

**BORROWING (CONTROL) (AMENDMENT No. 5) (JERSEY)
LAW 2000**

A LAW to amend further the Borrowing (Control) (Jersey) Law 1947, sanctioned by Order of Her Majesty in Council of the

14th day of JUNE 2000

(Registered on the 30th day of June 2000)

STATES OF JERSEY

The 22nd day of February 2000

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

ARTICLE 1

In the Schedule to the Borrowing (Control) (Jersey) Law 1947, as amended¹ -

- (a) for the words “not exceeding two years” wherever occurring in paragraph 1 and sub-paragraphs (4), (5) and (7) of paragraph 2² there shall be substituted the words “not exceeding five years”;
- (b) sub-paragraph (6) of paragraph 2² shall be deleted;
- (c) after paragraph 2² there shall be inserted the following paragraph -

¹ Tome VII, pages 390 and 391, Volume 1986-1987, page 60, Volume 1996-1997, page 288, Volume 1998, page 255 and Volume 1999, page 418.

² Tome VII, page 391 and Volume 1986-1987, page 60.

Borrowing (Control) (Amendment No. 5) (Jersey) Law 2000

“2A.-(1) Any person who knowingly or recklessly provides the Commission or any other person entitled to information under this Law (or under an order made under this Law) with information that is false or misleading in a material particular shall be guilty of an offence if the information is provided -

- (a) in purported compliance with a requirement imposed under this Law (or under an order made under this Law); or
- (b) otherwise than as mentioned in clause (a) of this sub-paragraph but in circumstances in which the person providing the information intends, or could reasonably be expected to know, that the information would be used by the Commission for the purpose of carrying out its functions under this Law (or under an order made under this Law).

(2) Any person who knowingly or recklessly provides the Commission or any other person with information that is false or misleading in a material particular shall be guilty of an offence if the information is provided in connection with an application for consent under an order made under this Law.

(3) A person who is guilty of an offence against this Article shall be liable to imprisonment for a term not exceeding five years or a fine, or both.”;

- (d) for sub-paragraph (2) of paragraph 3³ there shall be substituted the following sub-paragraphs -

“(2) Where an offence under this Law (or under an order made under this Law) committed by a limited liability partnership or body corporate is proved to have

³ Tome VII, page 392.

Borrowing (Control) (Amendment No. 5) (Jersey) Law 2000

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) any person purporting to act in any such capacity,

the person shall also be guilty of the offence and liable in the same manner as the partnership or body corporate to the penalty provided for that offence.

(3) Where the affairs of a body corporate are managed by its members, sub-paragraph (2) of this paragraph shall apply in relation to acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.”;

- (e) after paragraph 3⁴ there shall be inserted the following paragraph -

“4.-(1) Any person who aids, abets, counsels or procures the commission of an offence under this Law (or under an order made under this Law) shall also be guilty of the offence and liable in the same manner as a principal offender to the penalty provided for that offence.

(2) Nothing in this paragraph affects the operation of sub-paragraph (2) or (3) of paragraph 3.”.

⁴ Tome VII, page 392.

Borrowing (Control) (Amendment No. 5) (Jersey) Law 2000

ARTICLE 2

(1) This Law may be cited as the Borrowing (Control) (Amendment No. 5) (Jersey) Law 2000.

(2) This Law shall come into force on such day as the States may by Act appoint and different days may be appointed for different provisions or different purposes of this Law.

C.M. NEWCOMBE

Deputy Greffier of the States.