paragraph, an examining officer may authorize the person's removal from a ship, aircraft or vehicle.
- (3) Where a person is detained under this paragraph the provisions of Part 1 of Schedule 9 shall apply.
- (4) A person detained under this paragraph shall (unless detained under any other power) be released not later than the end of the period of 9 hours beginning with the time when his or her examination begins.

#### **5 Search of ship or aircraft**

For the purpose of satisfying himself or herself whether there are any persons whom he or she may wish to question under paragraph 2 an examining officer may –

- (a) search a ship or aircraft;
- (b) search anything on a ship or aircraft;
- (c) search anything which he or she reasonably believes has been, or is about to be, on a ship or aircraft.

#### **6 Search of person**

- (1) An examining officer who questions a person under paragraph 2 may, for the purpose of determining whether he or she falls within Article 36(b) or (c) –
  - (a) search the person;
  - (b) search anything which the person has with him or her, or which belongs to him or her, and which is on a ship or aircraft;
  - (c) search anything which the person has with him or her, or which belongs to him or her, and which the examining officer reasonably believes has been, or is about to be, on a ship or aircraft;

- (d) search a ship or aircraft for anything falling within clause (b);
  - (e) search a vehicle;
  - (f) search anything in or on a vehicle;
  - (g) search anything which he or she reasonably believes has been, or is about to be, in or on a vehicle.
- (2) A search of a person under this paragraph must be carried out by someone of the same sex.

## **7 Power to examine goods<sup>92</sup>**

- (1) An examining officer may examine goods to which this paragraph applies for the purpose of determining whether they have been used for the purposes of terrorism.
- (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;
  - (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;

“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.

## **8 Person authorized to carry out search etc.**

- (1) An examining officer may authorize a person to carry out on his or her behalf a search or examination under any of paragraphs 5 to 7.
- (2) A person authorized under this paragraph shall be treated as an examining officer for the purposes of paragraphs 7(4) and 9 of this Schedule.

## **9 Detention of property**

- (1) This paragraph applies to anything which –
  - (a) is given to an examining officer in accordance with paragraph 3(d);
  - (b) is searched or found on a search under paragraph 6; or
  - (c) is examined under paragraph 7.
- (2) An examining officer may detain the thing –
  - (a) for the purpose of examination, for a period not exceeding 7 days beginning with the day on which the detention commences;
  - (b) while he or she believes that it may be needed for use as evidence in criminal proceedings; or
  - (c) while he or she believes that it may be needed in connection with a decision by the Lieutenant Governor whether to make a deportation order under the Immigration Act 1971.

## **10 Designated ports**

- (1) This paragraph applies to any journey to or from Jersey.
- (2) Where a ship or aircraft is employed to carry passengers for reward on a journey to which this paragraph applies the owners or agents of the ship or aircraft shall not arrange for it to call at a port in Jersey for the purpose of disembarking or embarking passengers unless –
  - (a) the port is a designated port; or
  - (b) an officer of the Force, customs officer or immigration officer approves the arrangement.
- (3) Where an aircraft is employed on a journey to which this paragraph applies otherwise than to carry passengers for reward, the captain of the aircraft shall not permit it to call at or leave a port in Jersey unless –
  - (a) the port is a designated port; or

- (b) the captain gives at least 12 hours' notice in writing to an officer of the Force.
- (4) A designated port is a port which appears in the Table at the end of this Schedule.
- (5) The Minister may by Order –
  - (a) add an entry to the Table;
  - (b) remove an entry from the Table.

## **11 Designation of control areas**

- (1) The Minister, after consultation with the Lieutenant Governor, may by notice in writing to the owners or agents of ships or aircraft –
  - (a) designate control areas in any port in Jersey;
  - (b) specify conditions for or restrictions on the embarkation or disembarkation of passengers in a control area.
- (2) Where owners or agents of a ship or aircraft receive notice under sub-paragraph (1) in relation to a port they shall take all reasonable steps to ensure, in respect of the ship or aircraft –
  - (a) that passengers do not embark or disembark at the port outside a control area; and
  - (b) that any specified conditions are met and any specified restrictions are complied with.
- (3) The Minister may by notice in writing to persons concerned with the management of a port (“the port managers”) –
  - (a) designate control areas in the port;
  - (b) require the port managers to provide at their own expense specified facilities in a control area for the purposes of the embarkation or disembarkation of passengers or their examination under this Schedule;
  - (c) require conditions to be met and restrictions to be complied with in relation to the embarkation or disembarkation of passengers in a control area;
  - (d) require the port managers to display, in specified locations in control areas, notices containing specified information about the provisions of this Schedule in such form as may be specified.
- (4) Where port managers receive notice under sub-paragraph (3) they shall take all reasonable steps to comply with any requirements set out in the notice.
- (5) The Minister shall inform the Minister for Economic Development, Tourism, Sport and Culture of any designations made and requirements imposed under this paragraph.

**12 Duty of captain on arrival and departure**

- (1) This paragraph applies to a ship employed to carry passengers for reward, or an aircraft, which –
  - (a) arrives in Jersey;
  - (b) leaves Jersey.
- (2) The captain shall ensure –
  - (a) that passengers and members of the crew do not disembark at a port in Jersey unless either they have been examined by an examining officer or they disembark in accordance with arrangements approved by an examining officer;
  - (b) that passengers and members of the crew do not embark at a port in Jersey except in accordance with arrangements approved by an examining officer;
  - (c) where a person is to be examined under this Schedule on board the ship or aircraft, that he or she is presented for examination in an orderly manner.
- (3) Where paragraph 27 of Schedule 2 to the Immigration Act 1971 applies, the requirements of sub-paragraph (2)(a) are in addition to the requirements of paragraph 27 of that Schedule.

**13 Carding**

- (1) The Minister may by Order make provision requiring a person to whom this paragraph applies, if required to do so by an examining officer, to complete and produce to the officer a card containing such information in such form as the Order may specify.
- (2) An Order under this paragraph may require the owners or agents of a ship or aircraft employed to carry passengers for reward to supply their passengers with cards in the form required by virtue of sub-paragraph (1).
- (3) This paragraph applies to a person –
  - (a) who disembarks in Jersey from a ship or aircraft; or
  - (b) who embarks in Jersey on a ship or aircraft.

**14 Provision of passenger information<sup>93</sup>**

- (1) This paragraph applies to a ship or aircraft which arrives or is expected to arrive in Jersey or leaves or is expected to leave Jersey.
- (2) If an examining officer gives the owners or agents of a ship or aircraft to which this paragraph applies a written request to provide specified information, the owners or agents shall comply with the request as soon as is reasonably practicable.
- (3) A request to an owner or agent may relate –
  - (a) to a particular ship or aircraft;

- (b) to all ships or aircraft of the owner or agent to which this paragraph applies; or
  - (c) to specified ships or aircraft.
- (4) Information may be specified in a request only if it is of a kind which is prescribed by Order of the Minister and which relates –
  - (a) to passengers;
  - (b) to crew; or
  - (c) to vehicles belonging to passengers or crew.
- (5) A passenger or member of the crew on a ship or aircraft shall give the captain any information required for the purpose of enabling the owners or agents to comply with a request under this paragraph.
- (6) Sub-paragraphs (2) and (5) shall not require the provision of information which is required to be provided under or by virtue of paragraph 27(2), 27B or 27BA of Schedule 2 to the Immigration Act 1971.

## 15 Offences

- (1) A person commits an offence if the person –
  - (a) wilfully fails to comply with a duty imposed under or by virtue of this Schedule;
  - (b) wilfully contravenes a prohibition imposed under or by virtue of this Schedule; or
  - (c) wilfully obstructs, or seeks to frustrate, a search or examination under or by virtue of this Schedule.
- (2) A person guilty of an offence under this paragraph shall be liable to imprisonment for a term not exceeding 3 months or to a fine not exceeding level 3 on the standard scale, or both.

## TABLE

### DESIGNATED PORTS

#### Seaports

St. Helier, harbours

Gorey harbour

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**Airports**

Jersey Airport

**SCHEDULE 9<sup>94</sup>**

(Article 37 and Schedule 8)

**DETENTION****PART I****TREATMENT OF PERSONS DETAINED UNDER ARTICLE 37 OR SCHEDULE 8****1 Place of detention**

- (1) The Minister shall designate places at which persons may be detained under Article 37 or Schedule 8.
- (2) In this Schedule a reference to a police station includes a reference to any place which the Minister has designated under sub-paragraph (1) as a place where a person may be detained under Article 37.
- (3) Where a person is detained under Schedule 8, the person may be taken in the custody of an examining officer or of a person acting under an examining officer's authority to and from any place where his or her attendance is required for the purpose of –
  - (a) his or her examination under that Schedule;
  - (b) establishing his or her nationality or citizenship; or
  - (c) making arrangements for his or her admission to a country or territory outside Jersey.
- (4) A police officer who arrests a person under Article 37 shall take him or her as soon as is reasonably practicable to the police station which the police officer considers the most appropriate.
- (5) In this paragraph "examining officer" has the meaning given in Schedule 8.

**2 Identification**

- (1) An authorized person may take any steps which are reasonably necessary for –
  - (a) photographing the detained person;
  - (b) measuring him or her; or
  - (c) identifying him or her.
- (2) In sub-paragraph (1) "authorized person" means any of the following –
  - (a) a police officer;
  - (b) a prison officer;



- (c) a person authorized by the Minister; and
  - (d) in the case of a person detained under Schedule 8, an examining officer (within the meaning of that Schedule).
- (3) This paragraph does not confer the power to take fingerprints, non-intimate samples or intimate samples (within the meaning given by paragraph 16).

### **3 Recording of interviews**

- (1) The Minister shall –
  - (a) issue a code of practice about the audio recording of interviews to which this paragraph applies; and
  - (b) make an Order requiring the audio recording of interviews to which this paragraph applies in accordance with any relevant code of practice under clause (a).
- (2) The Minister may make an Order requiring the video recording of interviews to which this paragraph applies.
- (3) An Order under sub-paragraph (2) shall specify whether the video recording which it requires is to be silent or with sound.
- (4) Where an Order is made under sub-paragraph (2) –
  - (a) the Minister shall issue a code of practice about the video recording of interviews to which the Order applies; and
  - (b) the Order shall require the interviews to be video recorded in accordance with any relevant code of practice under clause (a).
- (5) Where the Minister has made an Order under sub-paragraph (2) requiring certain interviews to be video recorded with sound, the Minister need not, but may, make an order under sub-paragraph (1)(b) in relation to those interviews.
- (6) This paragraph applies to any interview by an officer of the Force of a person detained under Article 37 or Schedule 8 if the interview takes place in a police station.

### **4 Code of practice – supplementary**

- (1) When the Minister proposes to bring into operation a code of practice, the Minister shall prepare and publish a draft of that code, shall consider any representations made to it about the draft and may modify the draft accordingly.
- (2) After the Minister has complied with sub-paragraph (1), the Minister may bring the code into operation by Order.
- (3) The Minister may revise a code and issue the revised code, and sub-paragraphs (1) and (2) shall apply to a revised code as they apply to the first code brought into operation.
- (4) The failure by an officer of the Force to observe a provision of a code shall not of itself make him or her liable to criminal or civil proceedings.

- (5) A code shall be admissible in evidence in all criminal proceedings, and if any provision of a code appears to the court or tribunal conducting the proceedings to be relevant to any question arising in the proceedings, it shall be taken into account in determining that question.

## **5 Status**

A detained person shall be deemed to be in legal custody throughout the period of his or her detention.

## **6 Right to have someone informed when detained**

- (1) Subject to paragraph 8, a person detained under Article 37 or Schedule 8 at a police station shall be entitled, if he or she so requests, to have one named person informed as soon as is reasonably practicable that he or she is being detained there.
- (2) The person named must be –
- (a) a friend of the detained person;
  - (b) a relative; or
  - (c) a person who is known to the detained person or who is likely to take an interest in his or her welfare.
- (3) Where a detained person is transferred from one police station to another, he or she shall be entitled to exercise the right under this paragraph in respect of the police station to which he or she is transferred.

## **7 Access to legal advice**

- (1) Subject to paragraph 8, a person detained under Article 37 or Schedule 8 at a police station shall be afforded facilities, if he or she so requests, to consult a legal representative in private at any time, by telephone, in writing or in person.
- (2) Where a request is made under sub-paragraph (1), the request and the time at which it was made shall be recorded.

## **8 Authority to delay rights under paragraphs 6 and 7**

- (1) Subject to sub-paragraph (2), an officer of the Force at least the rank of chief inspector may authorize a delay –
- (a) in informing the person named by a detained person under paragraph 6;
  - (b) in affording a detained person the facilities mentioned in paragraph 7(1).
- (2) But where a person is detained under Article 37 he or she must be permitted to exercise his or her rights under paragraphs 6 and 7 before the end of the period mentioned in paragraph (3) of that Article.

- (3) Subject to sub-paragraph (5), an officer may give an authorization under sub-paragraph (1) only if he or she has reasonable grounds for believing –
  - (a) in the case of an authorization under sub-paragraph (1)(a), that informing the named person of the detained person's detention will have any of the consequences specified in sub-paragraph (4); or
  - (b) in the case of an authorization under sub-paragraph (1)(b), that the exercise of the right under paragraph 7 at the time when the detained person desires to exercise it will have any of the consequences specified in sub-paragraph (4).
- (4) Those consequences are –
  - (a) interference with or harm to evidence of a serious offence;
  - (b) interference with or physical injury to any person;
  - (c) the alerting of persons who are suspected of having committed a serious offence but who have not been arrested for it;
  - (d) the hindering of the recovery of property obtained as a result of a serious offence or in respect of which a forfeiture order could be made under Article 26;
  - (e) interference with the gathering of information about the commission, preparation or instigation of acts of terrorism;
  - (f) the alerting of a person and thereby making it more difficult to prevent an act of terrorism; and
  - (g) the alerting of a person and thereby making it more difficult to secure a person's apprehension, prosecution or conviction in connection with the commission, preparation or instigation of an act of terrorism.
- (5) An officer may also give an authorization under sub-paragraph (1) if the officer has reasonable grounds for believing that –
  - (a) the detained person has committed an offence mentioned in Schedule 1 to the [Proceeds of Crime \(Jersey\) Law 1999](#);
  - (b) the detained person has benefited from the offence within the meaning of that Law; and
  - (c) by informing the named person of the detained person's detention (in the case of an authorization under sub-paragraph (1)(a)), or by the exercise of the right under paragraph 7 (in the case of an authorization under sub-paragraph (1)(b)), the recovery of the value of that benefit will be hindered.
- (6) If an authorization under sub-paragraph (1) is given orally, the person giving it shall confirm it in writing as soon as is reasonably practicable.
- (7) Where an authorization under sub-paragraph (1) is given –
  - (a) the detained person shall be told the reason for the delay as soon as is reasonably practicable; and
  - (b) the reason shall be recorded as soon as is reasonably practicable.

- (8) Where the reason for authorizing delay ceases to subsist there may be no further delay in permitting the exercise of the right in the absence of a further authorization under sub-paragraph (1).

## 9 Meaning of “serious offence”<sup>95</sup>

- (1) This paragraph has effect for determining whether an offence is a serious offence for the purposes of paragraph 8.
- (2) The following offences are always serious –

- (a) any offence of –
- (i) treason,
  - (ii) murder,
  - (iii) manslaughter,
  - (iv)
  - (v) kidnapping,
  - (vi)
  - (vii)
  - (viii) gross indecency,
  - (ix) indecent assault,
  - (x) publication of obscene material,

whether under customary law or under any enactment;

- (b) any offence under –
- (i) Articles 2 and 3 of the [Loi \(1884\) sur les matières explosives](#),
  - (ii) Articles 5 to 7, 9 to 12, and 14 to 18 of the [Sexual Offences \(Jersey\) Law 2018](#),
  - (iia) Articles 28, 29, 35 and 36 of the [Sexual Offences \(Jersey\) Law 2018](#), if the offence is against a child,
  - (iib) Article 40 of the [Sexual Offences \(Jersey\) Law 2018](#), if the relevant offence for the purpose of that Article is an offence under a provision mentioned in sub-clause (ii) or (iia),
  - (iii) Articles 38 and 39 of the [Firearms \(Jersey\) Law 2000](#),
  - (iv) Section 1 of the Taking of Hostages Act 1982 of the United Kingdom as extended to Jersey by Order in Council,
  - (v) Section 1 of the Aviation Security Act 1982 of the United Kingdom as extended to Jersey by Order in Council,
  - (vi) Section 1 of the Aviation and Maritime Security Act 1990 of the United Kingdom as extended to Jersey by Order in Council,
  - (vii) Articles 23 and 26 of the [Road Traffic \(Jersey\) Law 1956](#),
  - (viii) Article 1 of the [Torture \(Jersey\) Law 1990](#),

- (ix) Article 2 of the [Protection of Children \(Jersey\) Law 1994](#),
  - (x) the [Official Secrets \(Jersey\) Law 1952](#);
  - (c) any of the offences mentioned in the definition “drug trafficking” in Article 1(1) of the [Misuse of Drugs \(Jersey\) Law 1978](#).
- (3) Subject to sub-paragraph (4), any other offence is serious only if its commission –
- (a) has led to any of the consequences specified in sub-paragraph (5); or
  - (b) is intended or is likely to lead to any of those consequences.
- (4) An offence which consists of making a threat is serious if carrying out the threat would be likely to lead to any of the consequences specified in sub-paragraph (5).
- (5) The consequences mentioned in sub-paragraphs (3) and (4) are –
- (a) serious harm to the security of the British Islands or to public order;
  - (b) serious interference with the administration of justice or with the investigation of offences or of a particular offence;
  - (c) the death of any person;
  - (d) serious injury to any person;
  - (e) substantial financial gain to any person;
  - (f) serious financial loss to any person.
- (6) Loss is serious for the purposes of this paragraph if, having regard to all the circumstances, it is serious for the person who suffers it.
- (7) In this paragraph “injury” includes any disease and any impairment of a person’s physical or mental condition.
- (8) Any offence of conspiring or attempting to commit a serious offence or aiding, abetting, counselling or procuring the commission of a serious offence is a serious offence.
- (9) The States may, by Regulations, amend sub-paragraph (2)(a) and (b).

## 10 Direction regarding access to legal advice

- (1) A direction under this paragraph may provide that a detained person who wishes to exercise the right under paragraph 7 may only consult a legal representative in the sight and hearing of a qualified officer.
- (2) A direction under this paragraph may be given by an officer of the Force of at least the rank of chief inspector where the person is detained at a police station.
- (3) A direction under this paragraph may be given only if the officer giving it has reasonable grounds for believing that, unless the direction is given, the exercise of the right by the detained person will have any of the consequences specified in paragraph 8(4) or the consequence specified in paragraph 8(5)(c).

- (4) In this paragraph “a qualified officer” means an officer of the Force who is of at least the rank of inspector and, in the opinion of the officer giving the direction, has no connection with the detained person’s case.
- (5) A direction under this paragraph shall cease to have effect once the reason for giving it ceases to subsist.

## **11 Fingerprints and samples**

- (1) Fingerprints may be taken from the detained person only if they are taken by a police officer –
  - (a) with the appropriate consent given in writing; or
  - (b) without that consent, under sub-paragraph (3).
- (2) A non-intimate sample may be taken from the detained person only if it is taken by a police officer –
  - (a) with the appropriate consent given in writing; or
  - (b) without that consent, under sub-paragraph (3).
- (3) Fingerprints or a non-intimate sample may be taken from the detained person without the appropriate consent only if he or she is detained at a police station and an officer of the Force of at least the rank of chief inspector authorizes the fingerprints or sample to be taken.
- (4) An intimate sample may be taken from the detained person only if –
  - (a) he or she is detained at a police station;
  - (b) the appropriate consent is given in writing;
  - (c) an officer of the Force of at least the rank of chief inspector authorizes the sample to be taken; and
  - (d) subject to paragraph 14(2) and (3), the sample is taken by a police officer.
- (5) Subject to sub-paragraph (6), an officer may give an authorization under sub-paragraph (3) or (4)(c) only if –
  - (a) in the case of a person detained under Article 37, the officer reasonably suspects that the person has been involved in an offence under any of the provisions mentioned in Article 36(1)(a), and the officer reasonably believes that the fingerprints or sample will tend to confirm or disprove his or her involvement; or
  - (b) in any case, the officer is satisfied that the taking of the fingerprints or sample from the person is necessary in order to assist in determining whether he or she falls within Article 36(1)(b).
- (6) An officer may also give an authorization under sub-paragraph (3) for the taking of fingerprints if –
  - (a) he or she is satisfied that the fingerprints of the detained person will facilitate the ascertainment of that person’s identity; and

- (b) that person has refused to identify himself or herself or the officer has reasonable grounds for suspecting that that person is not who he or she claims to be.
- (7) If an authorization under sub-paragraph (3) or (4)(c) is given orally, the person giving it shall confirm it in writing as soon as is reasonably practicable.
- (8) In this paragraph, references to ascertaining a person's identity include references to showing that he or she is not a particular person.

## **12 Right to be informed**

- (1) Before fingerprints or a sample are taken from a person under paragraph 11, the person shall be informed –
  - (a) that the fingerprints or sample may be used for the purposes of paragraph 15(3), or checked against any fingerprints or samples or the information derived from samples taken and contained –
    - (i) in records held by or on behalf of the Force,
    - (ii) in any similar records held by a police force elsewhere in the British Islands or in Northern Ireland, or
    - (iii) in any similar records held by any other police force or authority, body or person specified pursuant to sub-paragraph (4);
  - (b) where the fingerprints or sample are to be taken under paragraph 11(1)(a), (2)(a) or (4)(b), of the reason for taking the fingerprints or sample.
- (2) Before fingerprints or a sample are taken from a person upon an authorization given under paragraph 11(3) or (4)(c), the person shall be informed –
  - (a) that the authorization has been given;
  - (b) of the grounds upon which it has been given; and
  - (c) where relevant, of the nature of the offence in which it is suspected that he or she has been involved.
- (3) After fingerprints or a sample are taken under paragraph 11, there shall be recorded as soon as is reasonably practicable any of the following which apply –
  - (a) the fact that the person has been informed in accordance with sub-paragraphs (1) and (2);
  - (b) the reason referred to in sub-paragraph (1)(b);
  - (c) the authorization given under paragraph 11(3) or (4)(c);
  - (d) the grounds upon which that authorization has been given; and
  - (e) the fact that the appropriate consent has been given.
- (4) The Minister may prescribe, for the purposes of sub-paragraph (1)(a)(iii) –

- (a) any police force of a country or territory outside the British Islands and Northern Ireland;
- (b) any person or public authority in the British Islands or Northern Ireland having functions which consist of or include the provision of criminal intelligence, the prevention and detection of serious crime, the investigation of crimes and the charging of offences;
- (c) any person or public authority of a country or territory outside the British Islands and Northern Ireland whose functions correspond to those of a police force or otherwise consist of or include the investigation of conduct contrary to the law of that country or territory, or the apprehension of persons guilty of such conduct;
- (d) any person with functions under any international agreement which consist of or include –
  - (i) the investigation of conduct which is unlawful under the law of one or more places, prohibited by such an agreement or contrary to international law, or
  - (ii) the apprehension of persons guilty of such conduct.

### **13 Intimate samples: further provisions**

- (1) This paragraph applies where –
  - (a) 2 or more non-intimate samples suitable for the same means of analysis have been taken from a person under paragraph 11;
  - (b) those samples have proved insufficient; and
  - (c) the person has been released from detention.
- (2) An intimate sample may be taken from the person if –
  - (a) the appropriate consent is given in writing;
  - (b) an officer of the Force of at least the rank of chief inspector authorizes the sample to be taken; and
  - (c) subject to paragraph 14(2) and (3), the sample is taken by a police officer.
- (3) Paragraphs 11(5) and (6) and 12 shall apply in relation to the taking of an intimate sample under this paragraph and a reference to a person detained under Article 37 shall be taken as a reference to a person who was detained under Article 37 when the non-intimate samples mentioned in sub-paragraph (1)(a) were taken.

### **14 Inference from refusal of consent**

- (1) Where appropriate written consent to the taking of an intimate sample from a person under paragraph 11 or 13 is refused without good cause, in any proceedings against that person for an offence –
  - (a) the court, in determining whether to commit him or her for trial or whether there is a case to answer, may draw such inferences from the refusal as appear proper; and



- (b) the court or jury, in determining whether that person is guilty of the offence charged, may draw such inferences from the refusal as appear proper.
- (2) An intimate sample other than a sample of urine or a dental impression may be taken under paragraph 11 or 13 only by a person registered as a medical practitioner under the [Medical Practitioners \(Registration\) \(Jersey\) Law 1960](#) acting on the authority of a police officer.
- (3) An intimate sample which is a dental impression may be taken under paragraph 11 or 13 only by a person registered as a dentist under the [Dentistry \(Jersey\) Law 2015](#) acting on the authority of a police officer.
- (4) Where a sample of hair other than pubic hair is to be taken under paragraph 11 the sample may be taken either by cutting hairs or by plucking hairs with their roots so long as no more are plucked than the person taking the sample reasonably considers to be necessary for a sufficient sample.

## **15 Use of fingerprints or samples**

- (1) This paragraph applies to –
  - (a) fingerprints or samples taken under paragraph 11 or 13; and
  - (b) information derived from those samples.
- (2) The fingerprints, samples or information may be used only for the purpose of a terrorist investigation.
- (3) The fingerprints, samples or information may be checked, subject to sub-paragraph (2), against –
  - (a) other fingerprints or samples taken under paragraph 11 or 13 or information derived from those samples;
  - (b) any of the fingerprints, samples and information held by any police force, authority, body or person mentioned in or specified for the purposes of paragraph 12(1)(a).

## **16 Interpretation of paragraphs 11 to 15**

In the application of paragraphs 11 to 15 –

“appropriate consent” means –

- (i) in relation to a person who has attained the age of 17 years, the consent of that person,
- (ii) in relation to a person who has not attained that age but has attained the age of 14 years, the consent of that person and his parent or guardian, and
- (iii) in relation to a person who has not attained the age of 14 years, the consent of his parent or guardian;

“fingerprints” includes palm prints;

“insufficient” and “sufficient” in relation to a sample, means sufficient or insufficient (in point of quantity or quality) for the purpose of enabling information to be produced by the means of analysis used or to be used in relation to the sample;

“intimate sample” means –

- (i) a sample of blood, semen or any other tissue fluid, urine or pubic hair,
- (ii) a dental impression,
- (iii) a swab taken from a person’s body orifice other than the mouth;

“non-intimate sample” means –

- (i) a sample of hair other than pubic hair,
- (ii) a sample taken from a nail or from under a nail,
- (iii) a swab taken from any part of a person’s body including the mouth but not any other body orifice,
- (iv) saliva,
- (v) a footprint or a similar impression of any part of a person’s body other than a part of his hand.

## **PART 2**

### **REVIEW OF DETENTION UNDER ARTICLE 37**

#### **17 Requirement for review**

- (1) A person’s detention shall be periodically reviewed by a review officer.
- (2) The first review shall be carried out as soon as is reasonably practicable after the time of the person’s arrest.
- (3) Subsequent reviews shall, subject to paragraph 18, be carried out at intervals of not more than 12 hours.
- (4) No review of a person’s detention shall be carried out after a warrant extending his or her detention has been issued under Part 3 of this Schedule.

#### **18 Postponement**

- (1) A review may be postponed if at the latest time at which it may be carried out in accordance with paragraph 17 –
  - (a) the detained person is being questioned by a police officer and an officer is satisfied that an interruption of the questioning to carry out the review would prejudice the investigation in connection with which the person is being detained;

- (b) no review officer is readily available; or
  - (c) it is not practicable for any other reason to carry out the review.
- (2) Where a review is postponed it shall be carried out as soon as is reasonably practicable.
- (3) For the purposes of ascertaining the time within which the next review is to be carried out, a postponed review shall be deemed to have been carried out at the latest time at which it could have been carried out in accordance with paragraph 17.

## **19 Grounds for continued detention**

- (1) A review officer may authorize a person's continued detention only if satisfied that it is necessary –
  - (a) to obtain relevant evidence whether by questioning the person or otherwise;
  - (b) to preserve relevant evidence;
  - (c) pending a decision whether to apply to the Lieutenant Governor for a deportation notice to be served on the detained person;
  - (d) pending the making of an application to the Lieutenant Governor for a deportation notice to be served on the detained person;
  - (e) pending consideration by the Lieutenant Governor whether to serve a deportation notice on the detained person; or
  - (f) pending a decision whether the detained person should be charged with an offence.
- (2) The review officer shall not authorize continued detention by virtue of sub-paragraph (1)(a) or (b) unless he or she is satisfied that the investigation in connection with which the person is detained is being conducted diligently and expeditiously.
- (3) The review officer shall not authorize continued detention by virtue of sub-paragraph (1)(c) to (f) unless he or she is satisfied that the process pending the completion of which detention is necessary is being conducted diligently and expeditiously.
- (4) In sub-paragraph (1)(a) and (b) "relevant evidence" means evidence which –
  - (a) relates to the commission by the detained person of an offence under any of the provisions mentioned in Article 36(1)(a); or
  - (b) indicates that the detained person falls within Article 36(1)(b).
- (5) In sub-paragraph (1) "deportation notice" means notice of a decision to make a deportation order under the Immigration Act 1971.

## **20 Review officer**

- (1) The review officer shall be an officer who has not been directly involved in the investigation in connection with which the person is detained.

- (2) In the case of a review carried out within the period of 24 hours beginning with the time of arrest, the review officer shall be an officer of the Force of at least the rank of inspector.
- (3) In the case of any other review, the review officer shall be an officer of the Force of at least the rank of chief inspector.

## **21 Directions by officer of higher rank**

- (1) This paragraph applies when –
  - (a) the review officer is of a rank lower than chief inspector;
  - (b) an officer of higher rank than the review officer gives directions relating to the detained person; and
  - (c) those directions are at variance with the performance by the review officer of a duty imposed on him or her under this Schedule.
- (2) The review officer shall refer the matter at once to the Chief Officer of the Force.

## **22 Representations**

- (1) Before determining whether to authorize a person's continued detention, a review officer shall give either of the following persons an opportunity to make representations about the detention –
  - (a) the detained person; or
  - (b) any legal representative representing him or her who is available at the time of the review.
- (2) Representations may be oral or written.
- (3) A review officer may refuse to hear oral representations from the detained person if the review officer considers that he or she is unfit to make representations because of his or her condition or behaviour.

## **23 Rights**

- (1) Where a review officer authorizes continued detention he or she shall inform the detained person –
  - (a) of any of his or her rights under paragraphs 6 and 7 which the detained person has not yet exercised; and
  - (b) if the exercise of any of his or her rights under either of those paragraphs is being delayed in accordance with the provisions of paragraph 8 of the fact that it is being so delayed.
- (2) Where a review of a person's detention is being carried out at a time when his or her exercise of a right under either of those paragraphs is being delayed –
  - (a) the review officer shall consider whether the reason or reasons for which the delay was authorized continue to subsist; and

- (b) if in his or her opinion the reason or reasons have ceased to subsist, the review officer shall inform the officer who authorized the delay of his or her opinion (unless he or she was that officer).

## **24 Record of review**

- (1) A review officer carrying out a review shall make a written record of the outcome of the review and of any of the following which apply –
  - (a) the grounds upon which continued detention is authorized;
  - (b) the reasons for postponement of the review;
  - (c) the fact that the detained person has been informed as required under paragraph 23(1);
  - (d) the officer's conclusions on the matter considered under paragraph 23(2)(a);
  - (e) the fact that he or she has taken action under paragraph 23(2)(b); and
  - (f) the fact that the detained person is being detained by virtue of Article 37(5) or (6).
- (2) The review officer shall –
  - (a) make the record in the presence of the detained person; and
  - (b) inform him or her at that time whether the review officer is authorizing continued detention, and if he or she is, of his or her grounds.
- (3) Sub-paragraph (2) shall not apply where, at the time when the record is made the detained person is –
  - (a) incapable of understanding what is said to him or her;
  - (b) violent or likely to become violent; or
  - (c) in urgent need of medical attention.

## **PART 3**

### **EXTENSION OF DETENTION UNDER ARTICLE 37**

## **25 Warrant of further detention**

- (1) An officer of the Force of at least the rank of chief inspector may apply to the Bailiff for the issue of a warrant of further detention under this Part.
- (2) A warrant of further detention –
  - (a) shall authorize the further detention under Article 37 of a specified person for a specified period; and
  - (b) shall state the time at which it is issued.

- (3) The specified period in relation to a person shall end not later than the end of the period of 7 days beginning –
  - (a) with the time of his or her arrest under Article 37; or
  - (b) if the person was being detained under Schedule 8 when he or she was arrested under Article 37, with the time when his or her examination under that Schedule began.

## **26 Time limit for application**

- (1) An application for a warrant shall be made –
  - (a) during the period mentioned in Article 37(3); or
  - (b) within 6 hours of the end of that period.
- (2) The Bailiff hearing an application made by virtue of sub-paragraph (1)(b) shall dismiss the application if he or she considers that it would have been reasonably practicable to make it during the period mentioned in Article 37(3).
- (3) For the purposes of this Schedule, an application for a warrant is made when written or oral notice of an intention to make the application is given to the Bailiff.

## **27 Notice of application**

An application for a warrant may not be heard unless the person to whom it relates has been given a notice stating –

- (a) that the application has been made;
- (b) the time at which the application was made;
- (c) the time at which it is to be heard; and
- (d) the grounds upon which further detention is sought.

## **28 Grounds for extension**

- (1) The Bailiff may issue a warrant of further detention only if satisfied that –
  - (a) there are reasonable grounds for believing that the further detention of the person to whom the application relates is necessary to obtain relevant evidence whether by questioning him or her or otherwise or to preserve relevant evidence; and
  - (b) the investigation in connection with which the person is detained is being conducted diligently and expeditiously.
- (2) In sub-paragraph (1) “relevant evidence” means, in relation to the person to whom the application relates, evidence which –
  - (a) relates to the person’s commission of an offence under any of the provisions mentioned in Article 36(1)(a); or
  - (b) indicates that he or she is a person falling within Article 36(1)(b).

**29 Representation**

- (1) The person to whom an application relates shall –
  - (a) be given an opportunity to make oral or written representations to the Bailiff about the application; and
  - (b) subject to sub-paragraph (3), may be legally represented at the hearing.
- (2) The Bailiff shall adjourn the hearing of an application to enable the person to whom the application relates to seek legal representation where –
  - (a) the person is not legally represented; and
  - (b) he or she wishes to be so represented.
- (3) The Bailiff may exclude any of the following persons from any part of the hearing –
  - (a) the person to whom the application relates;
  - (b) anyone representing him or her.
- (4) The Bailiff may, after giving an opportunity for representations to be made by or on behalf of the applicant and the person to whom the application relates, direct –
  - (a) that the hearing of the application must be conducted; and
  - (b) that all representations by or on behalf of a person for the purposes of the hearing must be made,  
  
by such means (whether a live television link or other means) falling within sub-paragraph (5) as may be specified in the direction and not in the presence (apart from by those means) of the applicant, of the person to whom the application relates or of any legal representative of that person.
- (5) A means of conducting the hearing and of making representations falls within this sub-paragraph if it allows the person to whom the application relates and any legal representative of his or hers (without being present at the hearing and to the extent that they are not excluded from it under sub-paragraph (3)) –
  - (a) to see and hear the Bailiff and the making of representations to him or her by other persons; and
  - (b) to be seen and heard by the Bailiff.
- (6) If the person to whom the application relates wishes to make representations about whether a direction should be given under sub-paragraph (4), the person must do so by using the facilities that will be used if the Bailiff decides to give a direction under that sub-paragraph.
- (7) Sub-paragraph (2) applies to the hearing of representations about whether a direction should be given under sub-paragraph (4) in the case of any application as it applies to the hearing of the application.
- (8) The Bailiff shall not give a direction under sub-paragraph (4) unless he or she has been informed that facilities are available at the place where the person to whom the application relates is held for the Bailiff to conduct a hearing by means falling within sub-paragraph (5).

- (9) If in a case where he or she has power to do so the Bailiff decides not to give a direction under sub-paragraph (4), the Bailiff shall state his or her reasons for not giving it.

### 30 Information

- (1) The officer who has made an application for a warrant may apply to the Bailiff for an order that specified information upon which he or she intends to rely be withheld from –
- (a) the person to whom the application relates; and
  - (b) anyone representing him or her.
- (2) Subject to sub-paragraph (3), the Bailiff may make an order under sub-paragraph (1) in relation to specified information only if satisfied that there are reasonable grounds for believing that if the information were disclosed –
- (a) evidence of an offence under any of the provisions mentioned in Article 36(1)(a) would be interfered with or harmed;
  - (b) the recovery of property obtained as a result of an offence under any of those provisions would be hindered;
  - (c) the recovery of property in respect of which a forfeiture order could be made under Article 26 would be hindered;
  - (d) the apprehension, prosecution or conviction of a person who is suspected of falling within Article 36(1)(a) or (b) would be made more difficult as a result of his or her being alerted;
  - (e) the prevention of an act of terrorism would be made more difficult as a result of a person being alerted;
  - (f) the gathering of information about the commission, preparation or instigation of an act of terrorism would be interfered with; or
  - (g) a person would be interfered with or physically injured.
- (3) The Bailiff may also make an order under sub-paragraph (1) in relation to specified information if satisfied that there are reasonable grounds for believing that –
- (a) the detained person has committed an offence referred to in Schedule 1 to the [Proceeds of Crime \(Jersey\) Law 1999](#);
  - (b) the detained person has benefited from the offence within the meaning of that Law; and
  - (c) the recovery of the value of that benefit would be hindered, if the information were disclosed.
- (4) The Bailiff shall direct that the following be excluded from the hearing of the application under this paragraph –
- (a) the person to whom the application for a warrant relates; and
  - (b) anyone representing him or her.



**31 Adjournments**

- (1) The Bailiff may adjourn the hearing of an application for a warrant only if the hearing is adjourned to a date before the expiry of the period mentioned in Article 37(3).
- (2) This paragraph shall not apply to an adjournment under paragraph 29(2).

**32 Extensions of warrant**

- (1) An officer of the Force of at least the rank of chief inspector may apply to the Bailiff for the extension or further extension of the period specified in a warrant of further detention.
- (2) Where the period specified is extended, the warrant shall be endorsed with a note stating the new specified period.
- (3) The specified period shall end not later than the end of the period of 7 days beginning –
  - (a) with the time of the person's arrest under Article 37; or
  - (b) if the person was being detained under Schedule 8 when he or she was arrested under Article 37 with the time when the person's examination under that Schedule began.
- (4) Paragraphs 26(3) and 27 to 30 shall apply to an application under this paragraph as they apply to an application for a warrant of further detention.
- (5) The Bailiff may adjourn the hearing of an application under sub-paragraph (1) only if the hearing is adjourned to a date before the expiry of the period specified in the warrant.
- (6) Sub-paragraph (5) shall not apply to an adjournment under paragraph 29(2).

**33 Effect of warrant or order**

A warrant given or order made by the Bailiff under this Part of this Schedule shall have effect as if it were an order of the Royal Court.

**34 Detention - conditions**

A person detained by virtue of a warrant issued under this Part shall (unless detained in accordance with Article 37(5) or (6) or under any other power) be released immediately if the officer having custody of him or her becomes aware that any of the grounds under paragraph 28(1)(a) and (b) upon which the Bailiff authorized his or her further detention have ceased to apply.

**SCHEDULE 10<sup>96</sup>**

(Article 2(1))

**TERRORISM OFFENCES****1 Aviation Security (Jersey) Order 1993**

- (a) An offence under any of sections 1, 2, 3, 4 or 6 of the Aviation Security Act 1982 as extended to Jersey by Article 2(1) of the Aviation Security (Jersey) Order 1993.
- (b) An offence under section 1 of the Aviation and Maritime Security Act 1990 as extended to Jersey by Article 2(2) of that Order.

**2 Internationally Protected Persons Act 1978 (Jersey) Order 1979**

An offence under section 1 of the Internationally Protected Persons Act 1978 as extended to Jersey by Article 3 of the Internationally Protected Persons Act 1978 (Jersey) Order 1979.

**3 Nuclear Material (Offences) Act 1983 (Jersey) Order 1991**

An offence under section 1 or 2 of the Nuclear Material (Offences) Act 1983 as extended to Jersey by Article 2 of the Nuclear Material (Offences) Act 1983 (Jersey) Order 1991.

**4 Maritime Security (Jersey) Order 1996**

An offence under any of sections 9 to 14 of the Aviation and Maritime Security Act 1990 as extended to Jersey by Article 2 of the Maritime Security (Jersey) Order 1996.

**5 Taking of Hostages (Jersey) Order 1982**

An offence under section 1 of the Taking of Hostages Act 1982 as extended to Jersey by Article 3 of the Taking of Hostages (Jersey) Order 1982.

## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement	*Projet No (where applicable)
Terrorism (Jersey) Law 2002	<a href="#">L.40/2002</a>	1 September 2003 ( <a href="#">R&amp;O.56/2003</a> )	<a href="#">P.75/2002</a>
Terrorism (Proscribed Organizations) (Amendment) (Jersey) Order 2003	<a href="#">R&amp;O.69/2003</a>	1 September 2003	
Terrorism (Proscribed Organizations) (Amendment No. 2) (Jersey) Order 2005	<a href="#">R&amp;O.167/2005</a>	4 November 2005	
States of Jersey (Amendments and Construction Provisions No. 7) (Jersey) Regulations 2005	<a href="#">R&amp;O.47/2005</a>	9 December 2005	<a href="#">P.61/2005</a>
Terrorism (Amendment) (Jersey) Law 2006	<a href="#">L.11/2006</a>	5 May 2006	<a href="#">P.160/2005</a>
Regulation of Investigatory Powers (Jersey) Law 2005	<a href="#">L.17/2005</a>	10 December 2006 ( <a href="#">R&amp;O.142/2006</a> )	<a href="#">P.196/2004</a>
Terrorism (Proscribed Organizations) (Amendment No. 3) (Jersey) Order 2007	<a href="#">R&amp;O.92/2007</a>	18 July 2007	
Proceeds of Crime (Cash Seizure) (Jersey) Law 2008	<a href="#">L.11/2008</a>	29 February 2008	<a href="#">P.133/2007</a>
Terrorism (Amendment No. 2) (Jersey) Law 2008	<a href="#">L.12/2008</a>	29 February 2008	<a href="#">P.131/2007</a>
Terrorism (Proscribed Organizations) (Amendment No. 4) (Jersey) Order 2008	<a href="#">R&amp;O.111/2008</a>	17 September 2008	
Proceeds of Crime (Supervisory Bodies) (Jersey) Law 2008	<a href="#">L.32/2008</a>	19 September 2008	<a href="#">P.29/2008</a>
Terrorism (Amendment No. 3) (Jersey) Law 2009	<a href="#">L.11/2009</a>	9 January 2009	<a href="#">P.124/2008</a>
Terrorism (Proscribed Organizations) (Amendment No. 5) (Jersey) Order 2010	<a href="#">R&amp;O.49/2010</a>	28 May 2010	
Terrorist Asset-Freezing (Jersey) Law 2011	<a href="#">L.8/2011</a>	1 April 2011	<a href="#">P.191/2010</a>
Terrorism (Proscribed Organizations) (Amendment No. 6) (Jersey) Order 2013	<a href="#">R&amp;O.100/2013</a>	15 July 2013	

Legislation	Year and No	Commencement	*Projet No (where applicable)
Proceeds of Crime and Terrorism (Miscellaneous Provisions) (Jersey) Law 2014	<a href="#">L.7/2014</a>	4 August 2014 ( <a href="#">R&amp;O.102/2014</a> )	<a href="#">P.163/2013</a>
Proceeds of Crime and Terrorism (Tipping Off – Exceptions) (Jersey) Regulations 2014	<a href="#">R&amp;O.101/2014</a>	4 August 2014	<a href="#">P.112/2014</a>
Terrorism (Proscribed Organizations) (Amendment No. 7) (Jersey) Order 2014	<a href="#">R&amp;O.168/2014</a>	21 October 2014	
Terrorism (Proscribed Organizations) (Amendment No. 8) (Jersey) Order 2015	<a href="#">R&amp;O.5/2015</a>	16 January 2015	
Terrorism (Proscribed Organizations) (Amendment No. 9) (Jersey) Order 2015	<a href="#">R&amp;O.25/2015</a>	10 March 2015	
Terrorism (Proscribed Organizations) (Amendment No. 10) (Jersey) Order 2015	<a href="#">R&amp;O.55/2015</a>	16 May 2015	
Terrorism (Amendment No. 4) (Jersey) Law 2015	<a href="#">L.5/2015</a>	20 June 2015	<a href="#">P.23/2015</a>
States of Jersey (Transfer of Functions No. 8) (Miscellaneous Transfers) (Jersey) Regulations 2015	<a href="#">R&amp;O.158/2015</a>	1 January 2016	<a href="#">P.46/2015</a> (re-issue)
Dentistry (Jersey) Law 2015	<a href="#">L.17/2015</a>	24 February 2016 ( <a href="#">R&amp;O.22/2016</a> )	<a href="#">P.89/2015</a>
Criminal Justice (Miscellaneous Provisions) (Jersey) Law 2016	<a href="#">L.1/2016</a>	20 September 2016 ( <a href="#">R&amp;O.98/2016</a> )	<a href="#">P.87/2015</a>
Counter-Terrorism and Security (Miscellaneous Amendments) (Jersey) Law 2017	<a href="#">L.19/2017</a>	27 October 2017	<a href="#">P.47/2017</a>
Sexual Offences (Consequential Amendments) (Jersey) Regulations 2018	<a href="#">R&amp;O.110/2018</a>	23 November 2018	<a href="#">P.106/2018</a>
Terrorism (Proscribed Organizations) (Amendment No. 11) (Jersey) Order 2019	<a href="#">R&amp;O.31/2019</a>	5 April 2019	
Legislation (Jersey) Law 2021	<a href="#">L.8/2021</a>	28 September 2021 ( <a href="#">R&amp;O.112/2021</a> )	<a href="#">P.26/2021</a>
Criminal Procedure (Consequential and Supplementary Amendments) (Jersey) Regulations 2021	<a href="#">R&amp;O.94/2021</a>	1 October 2021	<a href="#">P.59/2021</a>

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

### Table of Renumbered Provisions

Original	Current
1(2), (3)	spent, omitted from this revised edition
(4)	(2)
(5)	(3)
23	21
24	22
24A	23
24B	24
24C	25
24D	26
26	27

### Table of Endnote References

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- <sup>1</sup> *This Law has been amended by the States of Jersey (Amendments and Construction Provisions No. 7) (Jersey) Regulations 2005. The amendments replace all references to a Committee of the States of Jersey with a reference to a Minister of the States of Jersey, and remove and add defined terms appropriately, consequentially upon the move from a committee system of government to a ministerial system of government*
- <sup>2</sup> *Part 1*  
*heading substituted by L.7/2014*
- <sup>3</sup> *Article 1*  
*substituted by L.7/2014*
- <sup>4</sup> *Article 1(1)*  
*amended by L.5/2015*
- <sup>5</sup> *Article 1(3)*  
*amended by L.19/2017*
- <sup>6</sup> *Article 2*  
*substituted by L.7/2014*
- <sup>7</sup> *Article 3*  
*substituted by L.7/2014*
- <sup>8</sup> *Article 4*  
*substituted by L.7/2014*
- <sup>9</sup> *Article 4(1)*  
*substituted by L.19/2017*
- <sup>10</sup> *Article 5*  
*repealed by L.7/2014*
- <sup>11</sup> *Article 6(1)*  
*amended by L.7/2014*
- <sup>12</sup> *Article 10(1)*  
*amended by L.7/2014*
- <sup>13</sup> *Article 10(6)*  
*amended by R&O.94/2021*
- <sup>14</sup> *Article 10(7)*  
*amended by R&O.94/2021*
- <sup>15</sup> *Article 11(1)*  
*amended by L.7.2014*
- <sup>16</sup> *Article 13(1)*  
*amended by L.7/2014*
- <sup>17</sup> *Article 14(2)*  
*amended by L.1/2016*
- <sup>18</sup> *Part 3*  
*heading substituted by L.7/2014*
- <sup>19</sup> *Article 15*  
*substituted by L.7/2014*
- <sup>20</sup> *Article 15(1)*  
*amended by L.19/2017*
- <sup>21</sup> *Article 15(2)*  
*amended by L.19/2017*
- <sup>22</sup> *Article 15(2A)*  
*inserted by L.19/2017*
- <sup>23</sup> *Article 16*  
*substituted by L.7/2014*
- <sup>24</sup> *Article 16A*  
*inserted by L.19/2017*
- <sup>25</sup> *Article 17*  
*substituted by L.7/2014, heading amended by L.19/2017*

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- <sup>26</sup> Article 17(1) amended by L.19/2017
- <sup>27</sup> Article 18 substituted by L.7/2014, heading amended by L.19/2017
- <sup>28</sup> Article 18(1) amended by L.19/2017
- <sup>29</sup> Article 18(2) amended by L.19/2017
- <sup>30</sup> Article 19 substituted by L.7/2014
- <sup>31</sup> Article 19(1) amended by L.19/2017
- <sup>32</sup> Article 19(5) amended by L.5/2015
- <sup>33</sup> Article 19(6) amended by L.5/2015
- <sup>34</sup> Article 19(7) deleted by L.5/2015
- <sup>35</sup> Article 19(8) deleted by L.5/2015
- <sup>36</sup> Article 20 substituted by L.7/2014
- <sup>37</sup> Article 21 (previously Article 23) renumbered by L.7/2014
- <sup>38</sup> Article 21(1) substituted by L.7/2014
- <sup>39</sup> Article 21(2) substituted by L.7/2014, amended by L.19/2017
- <sup>40</sup> Article 21(3) substituted by L.7/2014
- <sup>41</sup> Article 21(4) substituted by L.7/2014
- <sup>42</sup> Article 21(4A) inserted by L.7/2014
- <sup>43</sup> Article 21(5) amended by L.5/2015
- <sup>44</sup> Article 21(5A) inserted by L.12/2008, amended by L.7/2014, L.19/2017
- <sup>45</sup> Article 21(6) substituted by L.32/2008
- <sup>46</sup> Article 21(6A) inserted by L.32/2008, amended by L.7/2014
- <sup>47</sup> Article 21(7) amended by L.12/2008
- <sup>48</sup> Article 21(8) deleted by L.5/2015
- <sup>49</sup> Article 21(9) deleted by L.5/2015
- <sup>50</sup> Article 22 (previously Article 24) renumbered by L.7/2014
- <sup>51</sup> Article 22(2) amended by L.12/2008
- <sup>52</sup> Article 22(3) amended by L.7/2014, L.19/2017
- <sup>53</sup> Article 22(4) amended by L.11/2009, L.7/2014
- <sup>54</sup> Article 23 (previously Article 24A) inserted by L.12/2008, renumbered by L.7/2014
- <sup>55</sup> Article 23(1) amended by L.7/2014
- <sup>56</sup> Article 23(2) amended by L.1/2016
- <sup>57</sup> Article 24 (previously Article 24B) inserted by L.12/2008, renumbered by L.7/2014
- <sup>58</sup> Article 24(1) amended by L.7/2014
- <sup>59</sup> Article 24(2) amended by L.7/2014
- <sup>60</sup> Article 24(3) inserted by L.7/2014
- <sup>61</sup> Article 25 (previously Article 24C) inserted by L.12/2008, renumbered by L.7/2014; former Article repealed by L.7/2014
- <sup>62</sup> Article 25(1) amended by L.7/2014
- <sup>63</sup> Article 26 (previously Article 24D) inserted by L.11/2009, renumbered by L.7/2014
- <sup>64</sup> Article 26(1) amended by L.7/2014
- <sup>65</sup> Article 26(2) amended by L.7/2014
- <sup>66</sup> Article 27 (previously Article 26) substituted by L.7/2014; former Article repealed by L.11/2008
- <sup>67</sup> Article 27(1) amended by L.19/2017
- <sup>68</sup> Article 27(3A) inserted by L.19/2017
- <sup>69</sup> Article 35 substituted by L.7/2014
- <sup>70</sup> Article 35(6) amended by R&O.101/2014
- <sup>71</sup> Article 36 amended by L.7/2014
- <sup>72</sup> Article 43(2) amended by L.1/2016
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- <sup>73</sup> Article 48(5) *amended by L.1/2016*
- <sup>74</sup> Article 57 *amended by L.7/2014*
- <sup>75</sup> Article 58(4) *amended by L.1/2016*
- <sup>76</sup> Article 61(1) *amended by L.7/2014*
- <sup>77</sup> Article 61(2) *amended by L.7/2014*
- <sup>78</sup> Article 62 *repealed by L.7/2014*
- <sup>79</sup> Article 63(1) *amended by L.7/2014*
- <sup>80</sup> Article 65(3) *deleted by L.8/2021*
- <sup>81</sup> Article 66 *repealed by L.7/2014*
- <sup>82</sup> Article 67 *repealed by L.7/2014*
- <sup>83</sup> Article 68 *amended by L.7/2014*
- <sup>84</sup> Schedule 1 *amended by R&O.69/2003, R&O.167/2005, R&O.92/2007, R&O.111/2008, R&O.49/2010, R&O.100/2013, R&O.168/2014, R&O.5/2015, R&O.25/2015, R&O.55/2015, R&O.31/2019*
- <sup>85</sup> Schedule 2 *amended by L.17/2005*
- <sup>86</sup> Schedule 3 *amended by L.12/2008, L.7/2014, R&O.94/2021*
- <sup>87</sup> Schedule 4 *repealed by L.11/2008*
- <sup>88</sup> Schedule 5 *amended by L.11/2006, L.7/2014, L.5/2015, L.1/2016*
- <sup>89</sup> Schedule 6 *amended by L.12/2008, L.11/2009, L.1/2016*
- <sup>90</sup> Schedule 7 *amended by L.11/2009, L.7/2014*
- <sup>91</sup> Schedule 8 *amended by L.7/2014, R&O.158/2015*
- <sup>92</sup> Schedule 8 *paragraph 7 amended by L.19/2017*
- <sup>93</sup> Schedule 8 *paragraph 14 amended by L.19/2017*
- <sup>94</sup> Schedule 9 *amended by L.7/2014, L.17/2015*
- <sup>95</sup> Schedule 9(9) *amended by R&O.110/2018*
- <sup>96</sup> Schedule 10 *added by L.7/2014*