



Mutual Legal Assistance Guidelines

Introduction

- 1) These guidelines are designed to give a broad overview of the essential provisions of the principal pieces of legislation routinely employed by His Majesty's Attorney General for Jersey to assist overseas authorities. It is hoped they will be informative and helpful but as Jersey takes pride in its co-operative approach with other jurisdictions, we ask you not to hesitate to contact us for further information if there is anything which is unclear.
- 2) The Attorney General has powers under Jersey Law to assist overseas authorities in:
 - a) Criminal proceedings, in relation to:
 - i. obtaining documentary and oral evidence for use in criminal investigations, prosecutions and confiscations;
 - ii. conducting investigative interviews for use in criminal investigations relating to offences of serious or complex fraud, wherever committed;
 - iii. freezing and confiscating the proceeds of crime; and
 - iv. serving overseas process including summonses issued in the context of criminal proceedings.
 - b) Civil Asset Recovery Investigations, including:
 - i. obtaining documentary and oral evidence;
 - ii. freezing and confiscating assets subject to external civil asset recovery proceedings; and
 - iii. serving external civil asset recovery process
 - c) the extradition of suspects.
- 3) In the Guidelines below, Part 1 deals with Requests in respect of criminal proceedings. Part 2 deals with civil asset recovery. Part 3 deals with extraditions.
- 4) If you require assistance from Jersey you will need to send a Request for Assistance to the Attorney General. If English is not your first language you will also need to provide a translation of the Request.
- 5) The Mutual Legal Assistance team welcomes the receipt of Letters of Request in draft form, so that an initial review may be undertaken to ensure that the Request contains all the information necessary for assistance to be executed before it is sent through formal channels. If you require additional information or wish to send a draft letter of Request for review, please do not hesitate to contact the Mutual Legal Assistance Team at mla@lawofficers.je.

Part 1 – Criminal Proceedings

The Request

Who can the Attorney General assist?

- 6) Although the Attorney General has some discretion, the Attorney General can generally assist the following authorities where evidence is required from Jersey in relation to a criminal investigation, prosecution or confiscation:
 - a) Prosecuting authorities; and
 - b) Courts or tribunals exercising criminal jurisdiction.
- 7) If the Request seeks a *Saisie judiciaire* (a freezing order) or confiscation order, it must be sent by the Central Authority of your jurisdiction.
- 8) You should send your Request directly to Jersey. There is no need to send your Request through the UK Central Authority and, unless the domestic law of the requesting jurisdiction makes this essential, both the UK and Jersey would prefer you not to do so. Jersey gives mutual legal assistance in accordance with International standards provided that requesting jurisdictions are prepared to offer reciprocity in principle. Accordingly, the Attorney General accepts Requests directly from the above authorities. The United Kingdom has also now ratified on behalf of Jersey the 1959 Council of Europe Convention on Mutual Assistance in Criminal Matters and the Additional Protocol signed on 17 March 1978.
- 9) Tax Information Exchange Agreements are also in place with certain countries and these agreements can be found on <http://www.gov.je/TaxesMoney/InternationalTaxAgreements/TIEA/Pages/index.aspx>

What information should the Request contain?

Requests in general

- 10) All Requests seeking evidence in relation to a criminal investigation, prosecution or confiscation should contain the following information:
 - a) The name(s) and details of the person/s and company/companies under investigation and/or charged and/or convicted.
 - b) The stage of proceedings (ie whether the matter is at the investigation, prosecution or confiscation stage).
 - c) The offences under investigation in your country (extracts of relevant legislation should be appended to the Request).
 - d) How the suspect(s) or accused person(s) is/are alleged to have committed the offences, ie a summary of the background to the offences.

- e) What is required from Jersey, eg documents for use as evidence and/or investigative interviews and/or oral evidence on oath and/or a *Saisie judiciaire* (restraint or freezing order) and/or registration of an external confiscation order/registration of an external forfeiture order.
 - f) The name(s) and details of the relevant financial institution(s) or witness(es) in Jersey from which/whom evidence, etc, is required.
 - g) Details of the relevant account(s)/company/companies/trust(s) in respect of which assistance is required.
 - h) If your request is for any form of evidence, a signed Undertaking should be provided. The form of the Undertaking will depend upon the nature of your proceedings. See paragraph 20 for more details.
- 11) In addition, some further information may need to be included in the Request. This will be dependent on what you seek from Jersey (ie documentary evidence, etc). The following should assist in determining what information – in addition to the above - you may need to include in the Request.

Requests for documentary evidence

- 12) If you are requesting documents you will need to confirm the types of documents required and the relevant date range for which material is needed (limited to a range relevant to the period of offending).
- 13) If the Request is granted we normally require the production of documents within a 21 day period. Should a shorter production period be required (eg forthwith or 7 or 14 days) the Request should state why.
- 14) If you require the material to be obtained by way of a search warrant (eg because there is a real danger the financial institution or witness may destroy documents) you should specify in the Request the location to be searched, the material to be seized and why a search warrant is considered by you to be necessary. You should also provide details of any relevant officers from your country who would wish to assist with the search/seizure. We would expect strong grounds for thinking otherwise reputable financial institutions, all of whom are likely to be regulated by the Jersey Financial Services Commission, would destroy evidence or documents.
- 15) If you need documentary evidence to be accompanied by a witness statement you should stress this in the Request and provide a draft for consideration by the relevant witness(es). The usual practice is to ask the witness(es) whether they would be prepared to provide a statement on a voluntary basis. If they are not prepared to do so a hearing on oath can be arranged instead (see (14) below) or, if your Request is from a Court or tribunal and proceedings have already been instituted, it may be possible to apply for an Order from the Royal Court compelling the witness(es) to provide a written statement.

Relevant legislation:

Articles 5, 5B and 6 of the Criminal Justice (International Co-operation)(Jersey) Law 2001, as amended.

Article 2 of the Investigation of Fraud (Jersey) Law 1991, as amended.

Requests for investigative interviews under compulsion

- 16) If you are investigating a serious or complex fraud it may be possible for an investigative interview to be held with a witness or witnesses in Jersey, at which you may be designated to ask questions relevant to your investigation. The answers given in such interviews are generally not permitted to be used as evidence due to the compulsive nature of the interviews. If an interview of this nature is desired you should ask in the Request for such an interview to be arranged.

Relevant legislation:

Article 2 of the Investigation of Fraud (Jersey) Law 1991, as amended.

Requests for evidence on oath

In Jersey

- 17) If you require evidence on oath to be taken from a witness or witnesses in Jersey you should ask in the Request for a hearing to be arranged. As such hearings are usually held before the Viscount (the Viscount is the Chief Executive Officer of the Royal Court) or Viscount Substitute.
- 18) If you are content for witnesses to be provided with a list of questions in advance, we can arrange for them to provide a written statement answering the questions which can be formally admitted as evidence at the hearing.
- 19) Alternatively, questions can be directly put to the witness at the hearing itself. Lawyers with rights of audience before Superior Courts in countries outside Jersey may examine the witness(es). In such cases, you should accordingly provide the names and details of the person(s) you wish to conduct the examination in Jersey, as well as details of the witness(es) to be examined and whether the defendant and/or his or her counsel will also be attending to cross-examine the witness(es). If you do not propose attending the hearing a comprehensive list of questions for the witness(es) annexing copies of any relevant documents will need to be provided with your Request. These will then be put to the witness by a Crown Advocate employed in the Attorney General's office. Alternatively, if you wish to participate via a live video-link this can be arranged.

Relevant legislation:

Articles 5 and 5A Criminal Justice (International Co-operation)(Jersey) Law 2001, as amended.

In your jurisdiction (ie service of overseas process in Jersey)

- 20) If you enclose with your Request a summons or other process requiring a Jersey resident witness to attend to give evidence in your country the Attorney General may issue a Notice to the witness enclosing the summons or other process. However, the witness cannot be compelled to give evidence outside Jersey.

Relevant legislation:

Article 2 Criminal Justice (International Co-operation)(Jersey) Law 2001, as amended.

Undertakings

- 21) All requests for evidence must be accompanied by an undertaking which sets out the purpose for which any evidence provided may be used.
- 22) All requests for evidence require the General Undertaking at **Annexe A** unless the Request is from an Investigating Judge, in which case the Investigating Judge Undertaking **Annexe B** must be provided.
- 23) Requests that seek to obtain information to provide to any Revenue Authority conducting a criminal tax related investigation and/or prosecution, must also provide the Revenue Undertaking at **Annexe C**.

Requests for *Saisies judiciaires* (Restraint or freezing orders)

- 24) The Attorney General may apply to the Royal Court for a *Saisie judiciaire* (a Restraint or freezing order) on your behalf. As set out above, such requests must be sent to us via the Central Authority for your jurisdiction.
- 25) If you are requesting a *Saisie judiciaire* you will need to confirm that either:
 - i. proceedings have been instituted against the defendant in your country and have not been concluded; and
 - ii. an external confiscation order (or external forfeiture order) has been made in the proceedings or there are reasonable grounds for believing that such an order may be made in them;or
 - i. proceedings are to be instituted against the defendant in your country and there are reasonable grounds for believing that an external confiscation order (or external forfeiture order) may be made in them.
- 26) The property that you wish to be restrained must be specified in the external confiscation order, or if such an order is yet to be made, be property held by the defendant, held by a person to whom the defendant has directly or indirectly made a gift, or be property to which the defendant is beneficially entitled. The Request should set out the grounds for suspecting the property falls into one or more of these categories.
- 27) The Request must also set out whether the restraint is sought to recover property obtained as a result of or in connection with criminal conduct; for the purpose of recovering the value of the property so obtained; or for the purpose of depriving a person of a pecuniary advantage so obtained.

Relevant legislation:

Articles 15 and 16 of the Proceeds of Crime (Jersey) Law 1999, as amended and applied by the Proceeds of Crime (Enforcement of Confiscation and Instrumentalities Forfeiture Orders)(Jersey) Regulations 2008.

Article 7 of the Terrorism (Enforcement of External Orders)(Jersey) Regulations 2008.

Requests for registration of external confiscation orders/external forfeiture orders

- 28) If you are seeking registration of an external confiscation order, or external forfeiture order, the Request must come from the Central Authority for your jurisdiction. You will need to confirm that:
- a) the external confiscation order/external forfeiture order is in force and is not subject to appeal;
 - b) where the person against whom the order is made did not appear in the proceedings, that he or she received notice of the proceedings in sufficient time to enable him or her to defend them; and
 - c) enforcing the order in Jersey would not be contrary to the interests of Justice.
- 29) The legislation provides for the funds to be retained in Jersey and the usual practice is for an *Acte* of Court recording the Court's Order to be provided to you as confirming that a confiscation order has been made. The Attorney General is, however, willing to discuss asset-sharing on a case by case basis (unless there is a permanent Asset Sharing Agreement in place).

Relevant legislation:

Article 39 of the Proceeds of Crime (Jersey) Law 1999, as amended and applied by the Proceeds of Crime (Enforcement of Confiscation and Instrumentalities Forfeiture Orders)(Jersey) Regulations 2008.

Article 6 of the Terrorism (Enforcement of External Orders)(Jersey) Regulations 2008.

Contact details and general process

- 30) Requests should be addressed to the Attorney General. We encourage Requests to be sent via email to: mla@lawofficers.je
- 31) You do not need to send a hard copy. If for any reason you wish to do so, please send to:
- His Majesty's Attorney General
Law Officers' Department
Morier House
St Helier
Jersey JE1 1DD
- Telephone: +44 (0)1534 441200
Facsimile: +44 (0) 1534 441299
Website: www.gov.je/lawofficers
- 32) Requesting authorities are advised that it is possible for the Law Officers' Department to accept digital signatures on official documents.

What happens next?

- 33) The matter will be allocated to an Assistant Legal Adviser in the Mutual Legal Assistance Team for initial consideration (they will also acknowledge receipt of the Request). They will deal with the Request in conjunction with a Legal Adviser and/or Crown Advocate and the Attorney General. If any queries in relation to the Request arise they will contact you to seek clarification.

How quickly will the Request be dealt with?

- 34) We aim to deal with Requests within three months from receipt. If your Request is particularly urgent you should specify this in the Request, providing reasons.

Are Requests kept confidential?

- 35) Requests are generally considered confidential as between the Attorney General and the requesting authority. Where, however, the Request seeks a *Saisie judiciaire* (Restraint or freezing order) and the order is subsequently challenged before the Royal Court it will usually be necessary to disclose a copy of the Request to the party challenging the *Saisie*.
- 36) Where a Notice is challenged (most commonly by way of judicial review proceedings) it may also be necessary to disclose the substance of the Request, but the Request itself would usually not be provided to the person challenging the issue of the Notice.

Relevant legislation – the legal framework to providing assistance

- 37) The Attorney General can only assist overseas countries where the Attorney General has legal powers to do so. There are various laws which enable him to assist as long as certain requirements are met. These are set out in brief above. For further detail in relation to these legal requirements the laws listed above can be accessed at www.jerseylaw.je.

Reciprocity

- 38) The Attorney General has a general policy that the Attorney General will provide assistance in circumstances where Jersey would request the help of another country in the same circumstances, having regard to cost and/or seriousness of the investigation concerned. Each Request will be considered on its merits.

Assistance from other Jersey authorities

- 39) If you require assistance with obtaining financial intelligence, then please contact the Financial Intelligence Unit (FIU) on the below details.

Director of the FIU
Jersey Financial Intelligence Unit
C/O Police Headquarters
La Route Du Fort
St Helier, Jersey
JE2 4HQ

Telephone: +44 (0) 1534 612250
Email: fiu.admin@jersey.police.je

If you require assistance from the Police regarding financial crime investigations, please contact the Joint Financial Crimes Unit (JFCU) who may be able to assist on the below details.

Detective Inspector
Joint Financial Crimes Unit
States of Jersey Police
Police Headquarters
La Route Du Fort
St Helier, Jersey
JE2 4HQ

Telephone: +44 (0) 1534 612251
Email: JFCUinvestigations@jersey.police.je
Website: www.jersey.police.uk

- 40) If you seek information in relation to market abuse or regulatory matters The Jersey Financial Services Commission may be able to assist (details below).

Director–Enforcement
Jersey Financial Services Commission
PO Box 267
4-18 Castle Street
St Helier
Jersey
JE4 8TP

Telephone: +44 (0) 1534 822000
Facsimile: +44 (0) 1534 822001
Email: Intelligence-Team@jerseyfsc.org Website: www.jerseyfsc.org

41) **Further information**

For further information please contact the MLA team:

Email address: mla@lawofficers.je
Telephone: 01534 441200

Part 2 - Civil Asset Recovery

Who can the Attorney General assist?

- 42) The Attorney General can accept Requests relating to civil asset recovery investigations or proceedings from a court, tribunal or other body of persons authorised by the domestic law of the requesting country to conduct investigations relating to external civil asset recovery proceedings that are or may be instituted, where they are conducting such an investigation, or any other authority which appears to the Attorney General to have the function of making such Requests.
- 43) The Attorney General for Jersey is prepared to accept for consideration Requests for assistance which have been submitted electronically. These Requests should be sent to our offices via the e-mail address provided.
- 44) Requesting authorities are advised that it is possible for the Law Officers' Department to accept digital signatures on official documents.

What information should the Request contain?

- 45) The Request should contain broadly the same information as that set out at paragraph 10 above. You should also confirm that there are reasonable grounds to suspect that the evidence required from Jersey is, or relates to, property that has been used in, or is intended to be used in, unlawful conduct; or has been, or was intended to be, obtained in the course of, from the proceeds of, or in connection with, unlawful conduct.
- 46) In addition, you should supply an Undertaking in cases requesting documents and/or evidence. In all such cases, a General Undertaking is required (in the form set out at Annexe D). If any documents or evidence is to be shared with a Revenue Authority, the Undertaking at Annexe E must also be provided.

Requests for documentary evidence

- 47) If you are requesting documents you will need to confirm the types of documents required and the relevant date range over which material is needed (limited to a date range relevant to the period of unlawful conduct).

Relevant legislation:

- 48) Article 3 Civil Asset Recovery (International Co-operation)(Jersey) Law 2007

Requests for witness statements

- 49) If you need documentary evidence to be accompanied by a witness statement you should stress this in the Request and provide a draft for consideration by the relevant witness(es). The usual practice is to ask the witness(es) whether they would be prepared to provide a statement on a voluntary basis. If they are not prepared to do so, a hearing on oath can be arranged instead.

Relevant legislation:

- 50) Article 3 Civil Asset Recovery (International Co-operation)(Jersey) Law 2007.

Requests for oral evidence on oath

In Jersey

- 51) If you require oral evidence on oath to be taken from a witness or witnesses in Jersey you should ask in the Request for a hearing to be arranged. As such hearings are usually held before the Viscount or Viscount Substitute, lawyers with rights of audience before Superior Courts in countries outside Jersey may examine the witness(es). You should accordingly provide the names and details of the person(s) you wish to conduct the examination in Jersey, as well as details of the witness(es) to be examined and whether the respondent and/or his or her counsel will also be attending to cross-examine the witness(es). If you do not propose attending the hearing a comprehensive list of questions for the witness(es) annexing copies of any relevant documents will need to be provided with your Request. These will then be put to the witness by a Crown Advocate. Alternatively, if you wish to participate via a live video-link this can be arranged.

Relevant legislation:

- 52) Article 3 Civil Asset Recovery (International Co-operation)(Jersey) Law 2007.

In your jurisdiction (ie service of external civil asset recovery process in Jersey)

- 53) If you enclose with your Request a summons or other process requiring a Jersey resident respondent or witness to attend to give evidence in your country the Attorney General may issue a Notice to the respondent or witness enclosing the summons or other process. However, the respondent or witness cannot be compelled to attend or give evidence outside Jersey.
- 54) The same applies to a document recording a decision issued by an external decision making body as part of external civil asset recovery proceedings.

Relevant legislation:

- 55) Article 2 Civil Asset Recovery (International Co-operation)(Jersey) Law 2007.

Requests for property restraint orders

- 56) If you are requesting a property restraint order you will need to give details of the respondent/recoverable property and confirm that either:
- i. external civil asset recovery proceedings that relate to property in Jersey have been instituted in your country;
 - ii. the proceedings have not been concluded; and
 - iii. there are reasonable grounds for believing that an external civil asset recovery order may be made in the proceedings;
- or
- i. external civil asset recovery proceedings that relate to property in Jersey are to be instituted in your country; and

- ii. there are reasonable grounds for believing that an external civil asset recovery order may be made in the proceedings.

Relevant legislation:

- 57) Article 6 Civil Asset Recovery (International Co-operation)(Jersey) Law 2007.

Requests for registration of external civil asset recovery orders

- 58) If you are seeking registration of an external civil asset recovery order in Jersey you will need to confirm that:
 - a) the external civil asset recovery order is in force and is not subject to appeal;
 - b) where the respondent in relation to the order did not appear in the proceedings, that he or she received notice of the proceedings in sufficient time to enable him or her to defend them; and
 - c) enforcing the order in Jersey would not be contrary to the interests of justice.
- 59) The legislation provides for confiscated funds to be retained in Jersey and an *Acte of Court* recording the Court's Order will be provided to you as confirmation that the funds in Jersey have been applied towards satisfaction of the external civil asset recovery order. The Attorney General is, however, willing to discuss asset-sharing or repatriation on a case by case basis, unless there is a permanent Asset Sharing Agreement in place.

Relevant legislation:

- 60) Article 9 Civil Asset Recovery (International Co-operation)(Jersey) Law 2007.

Part 3 - Extradition

Requests for Extradition from non-UK jurisdictions

General requirement

- 61) Jersey can only extradite suspects to 'Designated Territories'. These are listed in the Extradition (Jersey) Law 2004 (see Relevant Legislation section below)

Extradition offences

- 62) Jersey can only extradite a person for an 'extradition offence.' An offence is an extradition offence if:
- a) it is an offence which can be prosecuted in your territory (whether or not committed within your territory); and
 - b) the same conduct, if committed in Jersey, would also be an offence under Jersey law or, if committed outside Jersey, could be prosecuted in Jersey; and
 - c) the offence is punishable in your territory with a prison sentence of at least 12 months and would be punishable under Jersey law with a prison sentence of at least 12 months; or
 - d) the person whose extradition you seek has already been convicted of such an offence by a court in your territory and has been sentenced to a prison sentence of not less than 4 months but has absconded and is unlawfully at large.

Making the Request for extradition

- 63) The Request should be sent to the Attorney General but you are welcome to contact the MLA team in advance.
- 64) The Request should come from whichever authority in your territory has the legal power to issue such Requests – please ensure you know who this is before sending a Request. Your law may additionally require the Request to be sent through a diplomatic/consular channel.
- 65) In cases of urgency the Request can be faxed or e-mailed. In cases of extreme urgency (for example there are good grounds to believe the suspect is due to leave Jersey imminently) the Request may even be made orally by telephone, provided a Request follows as soon as possible afterwards. In such cases the Attorney General has power to apply for a provisional extradition arrest warrant on short notice (in such cases please make immediate contact with the persons listed below and/or the States of Jersey Police for advice and assistance).

What information should the Request contain?

- 66) To be valid the Request must state:
- a) that the person you want to extradite is accused in your territory of an 'extradition offence';
 - b) what that offence is and the relevant law (whether statutory or common law) which creates the offence (extracts of relevant legislation should be appended to the Request);
 - c) that under your law the maximum sentence for that offence is not less than 12 months' imprisonment; and

- d) in the case of a convicted and sentenced prisoner who is unlawfully at large, the length of prison sentence the person received – he or she must have received a sentence of not less than 4 months' imprisonment.

Evidential requirements

- 67) The Request should also contain sufficient material to enable the Jersey court to conclude that there are reasonable grounds to justify the person's arrest – that means material which provides reasonable grounds to suspect that the person you want to extradite has committed an extradition offence.
- 68) If the Request is from a Designated Territory of the First Category the material need not be in the form of evidence (ie it does not need to be in a sworn affidavit or witness statement). It is sufficient for you to provide the Attorney General with information only, which can come from an investigating officer, Examining Magistrate or Juge d'Instruction, or any other person who is properly qualified and authorised to provide accurate information about your case.
- 69) If the Request is not from a Designated Territory of the First Category you will need to provide the material in the form of evidence – ie in sworn affidavits or witness statements, together with copies of any documentary exhibits.

What happens next?

- 70) Once you have made the Request and the Attorney General is satisfied that it is a proper Request you should – if you have not already – make direct contact with the persons listed below.
- 71) From this point on the person with responsibility for the Request will work directly with you to ensure that the Request proceeds appropriately and that you are kept informed throughout of all matters which may affect it.

Relevant legislation:

- 72) Extradition (Jersey) Law 2004, as amended (www.jerseylaw.je)
- 73) EU Member States are asked to note that the EU Arrest warrant is not valid in Jersey. Extradition is made in accordance with the Council of Europe Convention on Extradition 1956.

Requests from the UK

- 74) Such requests are not dealt with under the Extradition (Jersey) Law 2004 and are not classified as extradition due to Jersey's constitutional relationship with the UK.
- 75) The process of arresting suspects in Jersey on warrant and returning them to England and Wales is governed by Section 13 of the Indictable Offences Act 1848, and by Orders in Council in respect of Scotland and Northern Ireland.
- 76) If you require the arrest of a suspect in Jersey it must be for an offence which is an indictable offence under English law and for which you have reasonable grounds to arrest. An arrest warrant from a competent court in England and Wales, Scotland or Northern Ireland as the case may be must first be obtained.
- 77) Contact should then be made with the States of Jersey Police and/or the Attorney General. Arrangements will be made for a police or other law enforcement officer who has a power of arrest to travel to Jersey.
- 78) If the matter is urgent assistance can usually be provided swiftly. Once your officer arrives in Jersey he or she, together with a Jersey police officer, will attend on the Bailiff (our Chief Justice) or one of the Bailiff's deputies. You will need to bring with you the original arrest warrant together with any affidavit or other supporting documentation which was used to obtain the UK warrant. You will need to give or show confirmation to the Bailiff that the warrant is a true warrant and that the writing on it is authentic. If the arrest warrant carries a court stamp and the signature of the judge or magistrate granting it, this will usually be sufficient taken together with the officer's confirmation to the Bailiff that this is the warrant which the officer has personally obtained from the judge or magistrate.
- 79) If the Bailiff is satisfied that the warrant is genuine and properly issued the Bailiff will back the warrant with an endorsement authorising its execution in the Island. The suspect can then be arrested by a Jersey officer and returned to the UK.

Further information

- 80) For further information please contact: mla@lawofficers.je

ANNEXE A – General Undertaking – Criminal Proceedings

Undertaking (General)

Investigation of Fraud (Jersey) Law 1991 or

Criminal Justice (International Co-operation) (Jersey) Law 2001

Person(s) and/or entity(ies) under Investigation:

.....
.....

I,(name), undertake that any information and documents obtained for the purposes of the above investigation on behalf of(name of authority) by His Majesty's Attorney General for Jersey, pursuant to the powers conferred upon him by the Investigation of Fraud (Jersey) Law 1991 or the Criminal Justice (International Co-operation) (Jersey) Law 2001, will only be used by the said(name of authority) for the purposes of that investigation, any prosecution arising out of that investigation and any connected criminal confiscation proceedings and will not be released by the said(name of authority) to any person or any other enforcement agency without the express consent of His Majesty's Attorney General for Jersey.

Save as permitted above, I further undertake that in the event of any application to a court or tribunal in respect of which(name of authority) has notice to disclose the information and documents obtained from Jersey in relation to the above criminal investigation/prosecution, His Majesty's Attorney General for Jersey will be notified and consulted on the approach the (name of authority) might take in relation to that application.

Signature:

Position:

Date:

ANNEXE B – Investigating Judge Undertaking

Undertaking (for Investigating Judge)

Investigation of Fraud (Jersey) Law 1991, or the

Criminal Justice (International Co-operation) (Jersey) Law 2001

Person(s) and/or entity(ies) under investigation:

I,[name], Undertake that any information and documents obtained for the purposes of the above criminal investigation on my behalf / on behalf of the[name of authority] by His Majesty's Attorney General for Jersey, pursuant to the powers conferred upon him by the Investigation of Fraud (Jersey) Law 1991, or the Criminal Justice (International Co-operation) (Jersey) Law 2001, will only be used by me / the said[name of authority] for the purposes of that criminal investigation, any criminal prosecution arising out of that investigation and any connected criminal confiscation investigation/proceedings and will not be released by me / the said[name of authority] to any person or any other enforcement agency without the express consent of His Majesty's Attorney General for Jersey.

Save as permitted above, I further undertake that in the event of any application to a court or tribunal in respect of which I/or the [name of authority] have/has notice to disclose the information and documents obtained from Jersey in relation to the above criminal investigation/proceedings, His Majesty's Attorney General for Jersey will be notified and consulted on the approach that I / the [name of authority] might take in relation to that application.

Signature:

Position:

Date:

ANNEXE C – Revenue Undertaking – Criminal Proceedings

Undertaking (for Revenue Authorities)

Investigation of Fraud (Jersey) Law 1991; or the

Criminal Justice (International Co-operation) (Jersey) Law 2001

Person(s) and/or entity(ies) under Investigation:

.....
.....

I,[name], undertake that any information and documents obtained for the purposes of the above criminal investigation on behalf of[name of authority] by His Majesty’s Attorney General for Jersey, pursuant to the powers conferred upon him by the Investigation of Fraud (Jersey) Law 1991, or the Criminal Justice (International Co-operation) (Jersey) Law 2001, will only be used by the said [name of authority] for the purposes of that criminal investigation, any criminal prosecution arising out of that investigation and any connected criminal confiscation investigation/proceedings and will not:

(a) be used in any civil tax recovery process; and (b) be released by the said [name of authority] to any person or any other enforcement agency without the express consent of His Majesty’s Attorney General for Jersey.

Save as permitted above, I further undertake that in the event of any application to a court or tribunal in respect of which the [name of authority] has notice to disclose the information and documents obtained from Jersey in relation to the above criminal investigation/proceedings, His Majesty’s Attorney General for Jersey will be notified and consulted on the approach that the [name of authority] might take in relation to that application.

Signature:

Position:

Date:

ANNEXE D – General – Civil Asset Recovery

Undertaking (General)

Civil Asset Recovery (International Co-operation)(Jersey) Law 2007

Person(s) and/or entity(ies) under Investigation:

.....

I,(name), undertake that any information and documents obtained for the purposes of the above investigation on behalf of(name of authority) by His Majesty’s Attorney General for Jersey, pursuant to the powers conferred upon him by the Civil Asset Recovery (International Co-operation)(Jersey) Law 2007, will only be used by the said(name of authority) for the purposes of that civil asset recovery investigation and any civil asset recovery proceedings arising out of that investigation and will not be released by the said(name of authority) to any person or any other enforcement agency without the express consent of His Majesty’s Attorney General for Jersey.

Save as permitted above, I further undertake that in the event of any application to a court or tribunal in respect of which(name of authority) has notice to disclose the information and documents obtained from Jersey in relation to the above investigation/proceedings, His Majesty’s Attorney General for Jersey will be notified and consulted on the approach the (name of authority) might take in relation to that application.

Signature:

Position:

Date:

ANNEXE E - Revenue – Civil Asset Recovery

Undertaking (for Revenue Authorities)

Civil Asset Recovery (International Co-operation)(Jersey) Law 2007

Person(s) and/or entity(ies) under Investigation:

.....

I,(name), undertake that any information and documents obtained for the purposes of the above investigation on behalf of(name of authority) by His Majesty’s Attorney General for Jersey, pursuant to the powers conferred upon him by the Civil Asset Recovery (International Co-operation)(Jersey) Law 2007, will only be used by the said(name of authority) for the purposes of that civil asset recovery investigation and any civil asset recovery proceedings arising out of that investigation and will not:

(a) be used in any civil tax recovery process; and (b) be released by the said(name of authority) to any person or any other enforcement agency without the express consent of His Majesty’s Attorney General for Jersey.

Save as permitted above, I further undertake that in the event of any application to a court or tribunal in respect of which(name of authority) has notice to disclose the information and documents obtained from Jersey in relation to the above investigation/proceedings, His Majesty’s Attorney General for Jersey will be notified and consulted on the approach the (name of authority) might take in relation to that application.

Signature:

Position:

Date: