



Jersey

TERRORISM (ENFORCEMENT OF EXTERNAL ORDERS) (JERSEY) REGULATIONS 2008

Official Consolidated Version

This is an official version of consolidated legislation compiled and issued
under the authority of the Legislation (Jersey) Law 2021.

17.860.60

Showing the law from 1 January 2019 to Current



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THE STATES, in pursuance of paragraph 11 of Schedule 3 to the [Terrorism \(Jersey\) Law 2002](#), have made the following Regulations –

Commencement [[see endnotes](#)]

1 Interpretation

- (1) In these Regulations –
 - “external forfeiture order” has the same meaning as in paragraph 11(3)(a) of Schedule 3 to the Law;
 - “external order” has the same meaning as in paragraph 11(2) of Schedule 3 to the Law;
 - “external restraint order” has the same meaning as in paragraph 11(3)(b) of Schedule 3 to the Law;
 - “Law” means the [Terrorism \(Jersey\) Law 2002](#).
- (2) In these Regulations, any reference to the appropriate authority of a country or territory outside Jersey is a reference to the authority appearing to the Royal Court to be the appropriate authority of that country or territory for the purposes of these Regulations.

2 Time when proceedings are instituted and concluded

- (1) For the purposes of these Regulations, proceedings are instituted in a country or territory outside Jersey –
 - (a) when, in accordance with the laws of the country or territory, its appropriate authority has begun criminal proceedings in which an external forfeiture order could be made; or
 - (b) when an application has been made to a court of that country or territory for an external forfeiture order,

and, where the application of this paragraph would result in there being more than one time for the institution of proceedings, they shall be taken to have been instituted at the earlier of these times.

- (2) For the purposes of these Regulations, proceedings are concluded in a country or territory outside Jersey –
 - (a) when an external forfeiture order has been made in those proceedings and effect has been given to it in respect of all the money or other property to which it applies; or
 - (b) when (disregarding any power of a court of the country or territory outside Jersey to grant leave to appeal out of time) there is no further possibility of an external forfeiture order being made in the proceedings.
- (3) For the purposes of these Regulations, an external order is subject to appeal until (disregarding any power of a court to grant leave to appeal out of time) there is no further possibility of an appeal on which the order could be varied or set aside.

3 Proof of orders and judgments of court of a country or territory outside Jersey

- (1) For the purpose of these Regulations –
 - (a) any order made or judgment given by a court of a country or territory outside Jersey purporting to bear the seal of that court, or to be signed by any person in that person's capacity as a judge, magistrate or officer of the court, shall be deemed without further proof to have been duly sealed or, as the case may be, to have been signed by that person; and
 - (b) a document, duly authenticated, which purports to be a copy of any order made or judgment given by a court of a country or territory outside Jersey shall be deemed without further proof to be a true copy.
- (2) A document purporting to be a copy of any order made or judgment given by a court of a country or territory outside Jersey is duly authenticated for the purposes of paragraph (1)(b) if it purports to be certified by any person in that person's capacity as a judge, magistrate or officer of the court in question or by, or on behalf of, the appropriate authority of that country or territory.

4 Evidence in relation to proceedings and orders in a country or territory outside Jersey

- (1) For the purposes of these Regulations, a certificate purporting to be issued by or on behalf of the appropriate authority of a country or territory outside Jersey stating –
 - (a) that proceedings have been instituted there and have not been concluded, or that proceedings are to be instituted there;
 - (b) that an external order is in force there and is not subject to appeal;

- (c) that property recoverable in that country or territory under an external order remains unrecovered there;
 - (d) that any person has been notified of any proceedings in accordance with the law of that country or territory; or
 - (e) that an order (however described) made by a court of that country or territory is an external order, or that an order, if made by a court of that country or territory, would be an external order,
- shall be admissible as evidence of the facts so stated.
- (2) For the purposes of these Regulations, a statement contained in a document, duly authenticated, which purports to have been received in evidence or to be a copy of a document so received, or to set out or summarise evidence given in proceedings in a court of a country or territory outside Jersey, shall be admissible as evidence of any fact stated therein.
- (3) A document is duly authenticated for the purposes of paragraph (2) if it purports to be certified –
 - (a) by any person in that person's capacity as judge, magistrate or officer of the court of the country or territory concerned; or
 - (b) by or on behalf of the appropriate authority of that country or territory,to have been received in evidence or to be a copy of a document so received, or, as the case may be, to be the original document containing or summarising the evidence or a true copy of that document.
- (4) Nothing in this Regulation shall prejudice the admission of any evidence, whether contained in any document or otherwise, which is admissible apart from this Regulation.

5 Representation of government of a country or territory outside Jersey

A request for assistance sent to the Attorney General by the appropriate authority of a country or territory outside Jersey shall, unless the contrary is shown, be deemed to constitute the authority of the government of that country or territory for the Attorney General to act on the government's behalf in proceedings pursuant to these Regulations.

6 Registration of external forfeiture orders

- (1) On an application made on behalf of the government of a country or territory outside Jersey, the Royal Court may register an external forfeiture order made there if –
 - (a) it is satisfied that, at the time of registration, the order is in force and not subject to appeal;
 - (b) it is satisfied, where the person against whom the order is made did not appear in the proceedings in which the relevant order was made, that the person received notice of the proceedings in sufficient time to enable that person to defend them; and

- (c) it is of the opinion that enforcing the order in Jersey would not be contrary to the interests of justice.
- (2) In paragraph (1), “appeal” includes –
 - (a) any proceedings by way of discharging or setting aside a judgement; and
 - (b) an application for a new trial or a stay of execution.

7 Registration of external restraint orders

- (1) On an application made on behalf of the government of a country or territory outside Jersey, the Royal Court may, subject to paragraph (2), register an external restraint order made there if –
 - (a) it is satisfied that, at the time of registration, the order is in force; and
 - (b) it is of the opinion that enforcing the order in Jersey would not be contrary to the interests of justice.
- (2) An external restraint order may only be registered where –
 - (a) proceedings have been instituted against a person in a country or territory outside Jersey, the proceedings have not been concluded, and either an external forfeiture order has been made in the proceedings or it appears to the Royal Court that there are reasonable grounds for thinking that such an order may be made in those proceedings; or
 - (b) proceedings are to be instituted against a person in a country or territory outside Jersey and there are reasonable grounds for thinking that an external forfeiture order may be made in those proceedings.

8 Implementation of registered external forfeiture orders

- (1) If an external forfeiture order is registered in the Royal Court under Regulation 6(1), the Royal Court shall have, in relation to that order, the same powers as it has under paragraph 1(1) of Schedule 3 to the Law in relation to a forfeiture order (and paragraph 2 of that Schedule applies accordingly).
- (2) After making any payment required by virtue of paragraph 1(1)(d) or 2(2) of Schedule 3 to the Law, the balance of any sums received by the Viscount by virtue of an order made under paragraph (1) shall be credited to the consolidated fund.

9 Provisions applicable where external restraint order has been registered

Paragraphs 6 and 7 of Schedule 3 to the Law shall apply to an external restraint order registered in the Royal Court under Regulation 7(1) as they apply to a restraint order.

10 Enforcement of registered external orders

- (1) Without prejudice to the foregoing provisions, if an external order is registered in the Royal Court under Regulation 6 or 7 –
 - (a) the Royal Court shall have, in relation to its enforcement, the same power;
 - (b) proceedings for or with respect to its enforcement may be taken; and
 - (c) proceedings for or with respect to any contravention of such an order (whether before or after such registration) may be taken, as if the order had originally been made in the Royal Court.
- (2) The Royal Court may, additionally, for the purpose of –
 - (a) assisting the achievement in Jersey of the purposes of an external order; or
 - (b) assisting the Viscount to sell or otherwise dispose of property, make such orders or do otherwise as seems to it appropriate.

11 Citation

These Regulations may be cited as the Terrorism (Enforcement of External Orders) (Jersey) Regulations 2008.

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement
Terrorism (Enforcement of External Orders) (Jersey) Regulations 2008	R&O.80/2008	23 July 2008

Table of Renumbered Provisions

Original	Current
11	Spent, omitted
12	11

Table of Endnote References

There are currently no endnote references