

STATES OF JERSEY



DRAFT EXPORT CONTROL (JERSEY) LAW 2009 (APPOINTED DAY) ACT 201-

**Lodged au Greffe on 6th February 2018
by the Minister for Home Affairs**

STATES GREFFE



Jersey

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REPORT

The primary Law

[The Draft Export Control \(Jersey\) Law 200-](#) was approved by the States Assembly on 1st April 2008. The Law ([L.19/2009](#)) was granted Royal Assent on 13th May 2009 and was registered by the Royal Court on 29th May 2009. Article 16 of the Law stipulated that the Law would come into force by Appointed Day Act(s).

The Law, when brought into force, will allow for controls on the export of tangible goods in place of the existing controls under the [Customs and Excise \(Jersey\) Law 1999](#), and would introduce new powers in Jersey to control trade in intangibles, such as technology and technical assistance. The Law will also extend and strengthen controls on trade in armaments and “dual-use” items.

Subordinate legislation

The report attached to the draft Law explains that the Minister for Home Affairs would be able to make an Order to control trade in, and the acquisition of, goods and technology specified in the Schedule to the draft Law, so long as the export or trade of the goods or technology would have any of the consequences mentioned in the Schedule. Those consequences are listed in Article 3 of the Schedule and include –

- an adverse effect on the national security (or the security of members of the armed forces) of the UK, Jersey, any other British territory or friendly state;
- facilitating the development, production or use of weapons of mass destruction;
- breaches of international law and human rights; and
- the carrying out of acts of terrorism or serious crime anywhere in the world.

The goods and technology being referred to above are military and dual-use goods and the technology to produce and develop them.

Jersey has always followed British policy relating to trade in military goods, and the Order to be made by the Minister would accordingly seek to match the provisions of the UK Export Control Order (which also, at present, is equivalent to EU standards). It was not seen as prudent, however, to bring the primary Law into force until this Order had been drafted, was equivalent to the most recent UK legislation, and could therefore be made by the Minister. The Draft Export Control (Military and Related Dual-Use Items) (Jersey) Order 201- has now been prepared, and can be made once this primary Law has come into effect through an Appointed Day Act.

World Trade Organisation membership

The coming into force of this Law, and the related Order, has added importance and impetus at the current time due to the Government seeking the extension of the UK's World Trade Organisation ("WTO") membership to Jersey, as part of its Brexit contingency planning. WTO membership would ensure that any tariffs Jersey businesses may face after Brexit are minimised, and assist Jersey in growing and strengthening links with markets outside the European Union.

A key requirement to ensure the UK is able to smoothly and seamlessly extend its WTO membership to Jersey will be alignment between our jurisdictions in controls on exports, which will be made possible through the bringing into effect of this Law and the Export Control Order previously referred to.

Collective responsibility under Standing Order 21(3A)

The Council of Ministers has a single policy position on this proposition, and as such, all Ministers, and the Assistant Minister for Home Affairs, are bound by the principle of collective responsibility to support the proposition, as outlined in the Code of Conduct and Practice for Ministers and Assistant Ministers ([R.11/2015](#) refers).

Financial and manpower implications

There are no financial or manpower implications for the States arising from the adoption of this Appointed Day Act.

Explanatory Note

This Act brings into force the Export Control (Jersey) Law 2009, 7 days after the day this Act is made.



Jersey

DRAFT EXPORT CONTROL (JERSEY) LAW 2009 (APPOINTED DAY) ACT 201-

Made [date to be inserted]
Coming into force [date to be inserted]

THE STATES, in pursuance of Article 16 of the Export Control (Jersey) Law 2009¹, have made the following Act –

1 Commencement of Law

The Export Control (Jersey) Law 2009² shall come into force 7 days after the date this Act is made.

2 Citation

This Act may be cited as the Export Control (Jersey) Law 2009 (Appointed Day) Act 201-.

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- ¹ *L.19/2009*
² *L.19/2009*