



Jersey

**COMMUNITY PROVISIONS (RESTRICTIVE  
MEASURES – GUINEA) (AMENDMENT No. 2)  
(JERSEY) ORDER 2013**

**Arrangement**

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## **COMMUNITY PROVISIONS (RESTRICTIVE MEASURES – GUINEA) (AMENDMENT No. 2) (JERSEY) ORDER 2013**

*Made*

*Coming into force*

**THE CHIEF MINISTER**, in pursuance of Article 2 of the European Communities Legislation (Implementation) (Jersey) Law 1996, orders as follows –

### **1 Interpretation**

In this Order, “Principal Order” means the Community Provisions (Restrictive Measures – Guinea) (Jersey) Order 2010.

### **2 Article 1 amended**

In Article 1 of the Principal Order, for the definition “Council Regulation” there is substituted the following definition –

“ ‘Council Regulation’ means Council Regulation (EU) No. 1284/2009 of 22 December 2009 imposing certain specific restrictive measures in respect of the Republic of Guinea (OJ No. L346/26, 23.12.2009)<sup>1</sup> as amended up to 24 January 2013;”.

### **3 Article 4 amended**

In Article 4 of the Principal Order –

(a) in paragraph (1)(a)(iii), at the end, there is deleted the word “or”;

(b) after paragraph (1)(a) there is inserted the following sub-paragraph –

“(aa) the sale, supply, transfer or export of non-lethal equipment listed in Schedule 1, if it is intended solely to enable the police and gendarmerie of the Republic of Guinea to use only appropriate and proportionate force while maintaining public order; or”;

- (c) in paragraph (1)(b)(ii), for the words “sub-paragraphs (a)(i) to (iii), or” there are substituted the words “sub-paragraph (a)(i) to (iii) or sub-paragraph (aa), or”;
- (d) in paragraph (1)(b)(iii), for the words “the Republic of Guinea.” there are substituted the words “the Republic of Guinea; or”;
- (e) after paragraph (1)(b) there are added the following sub-paragraphs –
  - “(c) the sale, supply, transfer or export of explosive substances and related equipment described in paragraph 4 of Schedule 1, if it is intended solely for civilian use in –
    - (i) mining, or
    - (ii) infrastructure investments,provided that the storage and use of explosives and the related equipment and services are controlled and verified by an independent body and that the providers of the related services are identified; or
  - (d) the provision of financing, financial assistance, technical assistance, brokering services and other services related to explosive substances and related equipment referred to in sub-paragraph (c), if it is intended solely for any of the purposes, and subject to the proviso referred to in that sub-paragraph.”.

#### 4 Article 12 substituted

For Article 12 of the Principal Order there is substituted the following Article –

##### “12 Information

Schedule 2 has effect in order to facilitate the obtaining, by or on behalf of the Minister, of information for any purpose in connection with the Council Regulation.”.

#### 5 Article 13 amended

In Article 13(5) of the Principal Order, for the words “Annex IV”, there are substituted the words “Annex III”.

#### 6 Article 14 amended

In Article 14 of the Principal Order –

- (a) in paragraph (1) –
  - (i) in sub-paragraph (b), for the words “Article 12” there are substituted the words “Schedule 2”, and
  - (ii) in sub-paragraph (c), for the words “or 12” there are substituted the words “or Schedule 2”;
- (b) for paragraph (2), there is substituted the following paragraph –

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“(2) A person is guilty of an offence, and liable to imprisonment for a term of 3 months and to a fine, if that person contravenes paragraph 1(2) of Schedule 2.”.

**7 Schedule 2 added**

After Schedule 1 of the Principal Order, there is added the Schedule set out in the Schedule to this Order.

**8 Citation and commencement**

This Order may be cited as the Community Provisions (Restrictive Measures – Guinea) (Amendment No. 2) (Jersey) Order 2013 and shall come into force on the day after the day on which it is made.

*Signed*.....

*Date*.....

*for and on behalf of*

*Chief Minister*

**SCHEDULE**

(Article 6)

**SCHEDULE 2 ADDED****“SCHEDULE 2**

(Article 12)

**INFORMATION****1 Disclosure of information**

- (1) The Minister (or any person authorized by the Minister for that purpose either generally or in a particular case) may request a person in or resident in Jersey to –
  - (a) furnish to the Minister information; or
  - (b) produce to the Minister a document,  
in the person’s possession or control, that the Minister may require for the purpose of ensuring compliance with the Council Regulation.
- (2) A person shall, within the time and manner specified in the request (or, if no time has been so specified, within a reasonable time), comply with a request made pursuant to sub-paragraph (1) unless the person has a reasonable excuse not to do so.
- (3) Nothing in this paragraph requires a person who has acted as legal adviser for a person to disclose a privileged communication made to the person in that capacity.
- (4) If a person is convicted by a court of an offence under this Order of failing to furnish information or to produce a document, the court may make an order requiring the person, within such period as may be specified in the order, to furnish the information or produce the document.
- (5) The power conferred by this paragraph to request a person to produce a document includes the power to take copies of or extracts from a document so produced and to request the person or, if the person is a body corporate, any other person who is a present or past officer of, or is employed by, the body corporate, to provide an explanation of any such document.

**2 Restrictions on disclosure**

- (1) Information furnished or a document produced (including any copy or extract made of a document produced) by a person in pursuance of a request made under this Schedule must not be disclosed except –

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- (a) subject to sub-paragraph (2), with the consent of the person by whom the information was furnished or the document was produced;
  - (b) to a person who would have been empowered under this Schedule to request that it be furnished or produced or a person holding or acting in an office under or in the service of the States;
  - (c) on the authority of the Minister, to the European Commission or to any of the competent authorities of the Member States, being the competent authorities listed in the Council Regulation, for any purpose in connection with that Council Regulation;
  - (d) on the authority of the Minister, to the Jersey Financial Services Commission, for the purpose of any of its functions, where the Minister believes that the exercise of such a function may assist in achieving compliance with the Council Regulation; or
  - (e) with a view to the institution of, or otherwise for the purposes of, proceedings for an offence under this Order.
- (2) A person who has obtained information or is in possession of a document only in the person's capacity as a servant or agent of another person may not give consent for the purposes of sub-paragraph (1)(a) but such consent may instead be given by a person who is entitled to that information or to possession of that document in the person's own right."

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<sup>1</sup><http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32009R1284:EN:NOT>