

## SUMMARY OF LEGISLATION

### BAILIWICK OF JERSEY

1 May–31 August 2022

#### 1. LAWS ADOPTED BY THE STATES

None during the period under review.

#### 2. LAWS, ORDERS IN COUNCIL, ETC REGISTERED IN THE ROYAL COURT

- (a) *Sanctions and Asset-Freezing (Amendment No 2) (Jersey) Law 2022*  
(L.13/2022—registered 13.5.2022. Not in force)
- (b) *Children and Young People (Jersey) Law 2022*  
(L.14/2022—registered 20.5.2022. Not in force)
- (c) *Commercial Vehicles (Licensing of Operators) (Jersey) Law 2022*  
(L.15/2022—registered 20.5.2022. Not in force)
- (d) *Covid-19 (Enabling Provisions) (Amendment No 4) (Jersey) Law 2022*  
(L.16/2022—registered 20.5.2022. In force 21.5.2022)
- (e) *Employment (Amendment No 12) (Jersey) Law 2022*  
(L.17/2022—registered 20.5.2022. In force 27.5.2022)
- (f) *Taxation (Enveloped Property Transactions) (Jersey) Law 2022*  
(L.18/2022—registered 20.5.2022. In force 4.4.2022)
- (g) *Banking Business (Amendment No 9) (Jersey) Law 2022*  
(L.19/2022—registered 17.6.2022. Not in force)
- (h) *Children (Convention Rights) (Jersey) Law 2022*  
(L.20/2022—registered 17.6.2022. Not in force)
- (i) *Control of Housing and Work (Amendment) (Jersey) Law 2022*  
(L.21/2022—registered 17.6.2022. Not in force)
- (j) *Ecclesiastical Legislation (Consequential Amendments) (Jersey) Law 2022*  
(L.22/2022—registered 17.6.2022. Not in force)
- (k) *Limited Liability Companies (Amendment No 2) (Jersey) Law 2022*  
(L.23/2022—registered 17.6.2022. Not in force)
- (l) *Police (Complaints and Conduct) (Jersey) Law 2022*  
(L.24/2022—registered 17.6.2022. Not in force)

- (m) *Proceeds of Crime (Amendment No 6) (Jersey) Law 2022*  
(L.25/2022—registered 17.6.2022. Not in force)
- (n) *Proceeds of Crime (Amendment No 7) (Jersey) Law 2022*  
(L.26/2022—registered 17.6.2022. In force 24.6.2022)
- (o) *Domestic Abuse (Jersey) Law 2022*  
(L.27/2022—registered 5.8.2022. Not in force)
- (p) *Limited Partnerships (Amendment No 2) (Jersey) Law 2022*  
(L.28/2022—registered 5.8.2022. In force 12.8.2022)
- (q) *Non-Profit Organisations (Miscellaneous Amendments) (Jersey) Law 2022*  
(L.29/2022—registered 5.8.2022. Not in force)
- (r) *Official Analyst (Jersey) Law 2022*  
(L.30/2022—registered 5.8.2022. In force 12.8.2022)
- (s) *Planning and Building (Amendment No 8) (Jersey) Law 2022*  
(L.31/2022—registered 5.8.2022. In force 12.8.2022)
- (t) *States of Jersey (Amendment—Remuneration of Elected Members) (Jersey) Law 2022*  
(L.32/2022—registered 5.8.2022. In force 12.8.2022)

### **3. LAWS BROUGHT INTO FORCE**

- (a) *Sanctions and Asset-Freezing (Commencement of Amendment No. 2 Law) (Jersey) Order 2022*  
(R&O.71/2022—in force 6.6.2022)  
The Sanctions and Asset-Freezing (Amendment No 2) (Jersey) Law 2022 brought into force on 8 June 2022.

### **4. REGULATIONS MADE BY THE STATES**

None during the period under review.

### **5. OTHER SUBORDINATE LEGISLATION OF NOTE**

None during the period under review.

### **6. RULES OF COURT**

- (a) *Court of Appeal (Criminal) (Confiscation Order Appeals) (Amendment) Rules 2022*  
(R&O.75/2022—in force 27.6.2022)  
These Rules amend the Court of Appeal (Criminal) (Confiscation Order Appeals) Rules 2009 to make them applicable to an instrumentalities forfeiture order in the same way that they apply to a confiscation order.

**BAILIWICK OF GUERNSEY**

**1 May–31 August 2022**

**A. GUERNSEY**

**1. LAWS APPROVED BY THE STATES OF DELIBERATION**

- (a) *Matrimonial Causes (Bailiwick of Guernsey) Law 2022*  
(*Billet d'État* No XII of 2022. Approved 14.07.22)

This Law repeals and replaces the current legislation relating to matrimonial causes, *i.e.* divorce; judicial separation; nullity of marriage; presumption of death and dissolution of marriage thereon; and ancillary matters. The main reforms include—

- replacing the present requirement in divorce and judicial separation to provide evidence of conduct (adultery, unreasonable behaviour or desertion) or separation facts with a simple requirement to provide a statement of irretrievable breakdown of marriage;
- removing the possibility of contesting the decision to divorce or judicially separate (these proceedings can still be challenged on grounds of jurisdiction, validity of the marriage, procedural irregularities *etc.*);
- enabling the parties to make a joint application if they wish to do so;
- clarifying the grounds for nullity of marriage and removing certain outdated grounds for a decree of nullity;
- modernise the terminology and the provisions generally.

Part I restates the jurisdiction of the Matrimonial Causes Division of the Royal Court. The constitution of the Court (previously the Bailiff sitting with four Jurats) has been modified (Bailiff sitting with at least two Jurats) in line with the constitution of the Ordinary Court. The existing provisions relating to staying of matrimonial proceedings where proceedings are continuing elsewhere are restated with minor modifications in s 3 and Schedule 1.

Part II relates to divorce, nullity and judicial separation. It provides for divorce on the application of one or both parties on the basis of a statement of irretrievable breakdown. A cooling-off period of at least sixty days must elapse between the filing of the application and the grant of a provisional order, then a further one month before the divorce can become final. This Part clarifies the grounds on which a marriage is voidable (*i.e.* valid but can be avoided on the application of one of the parties). The marriage may also be void on certain grounds such as bigamy, one of the parties being under the age of 16 or the parties being within the prohibited degrees of relationship. The procedure for obtaining a nullity order if the marriage is void or voidable is set out in s 9. This Part also enables an application for a judicial separation order to be made by one or both parties, with a similar cooling-off period to that of divorce and a requirement to have

regard to the arrangements for the children. Section 13 continues the present jurisdiction of the Court to grant a judicial separation by consent where both parties have reached agreement on the terms of such separation. The customary jurisdiction of the Ordinary Court, Court of Alderney and Court of the Seneschal of Sark is preserved.

Part III deals with applications for presumption of death and dissolution of marriage thereon.

Part IV makes provision for financial provision and vesting or division of property on divorce, nullity or judicial separation. It includes the power to make interim financial provision and provision for interim occupation of property and enables the court to order payments of maintenance, lump sum payments, division of real property and variation of existing contracts, trusts, settlements *etc* in favour of the other party or any children. Special provision is made for Sark real property to reflect the particular requirements of transferring and charging Sark property. Section 28 enshrines in the Law the factors to which the Court must have regard when exercising its powers—these, based on the equivalent English provision, have previously been taken into account in practice by the court but not on a statutory basis.

Part V makes provision relating to domicile which restate, with minor modifications, the provision contained in the current legislation.

Part VI makes provision enabling enforcement of court orders, including penal notices and the power of the court to punish a person who fails to comply with an order of the court and/or to make compensation orders.

(b) *Lending, Credit and Finance (Bailiwick of Guernsey) Law 2022*  
(*Billet d'État* No XII of 2022. Approved 14.07.22)

This Law establishes a legislative and supervisory framework for the licensing and supervision, by the Guernsey Financial Services Commission (“the Commission”), of activities undertaken in respect of the provision of credit and other specified financial services businesses. Many of the regulatory and enforcement provisions in this Law align with provisions across the financial supervisory and regulatory laws (*i.e.*, Banking Supervision, Regulation of Fiduciaries, Protection of Investors, Insurance Business, and Insurance Managers and Intermediaries).

Part II makes provision for the licensing and supervision of the provision of credit and services ancillary to the provision of credit.

Part III makes provision for the licensing and supervision of financial firm businesses, including businesses which were previously subject to registration under the Registration of Non-Regulated Financial Services Businesses (Bailiwick of Guernsey) Law 2008 (“the NRFSB Law”) and virtual asset service providers.

Part IV makes provision for the licensing and supervision of the provision of specified descriptions of financial services, notably the

operation of financial platforms, or intermediation or brokerage services.

Part V sets out the general regulatory functions of the Commission, including the levying of fees, the issue of directions, the disapplication of licence requirements, the publication of information and the oversight of supervisory roles.

Part VI concerns the Commission's decision-making process, appeals, powers to obtain documents and information, powers to appoint skilled persons, accounting and audit requirements, and the making of rules, codes and guidance.

Parts VII and VIII set out requirements in respect of confidentiality, disclosure of information, offences and penalties.

Part IX concerns general miscellaneous and procedural matters, including the execution, service and submission of documents, the making of Ordinances and subordinate legislation, interpretation, amendments and repeals.

Schedule 1 specifies the types of businesses constituting financial firm businesses.

## **2. ORDINANCES APPROVED BY THE STATES OF DELIBERATION**

- (a) *Long-term Care Insurance (Guernsey) (Rates) (Amendment) Ordinance 2022*  
(*Billet d'État* No IX of 2022. Approved 25.05.22)  
This Ordinance amends the Long-term Care Insurance (Guernsey) (Rates) Ordinance 2021. It increases the maximum weekly rates of respite care benefit and the contribution (co-payment) to be paid by those receiving care benefit with effect from 4 July 2022.
- (b) *Damages (Assumed Rate of Return and Related Matters) (Enabling Provisions) (Guernsey and Alderney) Law 2020 (Commencement) Ordinance 2022*  
(*Billet d'État* No IX of 2022. Approved 25.05.22)  
This Ordinance commences, with the exception of s 4, the Damages (Assumed Rate of Return and Related Matters) (Enabling Provisions) (Guernsey and Alderney) Law 2020 on 30 May 2022.
- (c) *Human Tissue and Transplantation (Bailiwick of Guernsey) Law 2020 (Commencement) Ordinance 2022*  
(*Billet d'État* No XI of 2022. Approved 01.07.22)  
This Ordinance commences the Human Tissue and Transplantation (Bailiwick of Guernsey) Law 2020 on 1 January 2023.
- (d) *Beneficial Ownership (Miscellaneous Amendments) (Guernsey) Law 2022 (Commencement) Ordinance 2022*  
(*Billet d'État* No XII of 2022. Approved 14.07.22)  
This Ordinance commences the Beneficial Ownership (Miscellaneous Amendments) (Guernsey) Law 2022 on 14 July 2022.

**3. ORDINANCES, SUBORDINATE LEGISLATION ETC LAID BEFORE THE STATES OF DELIBERATION**

- (a) *Financial Services Commission (Bailiwick of Guernsey) Law 1987 (Amendment) Ordinance 2021 (Commencement) Regulations 2021 (Billet d'État No IX of 2022. Made by the Policy & Resources Committee—in force 22.03.21 and laid on 25.05.22)*
- (b) *Plant Health (Preserved Phytosanitary Conditions Regulation) (Amendment) (Guernsey) Regulations 2022 (Billet d'État No IX of 2022. Made by the Committee for the Environment & Infrastructure—Parts I and III in force 07.03.22 and Part II in force 08.08.22. Laid on 25.05.22)*
- (c) *Liquor Licensing (Fees) Regulations 2022 (Billet d'État No IX of 2022. Made by the Committee for Home Affairs—in force 01.06.22 and laid on 25.05.22)*
- (d) *Road Traffic (Disabled Persons) (Amendment) Regulations 2022 (Billet d'État No IX of 2022. Made by the Committee for the Environment & Infrastructure—in force 25.03.22 and laid on 25.05.22)*
- (e) *Immigration (Bailiwick of Guernsey) (Amendment No 2) Rules 2022 (Billet d'État No XI of 2022. Made by the Committee for Home Affairs—in force 11.04.22 and laid on 01.07.22)*
- (f) *Charities etc (Amendment, Exemptions, Governance and Specified Amount) (Guernsey and Alderney) Regulations 2022 (Billet d'État No XI of 2022. Made by the Policy and Resources Committee—in force 29.04.22 and laid on 01.07.22)*
- (g) *Charities etc (Commencement and Transitional Provisions) (Guernsey and Alderney) Regulations 2022 (Billet d'État No XI of 2022. Made by the Policy and Resources Committee—in force 29.04.22 and laid on 01.07.22)*
- (h) *Public Service Vehicles (Minimum Age) Ordinance 2022 (Billet d'État No XII of 2022. Made by the Policy and Resources Committee—in force 31.05.22 and laid on 13.07.22)*
- (i) *Waste Management Services (Charging) Regulations 2022 (Billet d'État No XII of 2022. Made by the Waste Disposal Authority—in force 01.07.22 and laid on 13.07.22)*
- (j) *Customs and Excise (Safety and Security) (Bailiwick of Guernsey) (Amendment) Regulations 2022 (Billet d'État No XII of 2022. Made by the Committee for Home Affairs—in force 16.05.22 and laid on 13.07.22)*
- (k) *Immigration (Bailiwick of Guernsey) (Amendment No 3) Rules 2022*

SUMMARY OF LEGISLATION: GUERNSEY

(*Billet d'État* No XII of 2022. Made by the Committee for Home Affairs—in force 24.05.22 and laid on 13.07.22)

- (l) *Waste Disposal and Recovery Charges Regulations 2021 (Amendment) Regulations 2022*  
(*Billet d'État* No XII of 2022. Made by the Waste Disposal Authority—in force 01.07.22 and laid on 13.07.22)
- (m) *Financial Services Commission (Fees) (Amendment) Regulations 2022*  
(*Billet d'État* No XII of 2022. Made by the Policy & Resources Committee—in force 01.01.22 and laid on 13.07.22)

**4. LAWS, ORDERS IN COUNCIL, ETC REGISTERED IN THE ROYAL COURT OF GUERNSEY**

- (a) *Beneficial Ownership (Miscellaneous Amendments) (Guernsey) Law 2022*  
(*Billet d'État* 16.02.22—registered 16.05.22. In force on a date to be appointed by Ordinance)
- (b) *Limited Partnerships (Alderney) Law 2021*  
(*Billet d'État* 17.11.21—registered 16.05.22. In force on a date to be appointed by Ordinance)
- (c) *Partnership (Alderney) Law 2021*  
(*Billet d'État* 17.11.21—registered 16.05.22. In force on a date to be appointed by Ordinance)
- (d) *Reform (Sark) (Amendment) Law 2021*  
(*Billet d'État* 17.11.21—registered 16.05.22. In force on the day of its registration on the records of Sark)
- (e) *Housing (Standards and Regulation) (Enabling Provisions) (Guernsey) Law 2021*  
(*Billet d'État* 13.10.21—registered 04.07.22. In force on a date to be appointed by Ordinance)
- (f) *International Criminal Court (Bailiwick of Guernsey) Law 2019*  
(*Billet d'État* 26.09.19—registered 25.07.22. In force on a date to be appointed by Ordinance)
- (g) *Public Functions (Transfer and Performance) (Bailiwick of Guernsey) (Amendment) Law 2021*  
(*Billet d'État* 16.06.21—registered 25.07.22. In force 25.07.22)
- (h) *Economic and Financial Crime Bureau and Financial Intelligence Unit (Bailiwick of Guernsey) Law 2022*  
(*Billet d'État* 26.01.22—registered 25.07.22. In force on a date to be appointed by Ordinance)
- (i) *Customs and Excise (General Provisions) (Bailiwick of Guernsey) (Amendment) Law 2022*

*(Billet d'État 16.02.22—registered 25.07.22. In force 25.07.22)*

- (j) *Beneficial Ownership and Companies (Amendment) (Alderney) Law 2021*

*(Billet d'État 16.03.22—registered 25.07.22. In force on a date to be appointed by Ordinance)*

**5. SARK ORDINANCES CONSIDERED BY THE ROYAL COURT UNDER s 39(1) OF THE REFORM (SARK) LAW 2008**

None during the period under review.

**6. RULES OF COURT**

None during the period under review.



## **B. ALDERNEY**

### **1. LAWS APPROVED BY THE STATES OF ALDERNEY**

- (a) *Human Rights (Bailiwick of Guernsey) (Amendment) Law 2022*  
(*Billet d'État* 21.06.22. Approved 21.06.22)  
This Law was approved by the States of Deliberation of Guernsey on 27.04.21 (see Chapter A.1.(c) of the entries relating to Guernsey in the Law Review covering the period 1 January–30 April 2022) and the Chief Pleas of Sark on 06.07.22 (see Chapter C.1.(a) of the entries relating to the Sark below).
- (b) *Abortion (Alderney) Law 2022*  
(*Billet d'État* 20.07.22. Approved 20.07.22)  
This Law reforms the law relating to abortion in Alderney. It repeals the *Loi sur L'Avortement* of 1910 in Alderney, and replaces it with provisions that are equivalent to the *Abortion (Guernsey) Law 1997* as recently amended by the *Abortion (Guernsey) (Amendment) Law 2021* (see Chapter A.1.(b) of the entries relating to Guernsey in the Law Review covering the period 1 May–31 August 2021).
- (c) *Lending, Credit and Finance (Bailiwick of Guernsey) Law 2022*  
(*Billet d'État* 20.07.22. Approved 20.07.22)  
This Law was approved by the States of Deliberation of Guernsey on 14.07.22 (see Chapter A.1.(b) of the entries relating to Guernsey above) and the Chief Pleas of Sark on 06.07.22 (see Chapter C.1.(b) of the entries relating to the Sark below).

### **2. ORDINANCES APPROVED BY THE STATES OF ALDERNEY**

- (a) *Gambling (Alderney) (Amendment) Law 2021 (Commencement) Ordinance 2022*  
(Approved 18.05.22—in force 18.05.22)
- (b) *Building and Development Control (Alderney) (Amendment) Ordinance 2022*  
(Approved 21.06.22—in force 21.06.22)
- (c) *Employment Permits (Exemption) (Alderney) (Amendment) Ordinance 2022*  
(Approved 20.07.22—in force 21.07.22)
- (d) *Dangerous Weapons (Alderney) (Amendment) Ordinance 2022*  
(Approved 20.07.22—in force 21.07.22)

### **3. REGULATIONS LAID BEFORE THE STATES OF ALDERNEY**

None during the period under review.

## C. SARK

### 1. LAWS APPROVED BY THE CHIEF PLEAS OF SARK

- (a) *Human Rights (Bailiwick of Guernsey) (Amendment) Law 2022*  
(*Billet d'État* 06.07.22. Approved 06.07.22)  
This Law was approved by the States of Deliberation of Guernsey on 27.04.21 (see Chapter A.1.(c) of the entries relating to Guernsey in the Law Review covering the period 1 January–30 April 2022) and the States of Alderney on 21.06.22 (see Chapter B.1.(a) of the entries relating to Alderney above).
- (b) *Lending, Credit and Finance (Bailiwick of Guernsey) Law 2022*  
(*Billet d'État* 06.07.22. Approved 06.07.22)  
This Law was approved by the States of Deliberation of Guernsey on 14.07.22 (see Chapter A.1.(b) of the entries relating to Guernsey above) and the States of Alderney on 20.07.22 (see Chapter B.1.(c) of the entries relating to Alderney above).
- (c) *Reform (Sark) (Amendment) Law 2022*  
(*Billet d'État* 06.07.22. Approved 06.07.22)  
This Law amends the Reform (Sark) Law 2008 to allow the appointment of more than one Constable.

### 2. ORDINANCES APPROVED BY THE CHIEF PLEAS OF SARK

None during the period under review.

### 3. ORDINANCE LAID BEFORE THE CHIEF PLEAS OF SARK

None during the period under review.

### 4. REGULATIONS LAID BEFORE THE CHIEF PLEAS OF SARK

None during the period under review.