

## **JERSEY LAW 30/1972**

### **EUROPEAN COMMUNITIES (JERSEY) LAW, 1972.**

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**A LAW** to make provision for the implementation of the arrangements for the Island in connexion with the European Communities, sanctioned by Order of Her Majesty in Council of the

**20th day of DECEMBER, 1972.**

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*(Registered on the 12th day of January, 1973).*

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### **STATES OF JERSEY.**

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The 14th day of November, 1972.

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

#### **ARTICLE 1**

#### **INTERPRETATION**

(1) In this Law, unless the context otherwise requires -

“the Committee” means the Finance and Economics Committee;

“the Communities” means the European Economic Community, the European Coal and Steel Community and the European Atomic Energy Community;

“member”, in the expression “member State”, refers to membership of the Communities;

“prescribe” means prescribe by order;

“the Treaties” or “the Community Treaties” means, subject to the provisions of paragraph (2) of this Article, the pre-accession treaties, that is to say, those described in the First Schedule to this Law, taken with -

(a) the treaty relating to the accession of the United Kingdom to the European Economic Community and to the European Atomic Energy Community, signed at Brussels on the 22nd January, 1972; and

(b) the decision, of the same date, of the Council of the European Communities relating to the accession of the United Kingdom to the European Coal and Steel Community;

and any other treaty entered into by any of the Communities, with or without any of the member States, or entered into, as a treaty ancillary to any of the Treaties, by the United Kingdom.

(2) Where Her Majesty by Order in Council made in accordance with the provisions of subsection (3) of section 1 of the European Communities Act, 1972 (of the United Kingdom) declares that a treaty specified in the Order is to be regarded as one of the Community Treaties as defined in that Act, the Order shall be conclusive that it is to be regarded as one of the Community Treaties as herein defined; but a Treaty entered into by the United Kingdom after 22nd January, 1972, other than a preaccession Treaty to which the United Kingdom accedes on terms settled on or before that date, shall not be regarded as one of the Community Treaties as herein defined unless it is so specified.

(3) For the purposes of paragraphs (1) and (2) of this Article, the expression “treaty” includes any international agreement, and any protocol or annex to a treaty or international agreement.

(4) References in this Law to any enactment shall be construed as including references to that enactment as amended and as extended or applied by or under any other enactment and as including references to any enactment repealing and re-enacting that enactment with or without further amendment.

(5) The Subordinate Legislation (Jersey) Law, 1960,<sup>1</sup> shall apply to orders made under this Law.

## **ARTICLE 2**

### **CUSTOMS DUTIES**

(1) So long as Articles 3 and 3A of the Import Duties (Jersey) Law, 1932<sup>2</sup> remain in force, that Law shall have effect subject to the following modifications -

(a) the power under paragraph (1) of the said Article 3 to charge duties shall include power to charge duties with a view to securing compliance with any obligation necessary to implement the arrangements for the Island set out in the Treaties;

(b) any order made under the said Article 3 may, in relation to goods of the same description, make different provision by reference to the use to be made of the goods or to other matters not ascertainable from an examination of the goods;

(c) the powers exercisable by virtue of the said Article 3A in relation to goods qualifying for Commonwealth preference, shall include power to distinguish in any respect between different parts of the Commonwealth preference area;

(d) the powers exercisable by virtue of Article 21 of the Customs and Excise (General Provisions) (Jersey) Law, 1972,<sup>3</sup> shall, as regards relief provided for by or under the Treaties or for conformity with any obligation necessary to implement the arrangements for the Island set out in the Treaties extend to any customs duties or impôts duties.

(2) As regards reliefs from import duties, the States may by Regulations make such further provision as appears to them to be expedient having regard to the practices adopted or to be adopted in member States of the Community whether by Law or administrative action and whether or not for conformity with any obligation necessary to implement the arrangements for the Island set out in the Treaties and any such Regulations may amend or repeal accordingly any of the provisions of the Laws relating to customs or impôts.

(3) For the purpose of implementing the arrangements for the Island set out in the Treaties, the Agent of the Impôts shall co-operate with other customs services on matters of mutual concern and may for that purpose –

(a) give effect in accordance with arrangements as he may direct, to any Community requirement or practice as to the movement of goods between countries including any rules requiring payment to be made in connexion with the exportation of goods to compensate for any relief from customs duty allowed or to be allowed and may recover any such payment as if it were an amount of customs duty unpaid;

(b) give effect to any reciprocal arrangements made between member States (with or without other countries or territories) for securing, by the exchange of information or otherwise, the due administration of their customs Laws and the prevention or detection of fraud or evasion.

(4) Where on the exportation of any goods from the Bailiwick there has been furnished for the purpose of any Community requirement or practice any certificate or other evidence as to the origin of those goods, or as to payments made or relief from duty allowed in any country or territory, then for the purpose of verifying or investigating that certificate or evidence, the Agent of the Impôts or any officer of the Impôts may require the exporter, or any other person appearing to the said Agent or officer to have been concerned in any way with the goods, or with any goods from which, directly or indirectly, they have been produced or manufactured, or to have been concerned with the obtaining or furnishing of the certificates or evidence –

(a) to furnish such information, in such form and within such time, as the said Agent or officer may specify in the requirement; or

(b) to produce for inspection, and to allow the taking of copies or extracts from, such invoices, bills of lading, books or documents as may be so specified;

and any person who, without reasonable cause, fails to comply with a requirement under this Article shall be liable to a fine of fifty pounds.

(5) Paragraphs (3) and (4) of this Article shall have effect as if contained in the Customs and Excise (General Provisions) (Jersey) Law, 1972.<sup>4</sup>

### **ARTICLE 3**

## **NON DISCRIMINATION**

(1) At the end of sub-paragraph (b) of paragraph (2) of Article 3 of the “Loi (1937) sur les Etrangers”,<sup>5</sup> there shall be inserted the following proviso –

“Provided that this sub-paragraph shall not apply in the case of a national of a Member State of the European Economic Community.”.

(2) At the beginning of paragraph (1) of Article 4 and of paragraph (1) of Article 5 of the said Law<sup>6</sup> there shall be inserted the following words –

“Subject to the provisions of Article 5A of this Law”.

(3) After Article 5 of the said Law<sup>6</sup> there shall be inserted the following Article –

### **“ARTICLE 5A**

Nothing in Article 4 or Article 5 of this Law shall apply to a national of a Member State of the European Economic Community.”.

## **ARTICLE 4**

## **MISCELLANEOUS AMENDMENTS AND REPEALS**

(1) The enactments set out in Column 1 of Part I of the Second Schedule to this Law shall be amended to the extent set out in Column 2 of that Part.

(2) The provisions of the Import Duties (Jersey) Law, 1932, set out in Part II of the Second Schedule to this Law are hereby repealed.

(3) The States may by Act declare that any enactment specified in Column 1 of Part III of the Second Schedule to this Law is repealed to the extent specified in Column 2 of that Part with effect from such date as shall be specified in the Act.

(4) Any such Act may specify different dates for the repeal of different provisions to take effect or for the repeal of the same provision to take effect for different purposes and any Act specifying a date for repeal to take effect may include transitional and other supplementary provisions arising out of that repeal including provisions adapting the operation of other enactments included for repeal but not yet repealed by that Part of that Schedule and may amend or revoke any such provisions included in a previous Act.

## **ARTICLE 5**

## **SHORT TITLE AND COMMENCEMENT**

This Law may be cited as the European Communities (Jersey) Law, 1972 and shall come into force on the first day of January, 1973.

## *SCHEDULES*

### *FIRST SCHEDULE*

#### **DEFINITIONS RELATING TO COMMUNITIES**

##### THE PRE-ACCESSION TREATIES

1. The “E.C.S.C. Treaty”, that is to say, the Treaty establishing the European Coal and Steel Community, signed at Paris on the 18th April, 1951.
2. The “E.E.C. Treaty”, that is to say, the Treaty establishing the European Economic Community, signed at Rome on the 25th March, 1957.
3. The “Euratom Treaty”, that is to say, the Treaty establishing the European Atomic Energy Community, signed at Rome on the 25th March, 1957.
4. The Convention on certain Institutions common to the European Communities, signed at Rome on the 25th March, 1957.
5. The Treaty establishing a single Council and a single Commission of the European Communities, signed at Brussels on the 8th April, 1965.
6. The Treaty amending certain Budgetary Provisions of the Treaties establishing the European Communities and of the Treaty establishing a single Council and a single Commission of the European Communities, signed at Luxembourg on the 22nd April, 1970.
7. Any treaty entered into before the 22nd January, 1972, by any of the Communities (with or without any of the member States) or, as a treaty ancillary to any treaty included in this Part of this Schedule, by the member States (with or without any other country).

### *SECOND SCHEDULE*

#### **(Article 4)**

##### *PART I*

##### *AMENDMENTS*

*Column 1.*      *Column 2.*

*Short title.*    *Extent of amendment.*

Import Duties (Jersey) Law, 1932.<sup>7</sup> In Articles 3, 6 and 11 for the word “Council” wherever that word occurs there shall be substituted the words “Finance and Economics Committee”.

In paragraph (4) of Article 3 for the words “States Printer” there shall be substituted the words “States Greffe”.

In paragraph (6) of Article 3 the words “by the Bailiff, or other President of

the Council,” shall be deleted.

After paragraph (6) of Article 3 there shall be added the following paragraph

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“(7) The duties charged in accordance with paragraph (1) of this Article shall be deemed for the purposes of any enactment to be duties of customs and the Customs and Excise (General Provisions) (Jersey) Law, 1972 shall apply accordingly.”

In sub-paragraph (c) of Article 6 after the word “drawback” there shall be inserted the words “or other relief”.

In Article 7 after the word “drawback” wherever that word occurs there shall be inserted the words “or other relief”.

Post Office In paragraph (2) of Article 15 for the words “The Committee” there shall be  
(Jersey) Law, substituted the words “The Finance and Economics Committee”.  
1969.<sup>8</sup>

## *PART II*

### *PROVISIONS OF IMPORT DUTIES (JERSEY) LAW, 1932,<sup>9</sup> WHICH ARE REPEALED*

Articles 1, 2, 9 and 12 to 51 inclusive and Schedule.

## *PART III*

### *ENACTMENTS WHICH MAY BE REPEALED BY ACTS OF THE STATES*

#### *Column 1.*

#### *Short title.*

European Free Trade Association Law, 1960.<sup>10</sup>

Import Duties (Jersey) Law, 1932.<sup>11</sup>

#### *Column 2.*

#### *Extent of repeal.*

The whole Law. (Jersey)

Articles 3, 3A, 4, 5, 6, 7, 8, 11, 52 and 53.

**R.S. GRAY,**

*Deputy Greffier of the States.*

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<sup>1</sup> Tome 1957–1960, page 519.

<sup>2</sup> Tome 1957–1960, pages 482 and 483, Tome 1961–1962, page 456 and R and O 5575.

<sup>3</sup> Page 467 of this Volume.

<sup>4</sup> Page 451 of this Volume.

<sup>5</sup> Tome 1937–1938, page 71.

<sup>6</sup> Tome 1937–1938, page 72.

- [7](#) Tome VII, pages 152 and 153 and Tome 1957–1960, pages 482 and 486.
- [8](#) Tome 1968–1969, page 448.
- [9](#) Tome VII, pages 149, 155 and 156 to 174, Tome 1937–1938, pages 124 to 131, Tome 1951–1953, page 73 and Tome 1957–1960, pages 481, 487, 489 and 490.
- [10](#) Tome 1957–1960, page 473 and R & O's 4261, 4274, 5035 and 5463.
- [11](#) Tome VII, pages 151, 152, 153, 175 and 176, Tome 1957–1960, pages 482, 483 and 485, Tome 1961–1962, page 456 and R & O 5575.