



Jersey

COMMUNITY PROVISIONS (RESTRICTIVE MEASURES – CRIMEA AND SEVASTOPOL) (JERSEY) ORDER 2014

Arrangement

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Made

Coming into force

THE MINISTER FOR EXTERNAL RELATIONS, in pursuance of Article 2 of the European Communities Legislation (Implementation) (Jersey) Law 1996, orders as follows –

1 Interpretation

In this Order, “Council Regulation” means –

- (a) in Article 2, Council Regulation (EU) No. 692/2014 of 23 June 2014 (O.J. No. L 183/9, 24.6.2014) concerning restrictions on the import into the Union of goods originating in Crimea or Sevastopol, in response to the illegal annexation of Crimea and Sevastopol;
- (b) in Articles 3 to 5, the provisions of that Council Regulation as they have effect in Jersey by virtue of Article 2.

2 Implementation of the Council Regulation

- (1) Subject to paragraphs (2) to (4), the Council Regulation has full force and effect in Jersey as if it were an enactment.
- (2) A reference in the Council Regulation to Member States or the Union is to be construed as including Jersey.
- (3) A reference in the Council Regulation to the competent authorities is to be construed as including the Minister.
- (4) The Council Regulation has effect with the following modifications –
 - (a) for Article 7 there shall be substituted the following Article –

“Article 7

The Minister may inform a Member State or the Commission of the measures he or she proposes to take, or has taken, under this Regulation

and may supply to a Member State or the Commission any other relevant information at his or her disposal in connection with this Regulation.”;

- (b) Articles 8 and 9 shall be deleted;
- (c) for Article 10 there shall be substituted the following Article –

“Article 10

This Regulation shall apply –

- (a) to Jersey, including its airspace;
- (b) on board any aircraft or any vessel under the jurisdiction of Jersey;
- (c) to any legal person, entity or body which is incorporated or constituted under the law of Jersey;
- (d) to any legal person, entity or body in respect of any business done in whole or in part in Jersey.”.

3 Offence

- (1) A person who contravenes Article 2 or 4 of the Council Regulation is guilty of an offence and liable to imprisonment for a term of 2 years and to a fine.
- (2) If an offence under this Order committed by a limited liability partnership, a separate liability partnership, any other partnership having separate legal personality or a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of –
 - (a) a person who is a partner of the partnership, or director, manager, secretary or other similar officer of the body corporate; or
 - (b) a person purporting to act in any such capacity,the person is also guilty of the offence and liable in the same manner as the partnership or body corporate to the penalty provided for that offence.
- (3) If the affairs of a body corporate are managed by its members, paragraph (2) applies in relation to acts and defaults of a member in connection with the member’s functions of management as if the member were a director of the body corporate.
- (4) A prosecution for an offence under this Order must not be instituted without the consent of the Attorney General.

4 Applicability of Customs and Excise (Jersey) Law 1999 to offences

- (1) In this Article “Law” means the Customs and Excise (Jersey) Law 1999.
- (2) In relation to any alleged offence arising out of a contravention of Article 2 or 4 of the Council Regulation –
 - (a) Article 48 of the Law; and
 - (b) Articles 64 to 67 of the Law,

shall apply as they apply in relation to arrest, legal proceedings, penalties and proof (as the case may be) for offences under the Law.

5 Functions of Minister

- (1) The Minister, with a view to ensuring compliance with the Council Regulation, must perform the functions required to be performed by a competent authority of a Member State under the Council Regulation, as if the Minister were a competent authority.
- (2) The Minister may delegate or authorize the delegation of any of his or her functions under this Order –
 - (a) to any person, or class or description of person, approved by the Minister; and
 - (b) to such extent and subject to such restrictions as the Minister may think fit.

6 Citation and commencement

This Order may be cited as the Community Provisions (Restrictive Measures – Crimea and Sevastopol) (Jersey) Order 2014, and shall come into force forthwith.

Signed.....

Date.....

Minister for External Relations

