



Jersey

SANCTIONS AND ASSET-FREEZING (AMENDMENT No. 3) (JERSEY) LAW 2023

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Jersey

SANCTIONS AND ASSET-FREEZING (AMENDMENT No. 3) (JERSEY) LAW 2023

A **LAW** to amend further the [Sanctions and Asset-Freezing \(Jersey\) Law 2019](#).

<i>Adopted by the States</i>	<i>21st March 2023</i>
<i>Sanctioned by Order of His Majesty in Council</i>	<i>17th May 2023</i>
<i>Registered by the Royal Court</i>	<i>7th July 2023</i>
<i>Coming into force</i>	<i>in accordance with Article 46</i>

THE STATES, subject to the sanction of His Most Excellent Majesty in Council, have adopted the following Law –

PART 1

REMOVAL OF POWER TO IMPLEMENT EU SANCTIONS

1 Amendment of the [Sanctions and Asset-Freezing \(Jersey\) Law 2019](#)

This Part amends the [Sanctions and Asset-Freezing \(Jersey\) Law 2019](#).

2 Article 1 (interpretation) amended

In Article 1 –

- (a) in paragraph (1) –
 - (i) for the definition “designation” there is substituted –
“ “designation” means designation under Article 3(4), Part 4 or Part 5;”,
 - (ii) the definitions “EU”, “EU Implementation Law”, “EU provision” and “EU sanctions provision” are deleted,
 - (iii) for the definition “UK sanctions provision” there is substituted –
“ “UK sanctions provision” has the meaning given by Article 3(1)(a);”;
- (b) for paragraph (2) there is substituted –
“(2) In relation to a reference to an enactment of the UK in this Law, or in an Order under this Law, unless otherwise provided –

- (a) Article 9(3) of the [Interpretation \(Jersey\) Law 1954](#) applies to that reference as it applies to a reference to a Law; and
- (b) Article 6 of the [Legislation \(Jersey\) Law 2021](#) applies in relation to that enactment of the UK, and to any enactment of the UK that repeals that enactment, as it applies in relation to Jersey legislation.”.

3 Heading to Part 2 (implementation of UK and EU sanctions) substituted

In the heading to Part 2 for “UK and EU sanctions” there is substituted “UK sanctions”.

4 Article 3 (implementation of UK and EU sanctions provisions through Orders) substituted

For Article 3 there is substituted –

“3 Implementation of UK sanctions provisions through Orders

- (1) The Minister may by Order make provision appearing to the Minister to be necessary or expedient for the purposes of –
 - (a) giving effect, either wholly or partly, to provision made in the UK by or under regulations made under Part 1 of the Sanctions and Anti-Money Laundering Act 2018 of the UK (a “UK sanctions provision”); or
 - (b) dealing with matters arising out of or related to a UK sanctions provision.
- (2) The provision that may be made under paragraph (1) includes provision by way of an amendment of an enactment other than this Law or the [Human Rights \(Jersey\) Law 2000](#), and of any other provision that may be made by a Law, but does not include provision –
 - (a) imposing a penalty of imprisonment for more than 7 years for a criminal offence;
 - (b) imposing or increasing taxation; or
 - (c) taking effect from a date earlier than that of the making of the Order containing the provision.
- (3) An Order under paragraph (1) may –
 - (a) make provision by reference to or by incorporation (by reference, annexation or otherwise) of a UK sanctions provision, or of any class or description of UK sanctions provision;
 - (b) when making the provision described in sub-paragraph (a) –
 - (i) do so to the extent and subject to the exceptions, adaptations and modifications to the UK sanctions provision that may be specified in the Order,
 - (ii) make exceptions, adaptations or modifications mentioned in clause (i) by providing that references to the UK are to be treated as references to Jersey, or to Jersey and the UK, or that references to any part of the British Islands are to be treated as references to any other part;

- (c) include provision made under any of Articles 4 to 7;
 - (d) include provision that is incidental, supplemental, consequential, transitional or saving in relation to the Order.
- (4) An Order under paragraph (1) may provide that a person is a designated person for the purpose of Part 3 if the person is a UK financial sanctions target.
- (5) In paragraph (4) a person is a “UK financial sanctions target” if –
 - (a) a UK sanctions provision imposes financial sanctions; and
 - (b) the person is designated under that provision, or under another UK sanctions provision in relation to that provision.
- (6) In paragraph (5) “imposes financial sanctions” and “designated” have the meanings that they have in Part 1 of the Sanctions and Anti-Money Laundering Act 2018 of the UK.
- (7) If an Order makes provision described in paragraph (4) in relation to a UK sanctions provision, the Order may provide, for the purpose of any prohibitions in Part 3 –
 - (a) that a UK exception provision has effect –
 - (i) as an exception under Article 15(3A) to that prohibition in Part 3, or
 - (ii) as a ground for the grant of a licence under Article 16(3A)(b) in relation to that prohibition in Part 3; and
 - (b) that a UK licence provision has effect as a ground on which the Minister may grant a licence under Article 16(3A)(b) in relation to that prohibition in Part 3.
- (8) For the purpose of paragraph (7) –
 - (a) a “UK exception provision” is an exception, in the UK sanctions provision, to a prohibition in the UK sanctions provision corresponding to the prohibition in Part 3;
 - (b) a “UK licence provision” is a power or duty, in the UK sanctions provision, to grant a licence in relation to a prohibition in the UK sanctions provision corresponding to the prohibition in Part 3;
 - (c) a UK exception provision or UK licence provision may be given effect with or without adaptations and modifications under paragraph (3)(b);
 - (d) a UK exception provision may be given effect subject to a condition, which may include a condition as to giving information to the Minister before or after relying on the exception; and
 - (e) an Order imposing a condition under sub-paragraph (d) may provide –
 - (i) that the exception does not apply unless the condition is met, or
 - (ii) that Article 15(5) applies to a failure to comply with the condition.
- (9) Paragraphs (3) to (8) do not limit paragraph (1), and paragraphs (7) and (8) do not limit paragraph (3) or (4).”.

5 Article 4 (implementation of UK and EU provisions: financial services) amended

In Article 4 –

- (a) in the heading for “UK and EU provisions” there is substituted “UK provisions”;
- (b) in paragraph (1) “or an EU sanctions provision” is deleted;
- (c) in paragraph (2) “or EU sanctions provision” is deleted;
- (d) for paragraph (3)(a) there is substituted –
 - “ (a) the UK sanctions provision would not otherwise impose the obligation or prohibition on persons of that description in the UK; and”.

6 Article 5 (general provisions Orders) amended

In Article 5 –

- (a) in paragraph (2)(a) “or EU sanctions provisions” is deleted;
- (b) in paragraph (2)(b) “or EU sanctions provision” is deleted.

7 Article 6 (interpretation of Orders and of UK and EU provisions) amended

In Article 6 –

- (a) in the heading for “UK and EU provisions” there is substituted “UK provisions”;
- (b) in paragraph (1) “or an EU sanctions provision” is deleted;
- (c) paragraphs (3), (4) and (5) are deleted.

8 Article 8 (implementation of UK and EU blocking provisions) amended

In Article 8 –

- (a) in the heading for “UK and EU blocking provisions” there is substituted “UK blocking provisions”;
- (b) in paragraph (2)(a) –
 - (i) at the start there is inserted “any enactment of the UK that, as retained EU law under the European Union (Withdrawal) Act 2018 of the UK, gives effect to”,
 - (ii) for “and any EU” there is substituted “or to any EU”;
- (c) paragraph (2)(c) is deleted;
- (d) in paragraph (2)(d) “or EU” is deleted.

9 Article 9 (meaning of “designated person”) amended

For Article 9(1)(a) there is substituted –

- “ (a) a provision included, under Article 3(4), in an Order implementing a UK sanctions provision;”.

10 Article 15 (exceptions) amended

In Article 15(3A)(a) for “Article 3(9)(a)(i)” there is substituted “Article 3(7)(a)(i)”.

11 Article 16 (licences) amended

In Article 16(3A)(b) for “Article 3(9)(a)(ii) or (b)” there is substituted “Article 3(7)(a)(ii) or (b)”.

12 Article 19 (designation by virtue of UK, EU or UN listing related to terrorism) amended

In the heading to Article 19 for “UK, EU or UN listing” there is substituted “UK or UN listing”.

13 Article 29 (interim designation of UN-listed person when UNSCR is implemented by UK or EU) amended

In Article 29 –

- (a) in the heading “or EU” is deleted;
- (b) paragraph (1)(b)(ii) is deleted.

14 Article 30 (designation by interim UN asset-freezing Order) amended

In Article 30(5)(b) for “or an EU sanctions provision, that implements (in the UK or the EU) the relevant UN resolution” there is substituted “that implements the relevant UN resolution in the UK”.

15 Article 31 (designation by final UN asset-freezing Order) amended

In Article 31 –

- (a) in paragraph (3) for “whether the UK or the EU” there is substituted “whether the UK”;
- (b) in paragraph (3)(a) for “the UK or the EU, or both,” there is substituted “the UK”;
- (c) in paragraph (3)(b) –
 - (i) for “neither the UK nor the EU has” there is substituted “the UK has not”;
 - (ii) for “the UK and the EU” there is substituted “the UK”.

16 Article 36 (general power to disclose information) amended

In Article 36 –

- (a) in paragraph (1)(g) for “EU sanctions provision that is given effect under Article 3, or of any of their functions under any other EU provision by virtue of which a person is a designated person under Article 19 or 29” there is substituted “EU provision that corresponds to a provision of or under this Law”;
- (b) in paragraph (1)(h)(iv) for “EU sanctions provision that is given effect under Article 3, or an offence under any other EU provision by virtue of which a person is a designated person under Article 19 or 29” there is substituted “EU provision that corresponds to a provision of or under this Law”;

- (c) after paragraph (2) there is inserted –
- “(3) Expressions used in this Article, that are defined in the [European Union Legislation \(Implementation\) \(Jersey\) Law 2014](#), have the same meaning as in that Law.”.

17 Article 47 (power to amend other enactments in relation to related matters) amended

In Article 47(2)(i) for “EU Implementation Law” there is substituted “[European Union Legislation \(Implementation\) \(Jersey\) Law 2014](#)”.

PART 2

AMENDMENTS FOR FATF AND OTHER PURPOSES

18 Amendment of the [Sanctions and Asset-Freezing \(Jersey\) Law 2019](#)

This Part amends the [Sanctions and Asset-Freezing \(Jersey\) Law 2019](#).

19 Article 3 (implementation of UK and EU sanctions provisions through Orders) amended

After Article 3(7)(b) (as substituted by Article 4 of this Law) there is inserted –

- “(c) that a general licence, granted in the UK under a UK licence provision, has effect in Jersey as if it had been granted by the Minister under Article 16, subject to any adaptations or modifications under paragraph (3)(b).”.

20 Article 5 (general provisions Orders) amended

In Article 5(4), for “Article 11(4) of the [Interpretation \(Jersey\) Law 1954](#)” there is substituted “Article 9(2) of the [Legislation \(Jersey\) Law 2021](#)”.

21 Article 15 (exceptions) amended

After Article 15(3A) there is inserted –

- “(3B) An act does not contravene a provision of this Part in relation to a designated person if the act is one that a responsible officer has determined would be in the interests of –
- (a) national security; or
 - (b) the prevention or detection of crime in Jersey or elsewhere.
- (3C) For the purpose of paragraph (3B) a responsible officer is a person acting in the course of that person’s duty as –
- (a) a member of the States of Jersey Police Force;
 - (b) a member of the financial intelligence unit established under Article 41B of the [Proceeds of Crime \(Jersey\) Law 1999](#);
 - (c) a Law Officer, or a person acting on behalf of a Law Officer;

- (d) the Minister, or a person acting on behalf of the Minister, when performing a function under this Law.”.

22 Article 16 (licences) amended

In Article 16(3)(a) for “specify” there is substituted “describe”.

23 Article 20 (power of Minister to make interim terrorism designation) amended

In Article 20 –

- (a) after paragraph (2) there is inserted –
“(2A) Paragraph (2) applies whether or not any criminal proceedings have been taken against the person.”;
- (b) after paragraph (5) there is inserted –
“(5A) Nothing in this Article requires the Minister to notify a person, before making the designation, that the Minister is considering making an interim terrorism designation of that person.”.

24 Article 22 (power of Minister to make final terrorism designation) amended

In Article 22 –

- (a) after paragraph (2) there is inserted –
“(2A) Paragraph (2) applies whether or not any criminal proceedings have been taken against the person.”;
- (b) after paragraph (3) there is inserted –
“(3A) Nothing in this Article requires the Minister to notify a person, before making the designation, that the Minister is considering making a final terrorism designation of that person.”;
- (c) in paragraph (4) “or renewal” is deleted.

25 Article 23 (duration and renewal of final terrorism designation) substituted

For Article 23 there is substituted –

“23 Duration and review of final terrorism designation

- (1) A final terrorism designation of a person remains in effect until it is revoked under Article 25, except that its effect is suspended during a period when the person is a designated person under a provision of this Law other than Article 20 or 22.
- (2) The Minister must –
 - (a) keep a final terrorism designation under review;
 - (b) reconsider at least once in every calendar year, after that in which the designation is first made, whether there are still grounds under Article 22 for the designation; and

- (c) revoke the designation if satisfied that there are no longer any grounds for it under Article 22, whether as a result of consideration under subparagraph (a) or (b) or otherwise.
- (3) If, under paragraph (2)(c) or otherwise, the Minister revokes a designation, nothing in this Article prevents the Minister from designating the person again under any power in this Law.”.

26 Article 25 (variation or revocation of interim or final terrorism designation) amended

For Article 25(3) there is substituted –

- “(3) If a person applies to the Minister for the variation or revocation of the person’s designation –
- (a) the Minister must decide on the application within 28 days of receiving sufficient information to make a decision; and
 - (b) if the Minister refuses the application, the Minister must give written notice of the refusal to the person.”.

27 Article 29 (interim designation of UN-listed person when UNSCR is implemented by UK) amended

In Article 29 –

- (a) paragraph (1)(b) is deleted;
- (b) in paragraph (1)(c) for “30 days” there is substituted “90 days”;
- (c) paragraph (2)(b)(ii) is deleted.

28 Article 31 (designation by final UN asset-freezing order) amended

For Article 31(6) there is substituted –

- “(6) A final UN asset-freezing Order remains in effect until it is revoked under paragraph (6A).
- (6A) The Minister must –
- (a) keep a final UN asset-freezing Order under review;
 - (b) reconsider at least once in every calendar year, after that in which the Order is made, whether there are still grounds under this Article for the Order; and
 - (c) revoke the Order if satisfied that there are no longer any grounds for it under this Article, whether as a result of consideration under subparagraph (a) or (b) or otherwise.”.

29 Article 32 (reporting obligations of relevant financial institutions and statutory authorities) amended

After Article 32(2)(c) there is inserted –

“(d) any actions taken by the institution in compliance with an obligation imposed under Article 37 of the [Proceeds of Crime \(Jersey\) Law 1999](#).”.

30 Article 33 (powers to require information) amended

In Article 33(5) –

- (a) for “any person in or resident in Jersey” there is substituted “a relevant financial institution, or any other person in or resident in Jersey,”;
- (b) after sub-paragraph (a) there is inserted –
 - “(aa) deciding whether to make, vary or revoke an interim terrorism designation or a final terrorism designation of a person under this Law;”.

31 Article 34 (production of documents) amended

In Article 34 –

- (a) in the opening words of paragraph (3), for “a designated person, or a person acting under a licence granted under Article 16,” there is substituted “a person described in paragraph (4)”;
- (b) in paragraph (3)(a) for “(if not already in the person’s possession or control)” there is substituted “(if not already in the person’s possession or control, and regardless of whether in Jersey or elsewhere)”;
- (c) after paragraph (3) there is inserted –
 - “(4) The persons are –
 - (a) a designated person;
 - (b) a relevant financial institution; and
 - (c) any other person acting under a licence granted under Article 16.”.

32 Article 37 (co-operation with investigations) amended

In Article 37 –

- (a) in paragraph (1) for “person” there is substituted “person, or otherwise relating to an offence under this Law or to an equivalent offence under the law of another country or territory”;
- (b) in paragraph (2) for “person” there is substituted “person, or otherwise relating to an offence under this Law or to an equivalent offence under the law of another country or territory”.

33 Article 37A (publication of procedures and memorandum of understanding) amended

In Article 37A(3) for “Her Majesty’s Government” there is substituted “His Majesty’s Government”.

34 Article 40 (appeal to Royal Court on certain decisions) amended

Article 40(1)(d) is deleted.

35 Article 43A (requests for assistance with UN de-listing) amended

In Article 43A –

- (a) for paragraphs (1) and (2) there is substituted –
 - “(1) A UN-listed person who is a designated person may request the Minister to use the Minister’s best endeavours to secure that the person ceases to be a UN-listed person.
 - (2) If the Minister receives a request that falls within paragraph (1) and does not fall within paragraph (3) –
 - (a) the Minister must consider the request and decide, within 28 days of receiving sufficient information to make a decision, whether or not to comply with the request;
 - (b) if the Minister decides to comply with the request, the Minister must request His Majesty’s Government in the UK to use its best endeavours to secure that the person ceases to be a UN-listed person.”;
- (b) in paragraph (3)(b) for “Her Majesty’s Government” there is substituted “His Majesty’s Government”.

36 Article 45 (offences: extra-territorial application) amended

In Article 45 –

- (a) for paragraph (1)(a) there is substituted –
 - “(a) an individual who is ordinarily resident in Jersey; or”;
- (b) paragraph (2) is deleted.

37 Article 45A (request from or to another country for terrorism designation) amended

After Article 45A(4) there is inserted –

- “(5) Nothing in this Article requires the Minister to notify a person –
 - (a) before making a decision under paragraph (2)(b) in relation to that person, that the Minister is considering a request described in paragraph (1) in relation to that person; or
 - (b) that the Minister has made, or is considering making, a request under paragraph (3) in relation to that person.”.

38 Article 45B (request to UN for terrorism designation) amended

In Article 45B –

- (a) in the heading, “terrorism” is deleted;
- (b) for paragraph (1) there is substituted –
 - “(1) This Article applies if the Minister reasonably suspects that a person, who is not a UN-listed person –

- (a) should be a UN-listed person; or
- (b) should otherwise be subject to measures under a UN sanctions resolution, in relation to which it is reasonable that the person should be a designated person.”;
- (c) in paragraphs (2) and (4), for “Her Majesty’s Government” there is substituted “His Majesty’s Government”;
- (d) after paragraph (5) there is inserted –
“(6) Nothing in this Article requires the Minister to notify a person that the Minister has made, or is considering making, a request under paragraph (2) in relation to that person.”.

39 Article 47A (power to amend this Law by Regulations to implement UK or international sanctions provisions) inserted

After Article 47 there is inserted –

“47A Power to amend this Law by Regulations in connection with the implementation of UK or international sanctions provisions etc

- (1) The States may, by Regulations, amend any provision of this Law other than this Article to make alternative or supplementary provision that appears to the States to be appropriate in connection with the implementation of –
 - (a) a provision related to sanctions in any enactment of the UK;
 - (b) a UN sanctions resolution; or
 - (c) a standard promoted by FATF or by any other international body.
- (2) This Article does not limit any other power to amend this Law by Regulations or Order.”.

PART 3

OTHER AMENDMENTS AND FINAL PROVISIONS

40 [Court of Appeal \(Civil\) Rules 1964](#) amended

- (1) This Article amends the [Court of Appeal \(Civil\) Rules 1964](#).
- (2) For the heading to Rule 18A (appeals from proceedings under the Terrorist Asset-Freezing and Money Laundering and Weapons Development Laws) there is substituted –

“18A Appeals from proceedings under the Sanctions and Asset-Freezing and Money Laundering and Weapons Development Laws”.

- (3) In Rule 18A(1) –
 - (a) the definition “2011 Law” is deleted;
 - (b) after the definition “2012 Law” there is inserted –
“ “2019 Law” means the [Sanctions and Asset-Freezing \(Jersey\) Law 2019](#).”;

- (c) for the definition “appeal” there is substituted –
- “ “appeal” means an appeal against a decision of the Royal Court in proceedings under Article 40 or Article 41 of the 2019 Law or under Article 10 of the 2012 Law.”.

41 [Proceeds of Crime \(Jersey\) Law 1999](#) amended

For Article 37(11)(a)(ii) and (iii) of the [Proceeds of Crime \(Jersey\) Law 1999](#) there is substituted –

- “(ii) any provision of the [Sanctions and Asset-Freezing \(Jersey\) Law 2019](#), or
- (iii) any provision of an Order under Article 3 of that Law;”.

42 [Terrorism \(Jersey\) Law 2002](#) amended

In Article 1 (general interpretation) of the [Terrorism \(Jersey\) Law 2002](#), in paragraph (1) in the definition “financial services” for “Terrorist Asset-Freezing (Jersey) Law 2011” there is substituted “[Sanctions and Asset-Freezing \(Jersey\) Law 2019](#)”.

43 [Police Procedures and Criminal Evidence \(Jersey\) Law 2003](#) amended

In Schedule 1 (serious offences) to the [Police Procedures and Criminal Evidence \(Jersey\) Law 2003](#), in Part 2 (offences mentioned in Article 3(2)(b)) for paragraph 17 there is substituted –

- “17. In the [Sanctions and Asset-Freezing \(Jersey\) Law 2019](#) –
- (a) Articles 10, 11, 12, 13, 14 and 17; and
- (b) Article 32 (except that an offence against Article 32 is not a serious offence for the purposes of Article 13 of this Law).”.

44 [Royal Court Rules 2004](#) amended

- (1) This Article amends the [Royal Court Rules 2004](#).
- (2) For the heading to Part 16A (proceedings under the Terrorist Asset-Freezing and the Money Laundering and Weapons Development Laws) there is substituted –

“PART 16A

PROCEEDINGS UNDER THE SANCTIONS AND ASSET-FREEZING AND THE MONEY LAUNDERING AND WEAPONS DEVELOPMENT LAWS”.

- (3) In Rule 16A/1 (application and interpretation) –
- (a) for paragraph (1) there is substituted –
- “(1) This Part applies to –
- (a) any appeal to the Court under Article 40(2) of the 2019 Law;
- (b) any application to the Court –
- (i) under Article 41(2) of the 2019 Law, or

- (ii) under Article 10(1) of the 2012 Law.”;
- (b) in paragraph (4) –
 - (i) the definition “2011 Law” is deleted,
 - (ii) after the definition “2012 Law” there is inserted –
 - “ “2019 Law” means the [Sanctions and Asset-Freezing \(Jersey\) Law 2019](#),”
 - (iii) for the definition “special counsel” there is substituted –
 - “ “special counsel” means a person appointed under paragraph 5 of Schedule 1 to the 2019 Law or under paragraph 5 of the Schedule to the 2012 Law as the case may be;”.

45 [Regulation of Investigatory Powers \(Jersey\) Law 2005](#) amended

In Article 22 (exceptions to Article 21) of the [Regulation of Investigatory Powers \(Jersey\) Law 2005](#), for paragraph (1)(da)(i) there is substituted –

- “(i) on an appeal under Article 40 of the [Sanctions and Asset-Freezing \(Jersey\) Law 2019](#), or on an application under Article 41 of that Law, or”.

46 Citation and commencement

This Law may be cited as the Sanctions and Asset-Freezing (Amendment No. 3) (Jersey) Law 2023 and comes into force on a day to be specified by the Minister for External Relations and Financial Services by Order.