



Jersey

DRAFT FINANCIAL SERVICES (CONSUMER CREDIT DEBT COLLECTION) (JERSEY) REGULATIONS 202-

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Made [date to be inserted]

Coming into force [date to be inserted]

THE STATES make these Regulations under Article 31A of the [Financial Services \(Jersey\) Law 1998](#) –

PART 1

INTERPRETATION AND SCOPE

1 Interpretation

In these Regulations –

“authorised officer” has the meaning given to “inspector” in Article 1(1) of the [Weights and Measures \(Jersey\) Law 1967](#);

“borrower” has the meaning given in paragraph 1 of Schedule 1A to the Law;

“consumer credit debt collection” has the meaning given in paragraph 1 of Schedule 1A to the Law;

“debt collector” means a person who carries out consumer credit debt collection (which includes a lender who collects the debt owed to themselves);

“Law” means the [Financial Services \(Jersey\) Law 1998](#).

2 Regulations apply to activity of consumer credit debt collection

These Regulations –

- (a) apply to a debt collector in respect of their activity of consumer credit debt collection; and
- (b) do not apply to consumer credit debt collection by the Viscount.

PART 2

RESTRICTIONS ON DEBT COLLECTORS

3 Communication with borrower

- (1) A debt collector must communicate with the borrower –
 - (a) in a way that –
 - (i) is clear and simple;
 - (ii) is not misleading; and
 - (iii) is not aggressive; and
 - (b) only at a time that is reasonable and is a reasonable period after the previous time (if any).
- (2) A communication is misleading or aggressive if it is considered to be so under Articles 4 to 6 of the [Consumer Protection \(Unfair Practices\) \(Jersey\) Law 2018](#), which apply as if the communication were a commercial practice and the debt collector were a trader.

4 Information given to borrower

- (1) A debt collector must ensure that the borrower is given correct information about the following matters each time a matter is first set or changes –
 - (a) the amount of their total debt;
 - (b) each of the following parts of their total debt, and the date on which each amount was incurred –
 - (i) the initial debt; and
 - (ii) an additional charge (such as any fee, interest or expense); and
 - (c) the terms on which they must repay their total debt, whether under the relevant agreement or arrangement or under a payment plan agreed with the debt collector, including –
 - (i) what, how, when and to whom they must repay; and
 - (ii) the amount or rate of the commission, fee or other reimbursement (if any) earned by the debt collector in relation to collecting the debt.
- (2) A debt collector must ensure that the borrower is given information about their rights and abilities as a borrower when the debt collector becomes involved in their debt, including –
 - (a) their rights under these Regulations, including their right to complain about consumer credit debt collection and have the debt collector handle the complaint as required by Regulation 8; and
 - (b) their ability to seek independent advice about a debt.
- (3) A debt collector must ensure that the borrower is given a copy of the relevant agreement or arrangement on request.
- (4) The information or copy required by this Regulation must be given –
 - (a) in writing or in another durable medium accessible to the borrower; and
 - (b) as soon as reasonably practicable after the relevant paragraph applies.

5 Disclosure of information about borrower

See the Data Protection (Jersey) Law 2018 for restrictions that apply to a debt collector as a controller in relation to the personal data of a borrower.

6 Recovery of debt from borrower

- (1) A debt collector must, before trying to recover an amount of debt from a borrower –
 - (a) ensure that the amount is correct and owed by the borrower;
 - (b) allow the borrower a reasonable period to get independent financial and legal advice about their debt;
 - (c) give the borrower a reasonable opportunity to negotiate with the debt collector to try to agree on a payment plan for how the borrower will repay the debt by instalments; and
 - (d) comply with Regulation 7 if the borrower disputes their liability for the amount of debt.
- (2) A debt collector must, before starting court proceedings to recover an amount of debt from a borrower –
 - (a) give the borrower written notice that, if agreement is not reached under paragraph (1)(c), the debt collector may start court proceedings; and
 - (b) comply with paragraph (1).
- (3) A debt collector must not inform, or suggest to, a borrower that they are, or could be, subject to any financial or legal consequences of not repaying a debt to which they could not be subject.

7 Dispute about debt

- (1) A debt collector must comply with this Regulation if a borrower disputes their liability for an amount of debt.
- (2) The debt collector must, as soon as reasonably practicable –
 - (a) investigate whether the borrower owes the amount by considering the relevant evidence, including evidence (if any) given by the borrower;
 - (b) give the borrower written notice that –
 - (i) states their findings from the investigation and their reasons for the findings; and
 - (ii) includes copies of the evidence that was relevant to the findings and was not given by the borrower; and
 - (c) if they find that the amount was not correct or owed by the borrower –
 - (i) correct the relevant information that they hold; and
 - (ii) take reasonable steps to have the relevant information held by others (for example, a credit agency) corrected.

8 Handling complaints from borrowers

- (1) A debt collector must have systems and written procedures for handling, meaning recording and dealing with, complaints about their consumer credit debt collection from a borrower.

- (2) The procedures must include –
 - (a) the level of management at which a complaint is to be handled;
 - (b) the period within which a complaint is to be handled; and
 - (c) the borrower’s remedy if they are not satisfied with how the complaint is handled.

PART 3

OFFENCES AND ENFORCEMENT POWERS

9 Offences of contravening Regulations

- (1) A debt collector commits an offence if they contravene –
 - (a) Regulation 3 (communication with borrower);
 - (b) Regulation 4 (information given to borrower);
 - (c) Regulation 6 (recovery of debt from borrower);
 - (d) Regulation 7 (dispute about debt); or
 - (e) Regulation 8 (handling complaints from borrowers).
- (2) A person who commits an offence under this Regulation is liable to a fine of level 3 on the standard scale.

10 Offence of disclosing information

- (1) A person commits an offence if –
 - (a) they disclose to another person information obtained in the performance of an authorised officer’s functions under these Regulations; and
 - (b) the disclosure is not made in, or for the purpose of, the performance of such functions.
- (2) The person is liable to a fine of level 3 on the standard scale.

11 Defence of due diligence

- (1) In the prosecution of a person for an offence under Regulation 9 or 10, the person has a defence if –
 - (a) their conduct was because of –
 - (i) a mistake;
 - (ii) an accident;
 - (iii) their reliance on information from another person who was not under their direction or control;
 - (iv) the conduct of another person who was not under their direction or control; or
 - (v) another cause beyond their control; and

- (b) they took all reasonable precautions, and exercised all due diligence, to avoid their conduct, including in respect of another person under their direction or control.
- (2) The person must comply with paragraph (3) before they may rely on the defence about –
 - (a) reliance on information from another person who was not under their direction or control; or
 - (b) the conduct of another person who was not under their direction or control.
- (3) The person must –
 - (a) at least 7 days before the start of the day of the hearing, give written notice to the Attorney General with all of the information they have that helps identify the other person who was not under their direction or control; or
 - (b) have leave of the court.

12 Enforcement functions of authorised officers

- (1) An authorised officer may enforce Part 2 (restrictions on debt collectors), including for the investigation or prosecution of an offence under Regulation 9 or 10.
- (2) Articles 10 to 14 of the [Consumer Protection \(Unfair Practices\) \(Jersey\) Law 2018](#) (which relate to the exercise of enforcement powers by authorised officers under that Law) apply to the enforcement of Part 2 as if a breach of that Part were an offence under that Law.
- (3) An authorised officer seizing any goods or documents in the exercise of the powers applied by paragraph (2) must inform the person from whom they were seized.
- (4) An enactment that authorises the disclosure of information for the purpose of enforcing the [Consumer Protection \(Unfair Practices\) \(Jersey\) Law 2018](#) applies as if –
 - (a) a breach of Part 2 were an offence under that Law; and
 - (b) the functions of a person in relation to the enforcement of Part 2 were functions under that Law.

PART 4

FINAL PROVISION

13 Citation and commencement

- (1) These Regulations may be cited as the Financial Services (Consumer Credit Debt Collection) (Jersey) Regulations 202-.
- (2) These Regulations come into force when all but Articles 9 and 10 of the Financial Services (Jersey) Amendment Law 2025 come into force (under Article 11(2) of that Law).