



Jersey

COMMUNITY PROVISIONS (IMPLEMENTATION OF THE MANDATE OF THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA) (AMENDMENT No. 2) (JERSEY) ORDER 2011

Made

Coming into force

THE CHIEF MINISTER, in pursuance of Article 2 of the European Communities Legislation (Implementation) (Jersey) Law 1996 and having regard to Council Regulation (EC) No. 1763/2004 of 11th October 2004, as amended up to 23rd July 2011, orders as follows –

1 Interpretation

In this Order “principal Order” means the Community Provisions (Implementation of the mandate of the International Criminal Tribunal for the former Yugoslavia) (Jersey) Order 2007.

2 Article 10 substituted

For Article 10 of the principal Order there shall be substituted the following Articles –

“10 Disclosure of information

- (1) The Minister may inform a Member State or the European Commission of the measures he or she proposes to take, or has taken, under this Order and may supply to a Member State or the European Commission any other relevant information at his or her disposal in connection with this Order.
- (2) The Minister may request a person in or resident in Jersey to –
 - (a) furnish to the Minister information; or
 - (b) produce to the Minister a document,

in the person's possession or control, that the Minister may require for the purposes of ensuring compliance with this Order.

- (3) A person to whom a request is made pursuant to paragraph (2) must comply with it within such time and in such manner as may be specified in the request.
- (4) Nothing in paragraph (2) requires a person who has acted as legal adviser for a person to disclose a privileged communication made to the person in that capacity.
- (5) If a person is convicted of an offence under this Order of failing to furnish information or to produce a document, the court may make an order requiring the person, within such period as may be specified in the order, to furnish the information or produce the document.
- (6) The power conferred by this Article to request a person to produce a document includes the power to take copies of or extracts from a document so produced and to request the person or, if the person is a body corporate, any other person who is a present or past officer of, or is employed by, the body corporate, to provide an explanation of any such document.

10A Restrictions on disclosure

- (1) Information furnished or a document produced (including any copy or extract made of a document produced) by a person in pursuance of a request made under Article 10 must not be disclosed except –
 - (a) subject to paragraph (2), with the consent of the person by whom the information was furnished or the document was produced;
 - (b) to a person who would have been empowered under Article 10 to request that it be furnished or produced or a person holding or acting in an office under or in the service of the States;
 - (c) on the authority of the Minister, to the European Commission or to any of the competent authorities of the Member States, as listed in Schedule 2, for any purpose in connection with this Order;
 - (d) on the authority of the Minister, to the Jersey Financial Services Commission, for the purpose of any of its functions, where the Minister believes that the exercise of such a function may assist in achieving compliance with this Order; or
 - (e) with a view to the institution of, or otherwise for the purposes of, proceedings for an offence under this Order.
- (2) A person who has obtained information or is in possession of a document only in the person's capacity as a servant or agent of another person may not give consent for the purposes of paragraph (1)(a) but such consent may instead be given by a person

who is entitled to that information or to possession of that
document in the person's own right.”.

3 Schedule 1 amended

In Schedule 1 to the principal Order, paragraph 2 shall be deleted.

4 Citation and commencement

This Order may be cited as the Community Provisions (Implementation of the
mandate of the International Criminal Tribunal for the former Yugoslavia)
(Amendment No. 2) (Jersey) Order 2011 and shall come into force 7 days after
it is made.

Signed.....

Date.....

Chief Minister

