

STATES OF JERSEY



DRAFT COUNTER-TERRORISM AND SECURITY (MISCELLANEOUS AMENDMENTS) (JERSEY) LAW 201-

**Lodged au Greffe on 1st June 2017
by the Minister for Home Affairs**

STATES GREFFE



Jersey

**DRAFT COUNTER-TERRORISM AND SECURITY
(MISCELLANEOUS AMENDMENTS) (JERSEY)
LAW 201-**

European Convention on Human Rights

In accordance with the provisions of Article 16 of the Human Rights (Jersey) Law 2000, the Minister for Home Affairs has made the following statement –

In the view of the Minister for Home Affairs, the provisions of the Draft Counter-Terrorism and Security (Miscellaneous Amendments) (Jersey) Law 201- are compatible with the Convention Rights.

Signed: **Deputy K.L. Moore of St. Peter**

Minister for Home Affairs

Dated: 30th May 2017

REPORT

This draft Law is lodged at the same time as the Chief Minister has lodged a Proposition under Article 31 of the States of Jersey Law 2005 regarding the extension to Jersey, by Order in Council, of the Counter-Terrorism and Security Act 2015 (“the 2015 Act”) (*see* [P.42/2017](#)).

The background to the 2015 Act was that the United Kingdom Government considered that there was a need to legislate in order to reduce the terrorism threat to the UK. In August 2014, the independent Joint Terrorism Analysis Centre had raised the UK national terrorist threat level from SUBSTANTIAL to SEVERE. This meant that a terrorist attack was “highly likely”. In September of that year, it was announced that legislation would be brought forward in a number of areas to stop people travelling overseas to fight for terrorist organisations or engage in terrorism-related activity and subsequently returning to the UK; and to deal with those already in the UK who pose a risk to the Public. The provisions in the 2015 Act were intended to ensure that the law enforcement and intelligence agencies were able to disrupt the ability of people to travel abroad to fight, such as in Syria and Iraq, and control their return to the UK.

The Jersey Government is bringing forward similar legislation, partly by way of extending to Jersey Parts 1 and 4 of the 2015 Act, and partly by amending several Jersey Laws on equivalent lines. The Laws amended by this *Projet de Loi* are –

- the Terrorism (Jersey) Law 2002,
- the Regulation of Investigatory Powers (Jersey) Law 2005, and
- the Postal Services (Jersey) Law 2004.

The amendments proposed to be made fall under the following policy headings:

1 – PORT CONTROLS

Section 43 of, and Schedule 8 to, the 2015 Act, amended provisions of the Terrorism Act 2000 (concerning port and border controls and the power to examine goods), as well as related provisions of the Regulation of Investigatory Powers Act 2000 and the Postal Services Act 2000. The draft Law will do the equivalent in relation to the Terrorism (Jersey) Law 2002, the Regulation of Investigatory Powers (Jersey) Law 2005, and the Postal Services (Jersey) Law 2004.

Power to examine goods

The amendments made to the Terrorism Act in the UK made express provision for the locations in which certain examinations of goods were able to take place. The effect was to ensure that the power to examine goods could be used to examine goods which were not immediately about to leave the country, but which were held by air and sea cargo agents pending the goods’ departure.

A new provision was also inserted, expressly limiting the locations in which the power could be exercised to ports, air and sea cargo agents’ premises and any place which the Secretary of State had designated as a place in which goods could be examined under that power. This provided another means by which the power could be used in respect of goods beyond port boundaries, and catered for the possibility that some goods which examining officers wished to examine were stored outside the perimeter of a port or at the premises of an air or sea cargo agent (for example, in distribution

depots). The power to designate is only exercisable if the Secretary of State reasonably believes that it is necessary to designate that place in order for examining officers to be able to exercise their functions under the Act. There is also an obligation to publish a list of designations so as to ensure transparency as to the locations in which the examination power may be exercised.

The draft Jersey Law would make equivalent provision to the above by amending the corresponding provisions of the Terrorism (Jersey) Law 2002 – *see Article 1(10) of the draft Law*. In particular the Minister would be empowered to designate locations for such examination purposes; and would be required to maintain and publish a list of designated locations.

Interception of postal packets

The 2015 Act made provision (in Schedule 8) to ensure that the protection from interception afforded to postal communications in the Regulation of Investigatory Powers Act 2000 (“RIPA”) did not restrict the use of examination powers in respect of postal packets. A new provision was inserted into section 3 of RIPA making it clear that there was lawful authority for examinations of postal packets carried out under The Terrorism Act.

The draft Jersey Law would amend the corresponding provisions of the Regulation of Investigatory Powers (Jersey) Law 2005 – *see Article 2(2) of the draft Law* – to the same effect.

The 2015 Act also made provision (in Schedule 8) to ensure that, in cases where examining officers examined postal items under the relevant powers in the Terrorism Act, this did not infringe the “inviolability of mails” principle in section 104(3) of the Postal Services Act 2000 (the principle that mail-bags, packets in the post and their contents, which are not the property of the Crown, enjoy the same immunity from examination, seizure or detention, as if they were the property of the Crown).

The draft Jersey Law would make equivalent provision by amending the corresponding provision of the Postal Services (Jersey) Law 2004, namely, Article 47(2) – *see Article 3 of the draft Law*

2 – TERRORIST OFFENCES: INSURANCE AGAINST PAYMENTS MADE IN RESPONSE TO TERRORIST DEMANDS

The 2015 Act inserted a new section 17A into the Terrorism Act 2000:

17A Insurance against payments made in response to terrorist demands

- (1) *The insurer under an insurance contract commits an offence if—*
- (a) *the insurer makes a payment under the contract, or purportedly under it,*
 - (b) *the payment is made in respect of any money or other property that has been, or is to be, handed over in response to a demand made wholly or partly for the purposes of terrorism, and*
 - (c) *the insurer or the person authorising the payment on the insurer’s behalf knows or has reasonable cause to suspect that the money or other property has been, or is to be, handed over in response to such a demand.*

The draft Jersey Law would make the same provision in Jersey by inserting a new Article 16A into the Terrorism (Jersey) Law 2002 – *see Article 1(6) of the draft Law*.

The 2015 Act went on to define “insurance contract” as: “*a contract under which one party accepts significant insurance risk from another party (‘the policyholder’) by agreeing to compensate the policyholder if a specified uncertain future event adversely affects the policyholder.*”

The draft Jersey Law would do likewise – *see Article 1(6) of the draft Law – inserted Article 16A(2)*. The penalty for this offence would be *14 years’ imprisonment and/or a fine (in common with the penalty for offences under Article 15 the Law, and in common with the penalty under section 22 of the Terrorism Act 2000) – see Article 1(6) of the draft Law – inserted Article 16A(4)*.

The 2015 Act also amended the Terrorism Act 2000 to provide that, where a person is convicted of an offence under section 17A the court may order the forfeiture of the amount paid under, or purportedly under, the insurance contract.

The draft Jersey Law would make equivalent provision in relation to the power of Jersey courts in relation to the new offence – *see Article 1(9) of the draft Law – amending Article 27 of the Terrorism (Jersey) Law 2002*.

The 2015 Act also provided for the new section 17A to apply to any payment made by an insurer on or after the day on which the Act was passed, even if made –

- (a) under (or purportedly under) a contract entered into before that day, or
- (b) in respect of money or other property handed over before that day,

except that section 17A did not apply to a payment made in respect of money or other property handed over before 27th November 2014.

The draft Jersey Law would make similar provision – *see Article 1(6) of the draft Law – inserted Article 16A(3)*.

3 – CONSEQUENTIAL AMENDMENTS TO DOMESTIC LEGISLATION FLOWING FROM THIS, AND A PREVIOUS, ORDER IN COUNCIL

These would be minor consequential amendments:

- *Article 1(10)(c) of the draft Law would amend Schedule 8 to the Terrorism (Jersey) Law 2002 to include references to paragraphs 27B and 27BA of Schedule 2 to the Immigration Act 1971, which need to be included consequentially upon provisions in the relevant extending Orders in Council.*
- *Article 2(3) of the draft Law would amend Article 22 of the Regulation of Investigatory Powers (Jersey) Law 2005 to refer to “any TEO proceedings (within the meaning given to that expression by paragraph 1 of Schedule 3 to the Counter-Terrorism and Security Act 2015 of the United Kingdom as extended to Jersey by the Counter-Terrorism and Security (Jersey) Order 201–), or any proceedings arising out of those TEO proceedings.”*

4 – TERRORIST ENTITY/FINANACING OF FOREIGN TERRORIST FIGHTERS

These would be further short amendments (not directly related to the 2015 Act) of Part 3 of the Terrorism (Jersey) Law 2002, following the Moneyval Report.

Terrorist Entity

It is an offence under Article 15 of the Terrorism (Jersey) Law 2002 to use property for the purposes of terrorism or for the support of a terrorist entity. It is also an offence to possess property, provide or invite another to provide property or a financial

service, or to collect and receive property intending or knowing, suspecting or having reasonable grounds to believe, that it will be used for the purposes of terrorism or for the support of a terrorist entity.

Article 4(1) of the 2002 Law defines “terrorist entity” for the purposes of the Law as an entity which commits, prepares or instigates an act of terrorism or facilitates the commission, preparation or instigation of an act of terrorism; but it does not automatically rank a proscribed organization as such. Moneyval expressed concern that prosecutors would have to satisfy an additional burden of proving an entity was a “terrorist entity” within the meaning in Article 4(1), even when the entity was already proscribed.

Article 1(3) of the draft Law would therefore substitute Article 4(1) to read:

“(1) *In this Law, a “terrorist entity” is –*

- (a) *any entity which –*
 - (i) *commits, prepares or instigates an act of terrorism*
 - (ii) *facilitates the commission, preparation or instigation of an act of terrorism; and*
- (b) *any proscribed organisation.”.*

Financing of Foreign Terrorist Fighters

This concerns so-called foreign terrorist fighters, *i.e.* persons travelling to areas of conflict to assist other terrorist entities. Moneyval recommended that it ought to be put beyond doubt that terrorist-financing offences include financing the travel of any individual who travels to a State other than his/her State of residence or nationality for the purpose of the perpetration, planning, or preparation of, or participation in, terrorist acts or the providing or receiving of terrorist training (and that the maximum penalty for this new offence should be consistent with the offences in Article 15 and 16 of the 2002 Law, *i.e.* 14 years and/or a fine).

Article 1(5) of the draft Law would therefore insert a new paragraph (2A) of Article 15 to read as follows:

“(2A) *Without prejudice to the generality of paragraphs (1) and (2), it shall be an offence for a person –*

- (a) *to provide, or to invite another to provide, property or a financial service; or*
- (b) *to collect or receive property,*

intending that the property or service be used, or knowing, suspecting or having reasonable grounds to suspect that it may be used (whether in whole or in part) for the purpose of travel by an individual to a state or territory other than his or her state or territory of residence for the purposes of terrorism (including, for the avoidance of doubt, the purposes of planning or preparation of acts of terrorism, providing or receiving training in or for the purposes of terrorism, and support of a terrorist entity).”

5 – DRAFTING CLARIFICATION

The Law Draftsman has also taken the opportunity to draft an amendment to Article 1(3) of the 2002 Law, and a related amendment to Article 15(1) and (2), concerning the references to action taken for the purposes of terrorism and action taken in support of a terrorist entity (see *Article 1(2)* of the draft Law).

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 draft Law.

Human Rights

The notes on the human rights aspects of the draft Law in the **Appendix** have been prepared by the Law Officers' Department and are included for the information of States Members. They are not, and should not be taken as, legal advice.

**Human Rights Note on the Draft Counter-Terrorism and Security
(Miscellaneous Amendments) (Jersey) Law 201-**

The draft Law amends the Terrorism (Jersey) Law 2002 (“the 2002 Law”), the Regulation of Investigatory Powers (Jersey) Law 2005 (“the 2005 Law”) and the Postal Services (Jersey) Law 2004 (“the 2004 Law”). The reasons for the amendments are set out in full in the Report accompanying the draft Law, which also sets out the equivalence with UK provisions.

The draft Law plainly affects human rights issues. The changes brought about in particular extend powers of search as part of port controls, which is a matter of Article 8 of the Convention (“right to family and private life”). The effect on Article 8 is particularly strong, given that the provision affects postal services. The draft Law may affect the right to liberty, given the 2 new offences where the fault element is partly objective. These offences are the new Article 15(2A) of the 2002 Law as to funding travel to someone for the purposes of terrorism, and the new Article 16A of the 2002 Law as to insurance payments made in response to terrorist demands.

Whilst such matters raise human rights sensitivities, the following should be noted:

- (1) The amendments regarding Port Controls and insurance against payments made in response to terrorist demands (sections 1 and 2 of the Report) closely follow the equivalent United Kingdom legislation. Although noting the recent *Brewster* case, which is a warning against smaller jurisdictions copying legislation in larger jurisdictions without separately considering the justifications for measures, it is not practicable for Jersey to consider afresh issues as to what is best to manage security. Lord Sumption, when sitting in the Jersey Court of Appeal, warned against Jersey trying to re-invent the wheel when issues have been thoroughly considered in the United Kingdom. It is true that those remarks concerned the use of legal precedent, but the basic sentiment can be true when we are legislating in respect of common problems, and where our legislation already largely follows the United Kingdom.
- (2) Other parts of the provisions are consequential amendments flowing from Orders in Council (section 3 of the Report). The same point applies as above, and more so. Any issues of incompatibility must be addressed to the United Kingdom as the source of the incompatibility.
- (3) The amendments regarding terrorist financing follow from Moneyval recommendations. The offence relating to the use of money to help travel for terrorist purposes exists perhaps more for the avoidance of doubt, and raises no human rights issues separate to existing legislation.
- (4) The use of objective *mens rea* is also established in this context in both Jersey and in the United Kingdom (i.e. “reasonable cause to suspect”). Such objective *mens rea* is not of itself against the Convention (*see R v Misra [2005] 1 Crim App Rep 21 [57]*). An appropriate degree of negligence as defined by the law can be sufficient “fault” for the purposes of imposing criminal liability.

- (5) The new Article 16A of the 2002 Law will affect existing property rights, and thus affect Convention Rights under Article 1 of Protocol 1. In particular, insurance cover for ransom payments will become unenforceable. If a ransom subject to insurance has already been paid, it will not be an offence for the insurance company to pay out under the insurance contract, unless the ransom had been paid within 40 days of the Law coming into force. There are a few points that need to be made clear:
- (a) This provision does not create a retrospective criminal offence. The offence is for the insurance company to pay out on a ransom insurance policy, and applies only if it does so after the Law has come into force. If an individual paid a ransom 40 days before the legislation came into effect, and the insurer paid out the day before the legislation came into effect, there would be no offence.
 - (b) The Law nevertheless may affect persons who have already paid out a ransom. The UK equivalent legislation (section 42(3) of the Counter-Terrorism and Security Act 2015) stated that insurers could not pay out on policies if the ransom had been paid out on or after 27th November 2014, the Bill having been introduced the day before. The provision came into effect when the Act became law on 16th February 2015. The period covered was 80 days. The aim was clearly to put people on notice that if they paid ransoms after the Bill was presented, they could not expect any insurance to be paid out. The day limit for Jersey does not achieve precisely the same result. However, in the Jersey constitutional context, it is often thought inappropriate to presume on the Royal Assent. Whilst it would be defensible to set the deadline as being the date of lodging, or the date the States adopts the Law, it is also defensible to simply place a deadline that is somewhat arbitrary, but roughly represents the timescale between when an adopted Law is recommended for Royal Assent and when it is registered in the Royal Court. If there are any complaints as to the setting of the deadline – there is no basis for objecting to the concept of having such a deadline – then the most obvious arguments would be for the deadline to be set earlier, and thus increase the scope for affecting the rights of policy-holders. For that reason it is difficult to say the choice of a more generous deadline is incompatible with human rights.

For these reasons, the draft Law is compatible with the Human Rights (Jersey) Law 2000.

Explanatory Note

This draft Law would make amendments to the Terrorism (Jersey) Law 2002 (*Article 1*), the Regulation of Investigatory Powers (Jersey) Law 2005 (*Article 2*), and the Postal Services (Jersey) Law 2004 (*Article 3*). Almost all of these amendments are related to the extension to Jersey of the Counter-Terrorism and Security Act 2015 of the United Kingdom by the Counter-Terrorism and Security (Jersey) Order 201-.

The exception is the amendments made by *Article 1(3) and (5)* to Articles 4 and 15 of the Terrorism (Jersey) Law 2002, which arise out of the need to improve congruence with international standards of counter-terrorist legislation: in particular these amend Article 4 to make every organization proscribed under that Law automatically a “terrorist entity” for the purposes of the Law, and add to Article 15 a new specific offence of financing travel for the purposes of terrorism.

Article 1(6) inserts a new Article 16A into the Terrorism (Jersey) Law 2002, which creates an offence (punishable, like other offences in Part 3 of that Law, by a maximum of 14 years’ imprisonment and a fine) of making a payment under an insurance contract in respect of property transferred in response to a terrorist demand, where the insurer or person authorizing the payment knows or has cause reasonably to suspect that the property has been or is to be transferred in response to such a demand.

Consequential amendments are made to related provisions of Part 3 of the Terrorism (Jersey) Law 2002, by *Article 1(2), (4), (7), (8) and (9)*.

Article 1(10) amends Schedule 8 to the Terrorism (Jersey) Law 2002, to extend the powers of examination of goods conferred by paragraph 7 of that Schedule to goods held at premises operated by air cargo agents and sea cargo agents (defined respectively by the Aviation Security Act 1982 of the United Kingdom and the Maritime Security Act 1990 of the United Kingdom, as those enactments are extended to Jersey) and to enable the Minister for Home Affairs to designate locations for the purpose of examination of goods.

Article 2(2) consequentially amends Article 8 of the Regulation of Investigatory Powers (Jersey) Law 2005 to reflect the extension of the powers of examination in paragraph 7 of Schedule 8 to the Terrorism (Jersey) Law 2002 as described above. The effect of this is that interception of items in the course of transmission by a public postal service is authorized where the interception is carried out by an examining officer in the exercise of those powers of examination. A similar consequential amendment is made to the Postal Services (Jersey) Law 2004 by *Article 3*.

Article 2(3) amends the Regulation of Investigatory Powers (Jersey) Law 2005, to add TEO proceedings, or proceedings arising out of TEO proceedings, to the list in Article 22 of that Law of types of proceedings in which evidence disclosing the contents of intercepted communications may be given and examined. (“TEO proceedings” are defined by paragraph 1 of Schedule 3 to the Counter-Terrorism and Security Act 2015 and may be described generally as proceedings relating to temporary exclusion orders under that Act.)

Article 4 gives the title by which this Law may be cited and provides for it to come into force 7 days after registration.



Jersey

**DRAFT COUNTER-TERRORISM AND SECURITY
(MISCELLANEOUS AMENDMENTS) (JERSEY)
LAW 201-**

Arrangement

Article

1	Terrorism (Jersey) Law 2002 amended.....	15
2	Regulation of Investigatory Powers (Jersey) Law 2005 amended	18
3	Postal Services (Jersey) Law 2004 amended	19
4	Citation and commencement	19



Jersey

DRAFT COUNTER-TERRORISM AND SECURITY (MISCELLANEOUS AMENDMENTS) (JERSEY) LAW 201-

A LAW to amend further the Terrorism (Jersey) Law 2002, the Regulation of Investigatory Powers (Jersey) Law 2005, and the Postal Services (Jersey) Law 2004

<i>Adopted by the States</i>	<i>[date to be inserted]</i>
<i>Sanctioned by Order of Her Majesty in Council</i>	<i>[date to be inserted]</i>
<i>Registered by the Royal Court</i>	<i>[date to be inserted]</i>

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

1 Terrorism (Jersey) Law 2002 amended

- (1) In this Article, reference to an Article by number and without more is a reference to the Article of that number in the Terrorism (Jersey) Law 2002¹.
- (2) In Article 1(3) after the words “A reference in this Law” there shall be inserted the words “, without more.”.
- (3) For Article 4(1) there shall be substituted the following paragraph –
 - “(1) In this Law, a ‘terrorist entity’ is –
 - (a) any entity which –
 - (i) commits, prepares or instigates an act of terrorism, or
 - (ii) facilitates the commission, preparation or instigation of an act of terrorism; and
 - (b) any proscribed organization.”.
- (4) In Article 15(1) and (2) for the words “for the purposes of terrorism or for the support of a terrorist entity” in each place there shall be substituted the words “for the purposes of terrorism (and for the avoidance of doubt such purposes include the support of a terrorist entity)”.
- (5) After Article 15(2) there shall be inserted the following paragraph –

“(2A) Without prejudice to the generality of paragraphs (1) and (2), it shall be an offence for a person –

- (a) to provide, or to invite another to provide, property or a financial service; or
- (b) to collect or receive property,

intending that the property or service be used, or knowing, suspecting or having reasonable grounds to suspect that it may be used (whether in whole or in part) for the purpose of travel by an individual to a state or territory other than his or her state or territory of residence for the purposes of terrorism (including, for the avoidance of doubt, the purposes of planning or preparation of acts of terrorism, providing or receiving training in or for the purposes of terrorism, and support of a terrorist entity).”.

- (6) After Article 16 there shall be inserted the following Article –

“16A Insuring against payments made in response to terrorist demands

(1) It is an offence for a person who is an insurer under an insurance contract to make a payment under that contract, or purportedly under it, if –

- (a) the payment is made in respect of any property which has been, or is to be, transferred to any person in response to a demand made wholly or partly for the purposes of terrorism; and
- (b) the insurer or other person authorizing the payment on the insurer’s behalf knows or has reasonable cause to suspect that the property has been, or is to be, transferred in response to such a demand.

(2) In paragraph (1), ‘insurance contract’ means a contract under which one party accepts significant insurance risk from another party (the ‘policy holder’) by agreeing to compensate the policy holder if a specified uncertain future event affects the policy holder.

(3) This Article applies to any payment made by an insurer on or after the day on which this Article comes into force, even if the payment is made –

- (a) under, or purportedly under, a contract entered into before that day; or
- (b) in respect of money or other property transferred within the period of 40 days ending on that day.

(4) A person guilty of an offence under this Article shall be liable to imprisonment for a term not exceeding 14 years or to a fine, or both.”.

- (7) In the headings to Articles 17 and 18, for the words “Articles 15 and 16” in each place there shall be substituted the words “Articles 15, 16 and 16A”.

- (8) In Articles 17(1), 18(1) and (2), 19(1)(a), 21(2)(a) and (5A)(d), and 22(3) for the words “Article 15 or 16” in each place there shall be substituted the words “Article 15, 16 or 16A”.
- (9) In Article 27 –
- (a) in paragraph (1) for the words “Article 15 or 16” there shall be substituted the words “Article 15, 16 or 16A”;
- (b) after paragraph (3) there shall be inserted the following paragraph –
- “(3A) Where the offence of which the person is convicted is an offence under Article 16A, the court may order the forfeiture of the amount paid under, or purportedly under, the insurance contract.”.
- (10) In Schedule 8 to the Terrorism (Jersey) Law 2002² –
- (a) in paragraph 7(1) for the words “in the commission, preparation or instigation of acts of terrorism” there shall be substituted the words “for the purposes of terrorism”;
- (b) for paragraph 7(2) to (4) there shall be substituted the following sub-paragraphs –
- “(2) This paragraph applies to goods which have arrived in or are about to leave the Island on a ship or aircraft, and for the purposes of this paragraph –
- (a) goods which are about to leave the Island on a ship include goods held at premises operated by a sea cargo agent which are to be delivered to any place other than those premises for carriage on a ship;
- (b) goods which are about to leave the Island on an aircraft include goods held at premises operated by an air cargo agent which are to be delivered to any place other than those premises for carriage on an aircraft; and
- (c) ‘on a ship’ includes carriage within a vehicle carried on a ship.
- (3) An examination under this paragraph may be carried out only at –
- (a) a port;
- (b) premises operated by a sea cargo agent or an air cargo agent;
- (c) a location designated for that purpose by the Minister, under and in accordance with sub-paragraph (4).
- (4) The Minister may designate a location for the purpose of examination under this paragraph only if the Minister reasonably believes that it is necessary to designate that location so that examining officers may exercise their functions under this paragraph, and if the Minister does so he or she must maintain and publish a list of designated locations.
- (5) For the purposes of determining whether to exercise his or her power under this paragraph, an examining officer may –
- (a) board a ship or aircraft;

- (b) enter a vehicle;
 - (c) enter premises operated by a sea cargo agent or an air cargo agent; and
 - (d) enter a designated location.
- (6) In this paragraph –
- ‘air cargo agent’ has the meaning given by section 21F(1) of the Aviation Security Act 1982 of the United Kingdom as extended to Jersey by the Aviation Security (Jersey) Order 1993³;
- ‘goods’ includes property of any description, and containers;
- ‘sea cargo agent’ has the meaning given by section 41(1) of the Aviation and Maritime Security Act 1990 of the United Kingdom as extended to Jersey by The Maritime Security (Jersey) Order 2014⁴.”;
- (c) in paragraph 14(6) after “27(2)” there shall be inserted “, 27B or 27BA”.

2 Regulation of Investigatory Powers (Jersey) Law 2005 amended

- (1) In this Article, reference to an Article by number and without more is a reference to the Article of that number in the Regulation of Investigatory Powers (Jersey) Law 2005⁵.
- (2) At the end of Article 8 there shall be added the following paragraph –
- “(5) Conduct consisting in the interception of a communication in the course of its transmission by means of a public postal service is authorized by this Article if it is conduct by an examining officer under paragraph 7 of Schedule 8 to the Terrorism (Jersey) Law 2002⁶.”.
- (3) In Article 22 –
- (a) at the end of paragraph (1) there shall be added the following sub-paragraph –
- “(f) any TEO proceedings (within the meaning given to that expression by paragraph 1 of Schedule 3 to the Counter-Terrorism and Security Act 2015 of the United Kingdom as extended to Jersey by the Counter-Terrorism and Security (Jersey) Order 201-), or any proceedings arising out of those TEO proceedings.”; and
- (b) after paragraph (2A) there shall be inserted the following paragraph –
- “(2B) Paragraph (1) shall not, by virtue of sub-paragraph (f), authorize the disclosure of anything to –
- (a) any person, other than the Minister, who is a party to proceedings to which sub-paragraph (f) refers; or
 - (b) any person who for the purposes of such proceedings (but otherwise than by virtue of appointment as special counsel under Schedule 3 to the Counter-Terrorism and Security

Act 2015 of the United Kingdom, as extended to Jersey by the Counter-Terrorism and Security (Jersey) Order 201- represents a person who falls within sub-paragraph (a).”.

3 Postal Services (Jersey) Law 2004 amended

In Article 47(2) of the Postal Services (Jersey) Law 2004⁷, after sub-paragraph (ab) there shall be inserted the following sub-paragraph –

“(ac) a power conferred on an examining officer by paragraph 7 of Schedule 8 to the Terrorism (Jersey) Law 2002⁸.”.

4 Citation and commencement

This Law may be cited as the Counter-Terrorism and Security (Miscellaneous Amendments) (Jersey) Law 201- and shall come into force 7 days after the day on which it is registered.

-
- 1 *chapter 17.860*
 - 2 *chapter 17.860*
 - 3 *chapter 03.385*
 - 4 *chapter 19.300*
 - 5 *chapter 08.830*
 - 6 *chapter 17.860*
 - 7 *chapter 06.145*
 - 8 *chapter 17.860*