

**Jersey & Guernsey Law Review – February 2013****SUMMARY OF LEGISLATION****BAILIWICK OF JERSEY****1 September–31 December 2012****1. LAWS ADOPTED BY THE STATES**

- (a) [\*Residential Tenancy \(Amendment\) \(Jersey\) Law 2012\*](#)  
(P.67/2012—adopted in 3rd reading, 11.9.12)  
This Law makes miscellaneous amendments to the Residential Tenancy (Jersey) Law 2011, in particular, in respect of the carrying out of eviction orders, powers of entry and the sale of a tenant's property.
- (b) [\*Banking Business \(Amendment No 8\) \(Jersey\) Law 201-\*](#)  
(P.76/2012—adopted in 3rd reading, 25.9.12)  
This Law extends the power to make Regulations in respect of depositor compensation schemes and imposes duties on administrators of bankrupt banks to cooperate with scheme managers.
- (c) [\*Bankruptcy \(Désastre\) \(Amendment No 6\) \(Jersey\) Law 201-\*](#)  
(P.79/2012—adopted in 3rd reading, 25.9.12)  
This Law varies the order of priority of classes of creditors in a *désastre*.
- (d) [\*Health Insurance Fund \(Miscellaneous Provisions\) \(Amendment\) \(Jersey\) Law 201-\*](#)  
(P.88/2012—adopted in 3rd reading, 8.11.12)  
This Law provides for money to be withdrawn from the Health Insurance Fund and credited to the consolidated fund in 2013 2014 and 2015.
- (e) [\*Debt Relief \(Developing Countries\) \(Jersey\) Law 201-\*](#)  
(P.91/2012—adopted in 3rd reading 20.11.12)  
This Law limits the enforceability, in Jersey, of certain judgments for the recovery of debts owed by certain low income countries.
- (f) [\*Royal Court \(Amendment No 13\) \(Jersey\) Law 201-\*](#)  
(P.93/2012—adopted in 3rd reading 20.11.12)  
This Law enables the Bailiff, in certain circumstances, to appoint one or more Jurats of the Royal Court of Guernsey to sit as Jurats of the Royal Court of Jersey.
- (g) [\*Finance \(2013 Budget\) \(Jersey\) Law 201-\*](#)

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(P.103/2012—adopted in 3rd reading, 5.12.12)

This Law sets the rate of income tax for 2013 and amends, with effect from 1 January 2013, income tax exemption thresholds, excise duty rates, stamp duty rates and land transactions tax rates

- (h) [\*Income Tax \(Amendment No 41\) \(Jersey\) Law 201-\*](#)  
(P.104/201—adopted in 3rd reading, 5.12.12)  
This Law revises the rules for taxation of distributions by companies, provides for the taxation of earnings attributable to the profits of an intermediary service vehicle and makes other miscellaneous amendments to the Income Tax (Jersey) Law 1961.
- (i) [\*Goods and Services Tax \(Amendment No 4\) \(Jersey\) Law 201-\*](#)  
(P.105/201—adopted in 3rd reading, 5.12.12)  
This Law provides for the withdrawal of a credit for input tax where the supply to which the tax relates is not paid, and provides for the tax treatment of sales of dwellings by share transfer and for the tax treatment of sales of parking rights that are associated with a dwelling.

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

- (a) [\*Loi sur l'Association dite "The Jersey Football Association" \(Repeal\) \(Jersey\) Law 2012\*](#)  
(L.27/2012—registered 26.10.12. In force 2.11.12)
- (b) [\*Loi \(2012\) \(Amendement No 2\) sur l'Attenuation des Peines et sur la Mise en Liberté Surveillée\*](#)  
(L.28/2012—registered 26.10.12. In force 2.11.12)
- (c) [\*Collective Investment Funds \(Amendment and Validation\) \(Jersey\) Law 2012\*](#)  
(L.29/2012—registered 26.10.12. Article 2 in force 23.11.12; remainder in force 27.10.12)
- (d) [\*Connétables \(Miscellaneous Provisions\) \(Jersey\) Law 2012\*](#)  
(L.30/2012—registered 26.10.12. Not in force)
- (e) [\*Control of Housing and Work \(Jersey\) Law 2012\*](#)  
(L.31/2012—registered 26.10.12. Not in force)
- (f) [\*Fire Precautions \(Amendment No 2\) \(Jersey\) Law 2012\*](#)  
(L.32/2012—registered 26.10.12. In force 1.1.13)
- (g) [\*Money Laundering and Weapons Development \(Directions\) \(Amendment\) \(Jersey\) Law 2012\*](#)  
(L.33/2012—registered 26.10.12. In force 2.11.12)
- (h) [\*Petroleum \(Amendment No 3\) \(Jersey\) Law 2012\*](#)  
(L.34/2012—registered 26.10.12. In force 2.11.12)
- (i) [\*Register of Names and Addresses \(Jersey\) Law 2012\*](#)

- (L.35/2012—registered 26.10.12. Not in force)
- (j) [\*Sea Fisheries \(Amendment No 2\) \(Jersey\) Law 2012\*](#)  
(L.36/2012—registered 26.10.12. In force 23.11.12)
  - (k) [\*States of Jersey Police Force Law 2012\*](#)  
(L.37/2012—registered 26.10.12. Not in force)
  - (l) [\*Trusts \(Amendment No 5\) \(Jersey\) Law 2012\*](#)  
(L.38/2012—registered 26.10.12. In force 2.11.12)
  - (m) [\*Immigration and Asylum \(Jersey\) Order 2012\*](#)  
(L.39/2012—registered 2.11.12. In force 3.11.12)
  - (n) [\*Geneva Conventions Act \(Jersey\) Order 2012\*](#)  
(L.40/2012—registered 2.11.12. In force 9.11.12)
  - (o) [\*Police Act 1997 \(Criminal Records\) \(Jersey\) \(Amendment\) Order 2012\*](#)  
(L.41/2012—registered 2.11.12. In force 3.11.12)
  - (p) [\*Residential Tenancy \(Amendment\) \(Jersey\) Law 2012\*](#)  
(L.42/2012—registered 23.11.12. In force 30.11.12)
  - (q) [\*Bankruptcy \(Désastre\) \(Amendment No 6\) \(Jersey\) Law 2012\*](#)  
(L.43/2012—registered 21.12.12. In force 28.12.12)
  - (r) [\*Banking Business \(Amendment No 8\) \(Jersey\) Law 2012\*](#)  
(L.44/2012—registered 21.12.12. In force 28.12.12)
  - (s) [\*Royal Court \(Amendment No 13\) \(Jersey\) Law 2012\*](#)  
(L.45/2012—registered 21.12.12. In force 22.12.12)

### 3. APPOINTED DAY ACTS

- (a) [\*Social Security \(Amendment No 20\) \(Jersey\) Law 2012 \(Appointed Day\) Act 2012\*](#)  
(R&O.116/2012—in force 10.10.12)  
Whole Law brought into force on 1.12.12.
- (b) [\*Gambling \(Jersey\) Law 2012 \(Appointed Day\) Act 2012\*](#)  
(R&O.133/2012—in force 20.11.12)  
Whole Law brought into force on 1.1.13.
- (c) [\*Intellectual Property \(Unregistered Rights\) \(Jersey\) Law 2011 \(Appointed Day\) Act 2012\*](#)  
(R&O.148/2012—in force 11.12.12)  
Whole Law brought into force on 18.12.12.
- (d) [\*Fire Precautions \(Amendment No 2\) \(Jersey\) Law 2012 \(Appointed Day\) Act 2012\*](#)  
(R&O.155/2012—in force 13.12.12)  
Whole Law brought into force on 1.1.13.

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- (e) [\*Repatriation of Prisoners \(Jersey\) Law 2012 \(Appointed Day\) Act 2012\*](#)  
(R&O.157/2012—in force 13.12.12)  
Whole Law brought into force on 1.1.13.
- (f) [\*Health Insurance \(Amendment No 14\) \(Jersey\) Law 2012 \(Appointed Day\) Act 2012\*](#)  
(R&O.158/2012—in force 13.12.12)  
Articles 8 and 11 of the Law in force on the same day as the first Regulations made under art 27A of the Health Insurance (Jersey) Law 1967. Remainder of Law in force 1.1.13.

**4. REGULATIONS MADE BY THE STATES**

- (a) [\*Price Indicators \(Amendment\) \(Jersey\) Regulations 2012\*](#)  
(R&O.104/2012—in force 19.9.12)  
These Regulations provide for the roadside display of fuel prices and to allow discounting of displayed retail prices of certain goods.
- (b) [\*Taxation \(Miscellaneous Provisions\) \(Jersey\) Regulations 2012\*](#)  
(R&O.108/2012—in force 2.10.12)  
These Regulations amend the Taxation (United States of America) (Jersey) Regulations 2006, the Taxation (Exchange of Information with Third Countries) (Jersey) Regulations 2008 and the Taxation (Double Taxation) (Jersey) Regulations 2010.
- (c) [\*Banking Business \(Depositors Compensation\) \(Amendment and Miscellaneous Provisions\) \(Jersey\) Regulations 2012\*](#)  
(R&O.109/2012—in force 2.10.12)  
These Regulations make miscellaneous amendments to the Banking Business (Depositors Compensation) (Jersey) Regulations 2009 and also, consequentially, amend the Public Finances (Depositors Compensation) (Jersey) Regulations 2009.
- (d) [\*Banking \(Depositors Compensation Supplementary Provisions\) \(Jersey\) Regulations 2012\*](#)  
(R&O.110/2012—in force 6.11.12)  
These triennial Regulations create offences for acts associated with the Banking Business (Depositors Compensation) (Jersey) Regulations 2009.
- (e) [\*Health Care \(Registration\) \(No 4\) \(Jersey\) Regulations 2012\*](#)  
(R&O.118/2012—in force 30.10.12)  
These Regulations extend the application of the Health Care (Registration) (Jersey) Law 1995 to further health care professions.
- (f) [\*Social Security \(Amendment of Law No 3\) \(Jersey\) Regulations 2012\*](#)  
(R&O.125/2012—in force 1.1.13)  
These Regulations revise the calculation of the States contribution to supplementation.

- (g) [\*Taxation \(Exchange of Information with Third Countries\) \(Amendment No 5\) \(Jersey\) Regulations 2012\*](#)  
(R&O.127/2012—in force 20.11.12)  
These Regulations confer powers to collect tax information requested under an agreement between Jersey and Austria.
- (h) [\*Incorporated Limited Partnerships \(Annual Additional Charge\) \(Jersey\) Regulations 2012\*](#)  
(R&O.128/2012—in force 1.1.13)  
These Regulations set an annual charge to be collected by the Jersey Financial Services Commission, but due to the States, in respect of an incorporated limited partnership.
- (i) [\*Separate Limited Partnerships \(Annual Additional Charge\). \(Jersey\) Regulations 2012\*](#)  
(R&O.129/2012—in force 1.1.13)  
These Regulations set an annual charge to be collected by the Jersey Financial Services Commission, but due to the States, in respect of a separate limited partnership.
- (j) [\*Limited Partnerships \(Annual Additional Charge\) \(Jersey\) Regulations 2012\*](#)  
(R&O.130/2012—in force 1.1.13)  
These Regulations set an annual charge to be collected by the Jersey Financial Services Commission, but due to the States, in respect of a limited partnership.
- (k) [\*Gambling \(Ancillary Services and Miscellaneous Provisions\) \(Jersey\) Regulations 2012\*](#)  
(R&O.131/2012—in force 1.1.13)  
These Regulations impose a permit scheme on certain services that are ancillary to gambling services.
- (l) [\*Gambling \(Charitable and Membership Gambling Services\) \(Jersey\) Regulations 2012\*](#)  
(R&O.132/2012—in force 1.1.13)  
These Regulations prohibit certain membership gambling services and provide registration and permit schemes for charitable gambling services.
- (m) [\*Social Security \(Amendment of Law No 4\) \(Jersey\) Regulations 2012\*](#)  
(R&O.141/2012—Parts 1, 3 and 4 in force 13.12.12; Parts 2 and 5 in force 1.1.13)  
These Regulations replace invalid carer with home carer's allowance, revise the rules for entitlement to survivor's pension and make other, miscellaneous, amendments to the Social Security (Jersey) Law 1974.
- (n) [\*Alternative Investment Funds \(Jersey\) Regulations 2012\*](#)  
(R&O.142/2012—in force 2.4.13)

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These Regulations provide for the regulation of the management and marketing of alternative investment funds.

- (o) [\*Financial Services \(Amendment of Law\) \(No 4\) \(Jersey\) Regulations 2012\*](#)  
(R&O.143/2012—in force 2.4.13)  
These Regulations insert in the Financial Services (Jersey) Law 1998 definitions associated with the conduct of alternative investment fund business.
- (p) [\*Intellectual Property \(Unregistered Rights\) \(Application, Transitional Provisions and Savings\) \(Jersey\) Regulations 2012\*](#)  
(R&O.147/2012—in force 18.12.12)  
These Regulations make transitional provision in respect of the commencement of the Intellectual Property (Unregistered Rights) (Jersey) Law 2011 and the repeal of the Copyright Act 1911, in its application to Jersey.
- (q) [\*Fire Precautions \(Designated Premises\) \(Jersey\) Regulations 2012\*](#)  
(R&O.156/2012—in force 1.1.13)  
These Regulations designate premises in respect of which a fire certificate issued under art 3 of the Fire Precautions (Jersey) Law 1977 is required.

**5. OTHER SUBORDINATE LEGISLATION OF NOTE**

- (a) [\*Police Act 1997 \(Criminal Records and Registration\) \(Jersey\) \(Amendment\) Regulations 2012\*](#)  
(R&O.105/2012—in force 10.9.12)  
These Regulations, made by the Secretary of State, omit Regulation 9 of the Police Act 1997 (Criminal Records and Registration) (Jersey) Regulations 2010.
- (b) [\*Act declaring that the Finance \(2013 Budget\) \(Jersey\) Law 201- shall have immediate effect\*](#)  
(R&O.138/2012—in force 5.12.12)  
This Act gives immediate effect to the Finance (2013 Budget) (Jersey) Law 201- (P.103/2012).
- (c) [\*Act declaring that the Income Tax \(Amendment No 41\) \(Jersey\) Law 201- shall have immediate effect\*](#)  
(R&O.139/2012—in force 5.12.12)  
This Act gives immediate effect to the Income Tax (Amendment No 41) (Jersey) Law 201- (P.104/2012).
- (d) [\*Act declaring that the Goods and Services Tax \(Amendment No 4\) \(Jersey\) Law 201- shall have immediate effect\*](#)  
(R&O.140/2012—in force 5.12.12)  
This Act gives immediate effect to the Goods and Services Tax (Amendment No 4) (Jersey) Law 201- (P.105/2012).

- (e) [\*Intellectual Property \(Unregistered Rights\) \(Works of Foreign Provenance\) \(Jersey\) Order 2012\*](#)  
(R&O.152/2012—in force 18.12.12)  
This Order extends, with modifications, the property rights conferred by the Law to works in which equivalent property rights subsist by virtue of a connection with certain countries.

**BAILIWICK OF GUERNSEY**

**1 September–31 December 2012**

**A. GUERNSEY**

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

- (a) *Sewerage (Guernsey) (Amendment) Law 2012*  
(*Billet d'État* No XX of 2012. Approved 26.09.12)  
This Law amends the Sewerage (Guernsey) Law 1974 by inserting provisions which enable appeals to be brought by land owners in relation to decisions to construct public sewers over private land.
- (b) *Road Traffic (Compulsory Third-Party Insurance) (Amendment) (Guernsey) Law 2012*  
(*Billet d'État* No XXI of 2012. Approved 31.10.12)  
This Law provides a statutory basis for the introduction of charges to recover the cost of treatment following a motorised vehicle accident where the charges could be recovered under the terms of a motor insurance policy.
- (c) *Employment Agencies (Enabling Provisions) (Bailiwick of Guernsey) Law 2012*  
(*Billet d'État* No XXIII of 2012. Approved 28.11.12)  
This Law empowers the States to regulate employment agencies by Ordinance. The immediate purpose of the Law is to enable an Ordinance to be made that will regulate maritime manning agencies in a manner that is consistent with the requirements of one part of the Maritime Labour Convention.
- (d) *Air Navigation (Bailiwick of Guernsey) Law 2012*  
(*Billet d'État* No XXV of 2012. Approved 13.12.12)  
This Law repeals Part III of the Aviation (Bailiwick of Guernsey) Law 2008 (which contains provisions relating to air navigation) and makes fresh provision relating to air navigation. In particular, Chapter I of Part I of the Law includes new provisions relating to the registration of aircraft. The Law largely replicates relevant UK legislation and ensures that the Bailiwick has the necessary statutory basis for an aircraft registry. The provisions of the Law are consistent with obligations imposed on the UK, and by extension the Bailiwick, under the Chicago Convention on International Civil Aviation.
- (e) *Aviation (Amendment) (Bailiwick of Guernsey) Law 2012*  
(*Billet d'État* No XXV of 2012. Approved 13.12.12)  
The Law makes a number of amendments to the Aviation (Bailiwick of Guernsey) Law 2008. In particular it inserts provisions extending the functions of the Director of Civil Aviation so as to include the regulation of aviation security within the Bailiwick, enabling the



Commerce and Employment Department of the States of Guernsey to make regulations relating to the recording and registration of births and deaths occurring on aircraft registered in Guernsey and relating to aviation security and safety.

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

- (a) *Health and Safety at Work (General) (Guernsey) (Amendment) Ordinance 2012*  
(*Billet d'État* No XX of 2012. Approved 26.09.12—in force 26.09.12)  
This Ordinance increases the current maximum fine which may be imposed by the Magistrate's Court under the Health and Safety at Work (General) (Guernsey) Ordinance 1987.
- (b) *Merchant Shipping (Bailiwick of Guernsey) Law 2002 (Commencement) Ordinance 2012*  
(*Billet d'État* No XX of 2012. Approved 26.09.12—in force 26.09.12)  
This Ordinance commences certain provisions of the Merchant Shipping (Bailiwick of Guernsey) Law 2002, including provisions under which the Merchant Shipping (Convention on Limitation of Liability for Maritime Claims) (Bailiwick of Guernsey) Ordinance 2012 (see (c) immediately below) is to be made. It also makes consequential repeals to related merchant shipping legislation.
- (c) *Merchant Shipping (Convention on Limitation of Liability for Maritime Claims) (Bailiwick of Guernsey) Ordinance 2012*  
(*Billet d'État* No XX of 2012. Approved 26.09.12—in force on day appointed by an Order of the Public Services Department.)  
This Ordinance puts in place provisions to give domestic effect to the 1996 Protocol to the Convention on the Limitation of Liability for Maritime Claims (“the Convention”). It does so by amending the text of the Convention in Part I of Schedule 7 to the Merchant Shipping (Bailiwick of Guernsey) Law 2002 (“the 2002 Law”), and the text of Part II of that Schedule, which comprises provisions having effect in connection with the Convention. The power to amend Schedule 7 by Ordinance to give effect to the 1996 Protocol is contained in s 194(3) of the 2002 Law.
- (d) *Mont Varouf School (Guernsey) Law 2012 (Commencement) Ordinance 2012*  
(*Billet d'État* No XX of 2012. Approved 26.09.12—in force 26.09.12)  
This Ordinance commenced the Mont Varouf School (Guernsey) Law 2012, on 1 October 2012.
- (e) *Sea Fish Licensing (Bailiwick of Guernsey) Law 2012 (Commencement) Ordinance 2012*

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(*Billet d'État* No XX of 2012. Approved 26.09.12—in force 26.09.12)

This Ordinance commences the Sea Fish Licensing (Bailiwick of Guernsey) Law 2012, on 1 February 2013.

- (f) *Income Tax (Guernsey) (Amendment) (No 2) Ordinance 2012*  
(*Billet d'État* No XXI of 2012. Approved 31.10.12—Section 3 in force on 01.01.13. All other sections in force on 31.10.12.)

This Ordinance amends the Income Tax (Guernsey) Law 1975, as amended, *inter alia*:

(i) to enable the online filing and electronic communication for personal income tax returns to be the default option, although paper returns will still be accepted;

(ii) to provide for compulsory online filing of returns by, and transmission of electronic assessment to, companies, albeit paper returns will be permitted for certain limited circumstances at the discretion of the Director of Income Tax;

(iii) to make clear that when the Director gives a third party a reasonable opportunity to furnish documents required voluntarily under s 75B(3), that the third party may be required to not disclose to the taxpayer that the documents have been requested;

(iv) to remove the requirement that an entity regulated by the GFSC need be given a reasonable opportunity to provide documents or information voluntarily. This is because financial institutions have preferred to await service of a formal notice before releasing information with regard to their clients;

(v) to make a minor amendment to the reference to accounting records required to be kept by a company;

(vi) to enable the Director's notice requiring taxpayers to submit a tax return to be given in electronic form or by means of a publication [thus removing the need for paper notices to be sent out]; and

(vii) to clarify that a company which pays no income tax only because it is liable to tax at the zero rate cannot, by reason of being zero-rated, take advantage of the limited penalty of £50 allowed under s 190 for persons who fail to submit a tax return but who are not liable to pay tax.

- (g) *Income Tax (Guernsey) (Approval of Agreement with Turkey) Ordinance 2012*

(*Billet d'État* No XXI of 2012. Approved 31.10.12—in force 31.10.12)

This Ordinance specifies the agreement providing for the obtaining and exchanging of information in relation to tax, made between the States of Guernsey and the Government of Turkey signed on 13 March 2012 for the purposes of the Income Tax (Guernsey) Law 1975.

- (h) *Social Insurance (Rates of Contribution and Benefits, etc) Ordinance 2012*  
(*Billet d'État* No XXI of 2012. Approved 01.11.12—Section 7 shall in force on 07.01.13. All other sections in force on 01.01.13)  
This Ordinance amends rates of contributions, upper and lower income limits, rates and amounts of benefits and prescribes the percentages for the Guernsey Health Service Fund Allocation and the Long-term Care Insurance Fund Allocation for 2013 under the Social Insurance (Guernsey) Law 1978.
- (i) *Social Insurance (Guernsey) Law (Amendment) Ordinance 2012*  
(*Billet d'État* No XXI of 2012. Approved 01.11.12—in force 01.11.12)  
This Ordinance repeals s 32(3)(a)(i) of the Social Insurance (Guernsey) Law 1978, thereby removing the requirement that a “qualifying spouse” must be over 45 years of age at the time of their spouse’s death in order to qualify for bereavement allowance.
- (j) *Health Service (Benefit) (Amendment) Ordinance 2012*  
(*Billet d'État* No XXI of 2012. Approved 01.11.12—in force 01.01.13)  
This Ordinance amends prescription charges under the Health Service (Benefit) (Guernsey) Law 1990 with effect on 1 January 2013. As from that date charges will be £3.20.
- (k) *Long-term Care Insurance (Guernsey) (Rates) Ordinance 2012*  
(*Billet d'État* No XXI of 2012. Approved 01.11.12—in force 07.01.13)  
This Ordinance amends rates of long-term benefit under the Long-term Care Insurance (Guernsey) Law 2002 with effect on 7 January 2013.
- (l) *Supplementary Benefit (Implementation) (Amendment) (No 2) Ordinance 2012*  
(*Billet d'État* No XXI of 2012. Approved 01.11.12—in force 04.01.13)  
This Ordinance amends rates of supplementary benefit under the Supplementary Benefit (Guernsey) Law 1971 with effect on 4 January 2013. It further amends the Supplementary Benefit (Implementation) Ordinance 1971 in order to introduce maximum rent allowances, applicable in respect of single claimants or couples who do not have children and claimants, living in shared accommodation.
- (m) *Family Allowances Ordinance 2012*  
(*Billet d'État* No XXI of 2012. Approved 01.11.12—in force 07.01.13)  
This Ordinance amends the rate of family allowance under the Family Allowances (Guernsey) Law 1950 with effect on 7 January 2013. On that date the rate will be £15.90 a week.

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- (n) *Attendance and Invalid Care Allowances Ordinance 2012*  
(*Billet d'État* No XXI of 2012. Approved 01.11.12—in force 07.01.13)  
This Ordinance amends rates of allowances under the Attendance and Invalid Care Allowances (Guernsey) Law 1984 with effect from 7 January 2013.
- (o) *Image Rights (Bailiwick of Guernsey) Ordinance 2012*  
(*Billet d'État* No XXIII of 2012. Approved 28.11.12—in force 03.12.12)  
This Ordinance is made under the Intellectual Property (Enabling Provisions) (Bailiwick of Guernsey) Law 2004. Part I consists of provisions relating to registered personality and image rights including registration, infringement, ownership and licensing of, and limitations upon, those rights. Part II deals with moral rights. Part II consists of administrative and other supplementary provisions including provisions relating to the creation of the Register of Personalities and Images, the powers and duties of the Registrar of Intellectual Property, legal proceedings and appeals and image rights agents. Part IV contains miscellaneous and general provisions.
- (p) *Machinery of Government (Transfer of Functions) (Guernsey) Ordinance 2012*  
(*Billet d'État* No XXIII of 2012. Approved 28.11.12—in force 03.12.12)  
This Ordinance transfers the mandate of the Public Sector Remuneration Committee in relation to States employees to the Policy Council of the States of Guernsey.
- (q) *Data Protection (Bailiwick of Guernsey) (Amendment) Ordinance 2012*  
(*Billet d'État* No XXIII of 2012. Approved 28.11.12—in force 28.11.12)  
This Ordinance amends the Data Protection (Bailiwick of Guernsey) Law 2001, in order that information relating to criminal convictions, cautions and related matters provided by the Guernsey Vetting Bureau falls within the definition of “a relevant record” in s 56 of the Law, thereby prohibiting the production of any records of the Bureau to another person or third party, unless production is required by law, or justified in the public interest.
- (r) *Road Traffic (Compulsory Third Party Insurance) (Amendment) (Guernsey) Ordinance 2012*  
(*Billet d'État* No XXV of 2012. Approved 13.12.12—in force 17.12.12)  
This Ordinance amends the Road Traffic (Compulsory Third-Party Insurance) (Guernsey) Ordinance 1972 by repealing the requirement that the name of the policy holder appears on certain types of insurance disc and to enable temporary insurance discs to be sent to customers electronically and printed out at home.

- (s) *Offences (Fixed Penalties) (Guernsey) Law 2009 (Amendment) Ordinance 2012*  
 (Billet d'État No XXV of 2012. Approved 13.12.12—in force 13.12.12)  
 This Ordinance makes the offences of carrying a passenger in front of the seat on a bicycle under s 1(b) of the *Ordonnance supplémentaire à l'Ordonnance ayant rapport au Trafic Véhiculaire en cette Ile du 2 mars 1929 (le 14 décembre 1929)*, and the offence of parking a motor vehicle at the roadside at night under s 1 of the Road Traffic (Motor Vehicles at Roadside by Night) Ordinance 1974, fixed penalty offences under the Offences (Fixed Penalties) (Guernsey) Law 2009.
- (t) *Income Tax (Guernsey) (Approval of Agreements with Italy and Latvia) Ordinance 2012*  
 (Billet d'État No XXV of 2012. Approved 13.12.12—in force 13.12.12)  
 This Ordinance specifies the agreements providing for the obtaining and exchanging of information in relation to tax, made between the States of Guernsey and the Governments of the Italian Republic, signed on 5 September 2012, and the Republic of Latvia, signed on 5 September 2012, for the purposes of the Income Tax (Guernsey) Law 1975.

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

- (a) *Republic of Guinea-Bissau (Restrictive Measures) (Guernsey) Ordinance 2012*  
 (Billet d'État No XX of 2012. Made by the Legislation Select Committee—in force 31.05.12 and laid on 26.09.12)
- (b) *Belarus (Freezing of Funds) (Guernsey) (Amendment) Ordinance 2012*  
 (Billet d'État No XX of 2012. Made by the Legislation Select Committee—in force 31.05.12 and laid on 26.09.12)
- (c) *Compulsory Acquisition of Land (Guernsey) (Prescribed Forms) Regulations 2012*  
 (Billet d'État No XX of 2012. Made by the Treasury and Resources Department—in force 03.07.12 and laid on 26.09.12)
- (d) *Competition (Calculation of Turnover) (Guernsey) Regulations 2012*  
 (Billet d'État No XX of 2012. Made by the Commerce and Employment Department—in force 01.08.12 and laid on 26.09.12)
- (e) *Competition (Merger and Opinion Application Fees) (Guernsey) Regulations 2012*  
 (Billet d'État No XX of 2012. Made by the Commerce and Employment Department—in force 01.08.12 and laid on 26.09.12)

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- (f) *Competition (Prescribed Mergers and Acquisitions) (Guernsey) Regulations 2012*  
(*Billet d'État* No XX of 2012. Made by the Commerce and Employment Department—in force 01.08.12 and laid on 26.09.12)
- (g) *Offences (Fixed Penalties) (Guernsey) Order 2012*  
(*Billet d'État* No XX of 2012. Made by the Home Department—in force on 01.07.12 and laid on 26.09.12)
- (h) *Data Protection (Processing of Personal Data) (STSC) Order 2012*  
(*Billet d'État* No XX of 2012. Made by the Home Department—in force on 23.07.12 and laid on 22.09.12)
- (i) *Social Insurance (Contributions) (Amendment) Regulations 2012*  
(*Billet d'État* No XXIII of 2012. Made by the Social Security Department—in force on 01.10.12 and laid on 28.11.12)
- (j) *Driving Licences and Driving Tests (Fees) Regulations 2012*  
(*Billet d'État* No XXIII of 2012. Made by the Environment Department—in force on 30.08.12 and laid on 28.11.12)
- (k) *Land Planning and Development (Fees) (Amendment) Regulations 2012*  
(*Billet d'État* No XXV of 2012. Made by the Environment Department—in force on 01.10.12 and laid on 13.12.12)

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

- (a) *Prison (Enabling Provisions) (Guernsey) Law 2010*  
(*Billet d'Etat* No XX of 2010—registered 05.11.12. In force on day to be appointed by Ordinance)
- (b) *Civil Contingencies (Bailiwick of Guernsey) Law 2012*  
(*Billet d'Etat* No IV of 2012—registered 05.11.12. In force on day to be appointed by Ordinance)
- (c) *Customs and Excise (General Provisions) (Bailiwick of Guernsey) (Amendment) Law 2011*  
(*Billet d'Etat* No XV of 2011—registered 05.11.12. In force 05.11.12)
- (d) *Forfeiture of Money etc in Civil Proceedings (Bailiwick of Guernsey) (Amendment) Law 2012*  
(*Billet d'Etat* No V of 2012—registered 05.11.12. In force on day to be appointed by Ordinance)
- (e) *Sexual Offences (Bailiwick of Guernsey) (Amendment) Law 2011*  
(*Billet d'Etat* No I of 2011—registered 05.11.12. In force 05.11.12)
- (f) *Wireless Telegraphy and Related Matters (Deemed Registration and Validation) (Bailiwick of Guernsey) Law 2012*  
(*Billet d'Etat* No V of 2012—registered 05.11.12. In force 05.11.12)

- (g) *Companies (Alderney) (Amendment) Law 2012*  
(States of Alderney *Billet d'Etat* of 18.07.12—registered 05.11.12.  
In force on day to be appointed by Ordinance)
- (h) *Fees (Alderney) Law 2011*  
(States of Alderney *Billet d'Etat* of 21.09.11—registered 05.11.12.  
In force on day to be appointed by Ordinance)
- (i) *Licensing of Vessels (Alderney) Law 2010*  
(States of Alderney *Billet d'Etat* of 21.07.10—registered 05.11.12.  
In force on day to be appointed by Ordinance)
- (j) *Renewable Energy (Alderney) (Amendment) Law 2011*  
(States of Alderney *Billet d'Etat* of 16.11.11—registered 05.11.12.  
In force on day to be appointed by Ordinance)

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

- (a) *Republic of Guinea-Bissau (Restrictive Measures) (Sark) Ordinance 2012*  
(Made by General Purposes and Advisory Committee in exercise of its powers under s 41 of the Reform (Sark) Law 2008. In force on 07.02.12. Laid before the Chief Pleas of Sark on 29.08.12—placed before the Private Court on 13.09.12)
- (b) *Harbours (Sark) (Amendment) Ordinance 2012*  
(Made by the Chief Pleas of Sark on 29.08.12. In force on 30.08.12—placed before the Private Court on 13.09.12)
- (c) *Tourism (Sark) (Amendment) Law 2012 (Commencement) Ordinance 2012*  
(Made by the Chief Pleas of Sark on 29.08.12. In force on 29.08.12—placed before the Private Court on 13.09.12)
- (d) *Reform (Election of President) (Date of Election) (Sark) Ordinance 2012*  
(Made by the Chief Pleas of Sark on 03.10.12. In force on 03.10.12—placed before the Private Court on 18.10.12)
- (e) *Reform (Election of President) (General Provisions) (Sark) Ordinance 2012*  
(Made by the Chief Pleas of Sark on 03.10.12. In force on 03.10.12—placed before the Private Court on 18.10.12)
- (f) *Reform (Sark) (Amendment) (No 2) Law 2010 (Commencement No 3) Ordinance 2012*  
(Made by the Chief Pleas of Sark on 03.10.12. In force on 03.10.12—placed before the Private Court on 18.10.12)
- (g) *Reform (General Election) (Sark) Ordinance 2012*

SUMMARY OF LEGISLATION: GUERNSEY

(Made by the Chief Pleas of Sark on 03.10.12. In force on 03.10.12—placed before the Private Court on 18.10.12)

- (h) *Alderney and Sark (Licensing of Vessels) (Amendment) (Sark) Law 2010 (Commencement) Ordinance 2012*  
(Made by the Chief Pleas of Sark on 03.10.12. In force on 01.01.13—placed before the Private Court on 18.10.12)
- (i) *Alderney and Sark (Licensing of Vessels) (Exemptions) (Sark) Ordinance 2012*  
(Made by the Chief Pleas of Sark on 03.10.12. In force on 01.01.13—placed before the Private Court on 18.10.12)
- (j) *Direct Taxes for 2013(Sark) Ordinance 2012*  
(Made by the Chief Pleas of Sark on 03.10.12. In force on 03.10.12—placed before the Private Court on 18.10.12)

**6. RULES OF COURT**

- (a) *Royal Court (Costs and Fees) Rules 2012*  
(Made 03.12.12. In force 01.01.13)  
These Rules repeal the Royal Court (Costs and Fees) Rules 2010, and make fresh provision for fees, witnesses allowances, taxation of costs and related matters in respect of proceedings before the Royal Court.
- (b) *Matrimonial Causes (Costs and Fees) Rules 2012*  
(Made 03.12.12. In force 01.01.13)  
These Rules amend the Matrimonial Causes (Costs and Fees) Ordinance 2002.
- (c) *Magistrate's Court (Fees) (Amendment) Rules 2012*  
(Made 03.12.12. In force 01.01.13)  
These Rules amend the Magistrate's Court (Fees) Rules 1981.
- (d) *Shorthand Notes and Transcripts (Criminal Cases) (Amendment) (Guernsey) Rules 2012*  
(Made 03.12.12. In force 01.01.13)  
These Rules amend the Shorthand Notes and Transcripts (Criminal Cases) (Guernsey) Rules 1964.



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

- (a) *Financial Services Commission (Bailiwick of Guernsey) (Amendment) Law 2012*  
(*Billet d'État* 19.09.12. Approved 19.09.12)  
This Law was approved by the States of Deliberation of Guernsey on 30.05.12 (see Chapter A1(a) of the entries relating to Guernsey for the period 1 May–31 August at p 314 of Vol. 16(3) of the *Law Review*)
- (b) *Companies (Alderney) (Amendment) Law 2012*  
(*Billet d'État* 21.11.12. Approved 21.11.12)  
This Law amends the Companies (Alderney) Law 1994 by inserting a new Part (Part XXIA) containing provisions relating to the beneficial ownership of Alderney registered companies. Amongst other things, the provisions require companies to which Part XXIA applies to have a resident agent who is either an individual, resident in Alderney, who is a director of the company or a corporate service provider and impose duties and obligations upon a company to keep a record of its resident agent and upon a resident agent to keep a record of beneficial owners of the company.

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

- (a) *Housing (Exemptions) (Alderney) Ordinance 2012*  
(*Billet d'État* 19.09.12. Approved 19.09.12—in force 19.09.12)
- (b) *Occupiers' Rate (Level for 2013) Ordinance 2012*  
(*Billet d'État* 17.10.12. Approved 17.10.12—in force 01.01.13)
- (c) *Companies (Alderney) Law 1994—Fees Ordinance 2012*  
(*Billet d'État* 17.10.12. Approved 17.10.12—in force 01.01.13)
- (d) *States Water Supply (Rates of Charge) (Alderney) Ordinance 2012*  
(*Billet d'État* 17.10.12. Approved 17.10.12—in force 26.12.12)
- (e) *Republic of Guinea-Bissau (Restrictive Measures) (Alderney) Ordinance 2012*  
(*Billet d'État* 17.10.12. Approved 17.10.12—in force 17.10.12)
- (f) *Housing (Exemptions) (No 2) (Alderney) Ordinance 2012*  
(*Billet d'État* 17.10.12. Approved 17.10.12—in force 17.10.12)

## C. SARK

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

- (a) *Regulation of Production of Alcoholic Products (Sark) Law 2012*  
(Approved 03.10.12)  
This Law prohibits the production and manufacture of alcoholic products except under the authority of, and in accordance with, a production licence which may be granted by the General Purposes and Advisory Committee (“the Committee”) of the Chief Pleas of Sark. Part I provides for the manner in which licences may be applied for and granted and related matters and contains a power for the Chief Pleas to make exemptions by Ordinance from the need to hold a licence. Part II creates powers for the Chief Pleas by Ordinance to make provision concerning investigation of the production or manufacture of any alcoholic product and ancillary matters. Part III makes provision for appeals against decisions made by the Committee under the Law. Part IV creates offences including an offence of contravention of the prohibition created by the Law. Part V creates power for the Chief Pleas by ordinance to charge *impôt* upon an alcoholic product produced under the authority of a licence. Part VI contains miscellaneous provisions including the interpretation section.

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

- (a) *Reform (Election of President) (Date of Election) (Sark) Ordinance 2012*  
(Approved 03.10.12—in force 03.10.12)
- (b) *Reform (Election of President) (General Provisions) (Sark) Ordinance 2012*  
(Approved 03.10.12—in force 03.10.12)
- (c) *Reform (Sark) (Amendment) (No 2) Law 2010 (Commencement No 3) Ordinance 2012*  
(Approved 03.10.12—in force 03.10.12)
- (d) *Reform (General Election) (Sark) Ordinance 2012*  
(Approved 03.10.12—in force 03.10.12)
- (e) *Alderney and Sark (Licensing of Vessels) (Amendment) (Sark) Law 2010 (Commencement) Ordinance 2012*  
(Approved 03.10.12—in force 03.10.12 and brings 2010 Law into force on 01.01.13)

- (f) *Alderney and Sark (Licensing of Vessels) (Exemptions) (Sark) Ordinance 2012*  
(Approved 03.10.12—in force 01.01.13)
- (g) *Direct Taxes for 2013 (Sark) Ordinance 2012*  
(Approved 03.10.12—in force 03.10.12)

**3. ORDINANCES LAID BEFORE THE CHIEF PLEAS OF SARK**

None made during the period under review.