



Jersey

REGISTER OF NAMES AND ADDRESSES (AMENDMENT) (JERSEY) LAW 2023

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REGISTER OF NAMES AND ADDRESSES (AMENDMENT) (JERSEY) LAW 2023

A LAW to amend the [Register of Names and Addresses \(Jersey\) Law 2012](#) to permit the supply of certain information to credit reference agencies; and for connected purposes.

<i>Adopted by the States</i>	<i>3rd October 2023</i>
<i>Sanctioned by Order of His Majesty in Council</i>	<i>13th December 2023</i>
<i>Registered by the Royal Court</i>	<i>22nd December 2023</i>
<i>Coming into force</i>	<i>29th December 2023</i>

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

1 [Register of Names and Addresses \(Jersey\) Law 2012](#) amended

Articles 2 to 4 amend the [Register of Names and Addresses \(Jersey\) Law 2012](#).

2 **Article 2 (the Register of Names and Addresses) amended**

In Article 2(3), after sub-paragraph (a) there is inserted –

“(aa) the purposes specified in Article 5A;”.

3 **Article 5A inserted**

After Article 5 there is inserted –

“5A Minister may supply relevant information to credit reference agencies

- (1) The Minister may supply to a prescribed credit reference agency the following registrable facts about an individual resident in Jersey –
 - (a) name;
 - (b) residential address;
 - (c) date of birth.
- (2) The only purposes for which the Minister may supply relevant information to a prescribed credit reference agency are to enable –

- (a) a person to meet their obligations relating to the detection and prevention of money laundering and terrorist financing under FSMA or the [Proceeds of Crime \(Jersey\) Law 1999](#), or under legislation in another jurisdiction that the Minister is satisfied imposes equivalent obligations;
 - (b) vetting of –
 - (i) an application for credit, or
 - (ii) an application that could result in the giving of credit, or the giving of any guarantee, indemnity or assurance in relation to the giving of credit; and
 - (c) statistical analysis of credit risk assessment in a case where no individual whose details are included in the Register is referred to by name or necessary implication.
- (3) A person to whom relevant information is supplied under this Article must use the information only for the specified purposes.
- (4) The Minister may prescribe a person as a credit reference agency if Conditions A and B are satisfied.
- (5) Condition A is that the Minister is satisfied that the person is –
- (a) authorised under FSMA to carry on the regulated activity of providing credit references; or
 - (b) authorised to provide credit references in another jurisdiction, if the Minister is satisfied that the jurisdiction has –
 - (i) legislation equivalent to FSMA that regulates persons providing credit references, and
 - (ii) data protection legislation equivalent to the [Data Protection \(Jersey\) Law 2018](#).
- (6) Condition B is that the Minister is satisfied that the person –
- (a) has adequate systems in place for securing the confidentiality and integrity of information supplied under this Article; and
 - (b) will use the relevant information only for the specified purposes.
- (7) The Minister may require a prescribed credit reference agency to pay a fee prescribed for the supply of relevant information under this Article.
- (8) The Minister must not supply information under this Article in relation to a person who has not attained full age.
- (9) In this Article –
- “application for credit” includes an application by an individual to enter into, refinance or reschedule a credit agreement under which credit is provided to the individual by a creditor;
- “credit” includes –
- (a) a cash loan;
 - (b) a loan secured against immovable property, whether by hypothecation or by mortgage or in any other manner;
 - (c) financial accommodation provided in the letting of goods under a hire-purchase agreement, or in the selling of goods under a conditional sale

agreement, within the meaning of the [Supply of Goods and Services \(Jersey\) Law 2009](#); and

(d) any other form of financial accommodation;

“FSMA” means the Financial Services and Markets Act 2000 of the United Kingdom, as amended, revised or re-enacted from time to time;

“prescribed credit reference agency” means a person prescribed by the Minister under paragraph (4);

“relevant information” means the registrable facts listed in paragraph (1);

“specified purposes” means the purposes specified in paragraph (2);

“use”, in relation to information, includes accessing, obtaining, recording, holding and disclosing the information.”.

4 Article 8 (Regulations and Orders) amended

In Article 8 (Regulations and Orders) the existing text becomes paragraph (1), and after that paragraph there is inserted –

“(2) The States may, by Regulations, make such transitional or consequential provision in connection with the coming into force of Article 5A (inserted by the Register of Names and Addresses (Amendment) (Jersey) Law 2023) as appears to the States to be necessary or expedient.”

5 [Data Protection \(Jersey\) Law 2018](#) amended

In Article 62 (credit reference agency as controller) of the [Data Protection \(Jersey\) Law 2018](#), in paragraph (3), for the words after “enactment” to the end of that paragraph there is substituted “or applicable legislation in another jurisdiction”.

6 Citation and commencement

This Law may be cited as the Register of Names and Addresses (Amendment) (Jersey) Law 2023 and comes into force 7 days after it is registered.