



Jersey

EU LEGISLATION (SANCTIONS – DEMOCRATIC REPUBLIC OF THE CONGO) (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 Union Legislation (Implementation) (Jersey) Law 2014, orders as follows –

1 Interpretation

In this Order –

“General Provisions Order” means the EU Legislation (Sanctions) (General Provisions) (Jersey) Order 2014;

“implemented Regulations” means Council Regulation (EC) No 889/2005 and Council Regulation (EC) No 1183/2005;

“Council Regulation (EC) No 889/2005” means Council Regulation (EC) No 889/2005 of 13 June 2005 imposing certain specific restrictive measures in respect of the Democratic Republic of Congo and repealing Regulation (EC) No 1727/2003 (OJ L 152, 15.6.2005, p. 1), as amended up to the date of the making of this Order (subject to Article 2);

“Council Regulation (EC) No 1183/2005” means Council Regulation (EC) No 1183/2005 of 18 July 2005 imposing certain specific restrictive measures directed against persons acting in violation of the arms embargo with regard to the Democratic Republic of the Congo (OJ L 193, 23.7.2005, p. 1), as amended up to the date of the making of this Order (subject to Article 2).

2 Ambulatory references to Annexes

A reference in the implemented Regulations to any of the Annexes to those Regulations is to be read as a reference to that Annex as amended, substituted, extended or applied from time to time by any other EU provision, or as that Annex otherwise has effect in the EU from time to time by virtue of any judgment of the European Court.

3 Application of general provisions

- (1) This Order is a relevant special Order for the purpose of the General Provisions Order.
- (2) The implemented Regulations are the relevant EU provisions for the purpose of the general provisions of the General Provisions Order, when those general provisions are read as part of this Order.

4 Implemented Regulations

- (1) The implemented Regulations have effect as if they were enactments –
 - (a) to any extent that they do not otherwise have effect in Jersey;
 - (b) subject to the modifications made by the general provisions that are to be read as part of this Order by virtue of Article 3 and the General Provisions Order; and
 - (c) subject to paragraph (2).
- (2) Paragraph (1) does not apply to any extent that it is inconsistent with or repugnant to any provision of the Democratic Republic of the Congo (United Nations Sanctions) (Channel Islands) Order 2003 or the Democratic Republic of the Congo (United Nations Sanctions) (Channel Islands) Order 2005, being a provision that has effect for the time being in Jersey.

5 Offences

- (1) A person who –
 - (a) contravenes Article 2(1) of Council Regulation (EC) No 889/2005, as that Article has effect in Jersey by virtue of Article 4;
 - (b) contravenes Article 2 or 6(1) of Regulation (EC) No 1183/2005, as that Article has effect in Jersey by virtue of Article 4;
 - (c) intentionally furnishes false information or a false explanation to any person exercising powers under Article 10 of the General Provisions Order as read as part of this Order; or
 - (d) with intent to evade the provisions of Article 10 of the General Provisions Order as read as part of this Order, destroys, mutilates, defaces, secretes or removes any document,is guilty of an offence and liable to imprisonment for a term of 2 years and to a fine.
- (2) A person is guilty of an offence, and liable to imprisonment for a term of 3 months and to a fine, if the person, without reasonable excuse, contravenes –
 - (a) Article 10(3) of the General Provisions Order as read as part of this Order; or
 - (b) Article 5(2) of Council Regulation (EC) No 1183/2005, as that Article has effect in Jersey by virtue of Article 4.
- (3) Paragraphs (1)(a) and (b) do not apply to a contravention –

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- (a) by the Minister, of an obligation imposed on the Minister by Article 8 of the General Provisions Order; or
 - (b) by a person other than the Minister, of an obligation imposed on that person under Article 9 of that Order.

6 Revocation of Community Provisions (Restrictive Measures – Democratic Republic of the Congo) (Jersey) Order 2011

The Community Provisions (Restrictive Measures – Democratic Republic of the Congo) (Jersey) Order 2011 is revoked.

7 Citation and commencement

This Order may be cited as the EU Legislation (Sanctions – Democratic Republic of the Congo) (Jersey) Order 2014 and comes into force on the day after it is made.

Signed.....

Date.....

Minister for External Relations

