



Jersey

# **CHARITIES (APPEALS – REASONS AND TIME LIMITS) (JERSEY) ORDER 2020**

## **Official Consolidated Version**

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## CHARITIES (APPEALS – REASONS AND TIME LIMITS) (JERSEY) ORDER 2020

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## CHARITIES (APPEALS – REASONS AND TIME LIMITS) (JERSEY) ORDER 2020

**THE MINISTER FOR EXTERNAL RELATIONS** makes this Order under Articles 11, 36, 38 and 39 of the [Charities \(Jersey\) Law 2014](#) –

Commencement [[see endnotes](#)]

### 1 Interpretation

- (1) In this Order –  
“Law” means the [Charities \(Jersey\) Law 2014](#);  
“notice” means a notice in writing.
- (2) Nothing in the definition “notice” limits the application to this Order of the [Electronic Communications \(Jersey\) Law 2000](#).

### 2 Refusal of registration

- (1) This Article applies to a decision of the Commissioner in relation to an applicant for registration –
  - (a) to refuse to register the applicant; or
  - (b) to refuse to register the applicant in the restricted section of the register.
- (2) The Commissioner must serve a notice on the applicant stating –
  - (a) the decision;
  - (b) the reasons for the decision; and
  - (c) the last day on which an appeal may be brought.
- (3) The time limit for an appeal is 28 days from the date on which the Commissioner serves the notice.
- (4) In this Article a reference to an appeal is to an appeal, under Article 33(1) of the Law, against the decision.

### 3 Decisions against registered charity

- (1) This Article applies to a decision of the Commissioner in relation to a registered charity –
  - (a) to deregister the charity;

- (b) to refuse permission, under Article 12(4) of the Law, for the charity to change its registered name or add an alternative registered name;
  - (c) to require the charity, under Article 12(6) of the Law, to apply to change its registered name;
  - (d) to refuse approval, under Article 13(3) of the Law, of a proposed amendment of the charity's purposes to add or substitute a different charitable purpose; or
  - (e) to refuse to approve an amendment, proposed under Article 13(4)(b) of the Law, to the charity's registered public benefit statement.
- (2) The Commissioner must serve a notice on the registered charity stating –
  - (a) the decision;
  - (b) the reasons for the decision; and
  - (c) the last day on which an appeal may be brought.
- (3) The time limit for an appeal is 28 days from the date on which the Commissioner serves the notice.
- (4) In this Article a reference to an appeal is to an appeal, under Article 33(2) of the Law, against the decision.

#### **4 Notice requiring information and required steps notice**

- (1) This Article applies to a decision of the Commissioner to impose on a person a requirement contained in –
  - (a) a notice under Article 26 of the Law; or
  - (b) a required steps notice.
- (2) The Commissioner must state in the notice –
  - (a) the reasons for the decision; and
  - (b) the last day on which an appeal may be brought.
- (3) The time limit for an appeal is 28 days from the date on which the Commissioner serves the notice.
- (4) In this Article a reference to an appeal is to an appeal, under Article 33(3) of the Law, against the decision.

#### **5 Time limit for third party appeal**

The time limit for an appeal under Article 33(5) of the Law, against a decision of the Commissioner to register a charity, is 56 days from the date entered on the register as the date on which the charity was registered.

#### **6 Attorney General**

Nothing in any of Articles 2 to 5 is to be construed as limiting the right of the Attorney General to appeal under Article 33(4) of the Law.

**7 Extension of time limits**

The tribunal may entertain an appeal despite the expiry of the time limit in Article 2, 3, 4 or 5 if the tribunal considers that it is in the interests of justice to do so.

**8 Transitional provision for third party appeals**

- (1) Despite Article 5, an appeal described in that Article is to be treated as brought in time if –
  - (a) it is brought within 56 days from the commencement of this Order;  
and
  - (b) the date entered on the register as the date on which the charity was registered was before the commencement of this Order.
- (2) This Article ceases to have effect 57 days after the commencement of this Order.

**9 Citation and commencement**

This Order may be cited as the Charities (Appeals – Reasons and Time Limits) (Jersey) Order 2020 and comes into force 7 days after it is made.

## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement	◦Projet No (where applicable)
Charities (Appeals – Reasons and Time Limits) (Jersey) Order 2020	<a href="#">R&amp;O.102/2020</a>	30 July 2020	

◦Projets available at [statesassembly.gov.je](https://statesassembly.gov.je)

### Table of Endnote References

*There are currently no endnote references*