



Jersey

CHARITIES (TRIBUNAL – RESTRICTED SECTION OF REGISTER) (JERSEY) REGULATIONS 2018

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CHARITIES (TRIBUNAL – RESTRICTED SECTION OF REGISTER) (JERSEY) REGULATIONS 2018

Made

6th March 2018

Coming into force

1st May 2018

THE STATES, in pursuance of Article 39 of, and paragraph 4(3) of Schedule 2 to, the Charities (Jersey) Law 2014¹, have made the following Regulations –

1 Appeal relating to registration in restricted section

- (1) This Regulation applies to an appeal, under Article 33 of the Charities (Jersey) Law 2014² (the “Law”), if a relevant entity –
 - (a) makes the appeal; or
 - (b) is the subject of the appeal.
- (2) For the purpose of this Regulation –
 - (a) a relevant entity is –
 - (i) an entity that is applying for registration as a charity, and has requested, under Article 9(2) of the Law, entry in the restricted section of the register, or
 - (ii) a charity entered in the restricted section of the register; and
 - (b) a relevant entity is the subject of an appeal if –
 - (i) the appeal is under Article 33(3) of the Law, by a governor of the relevant entity acting in that capacity,
 - (ii) the appeal is under Article 33(4) of the Law against a decision that relates to the relevant entity, or
 - (iii) the appeal is under Article 33(5) of the Law against a decision to register the relevant entity.
- (3) If the tribunal holds a hearing on the appeal, it must not do so in public.
- (4) The tribunal must otherwise conduct the appeal in such a manner as the tribunal considers reasonably likely to secure that no information about the relevant entity will be disclosed, subject to paragraph (5), as a result of the appeal.
- (5) Paragraph (4) does not apply –
 - (a) to a disclosure by or with the consent of the relevant entity;

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- (b) to a disclosure to the relevant entity, the Commissioner, the tribunal, or any person acting on behalf of any of those persons;
 - (c) to a disclosure by the tribunal, after giving the relevant entity an opportunity to make submissions, of information that does not enable the public to identify, directly or indirectly, the relevant entity or any related person;
 - (d) if the relevant entity is a registered charity, to a disclosure of information that is registered in the public elements of the restricted section of the register;
 - (e) to a disclosure of information that falls within either or both of subparagraphs (b) and (c) of Article 29(2) of the Law; or
 - (f) to a disclosure under Article 30 or 31 of the Law.
- (6) For the purpose of paragraph (5)(c) a related person, in relation to a relevant entity, is –
- (a) a governor of the relevant entity;
 - (b) a person having a connection, prescribed under Article 13(9)(a) of the Law, with a governor of the relevant entity;
 - (c) a person who has made a donation to the relevant entity; or
 - (d) any other person who, in the opinion of the tribunal, has a connection to the relevant entity that is of such a nature as to justify an expectation that that person's identity will not be made public.

2 Citation and commencement

These Regulations may be cited as the Charities (Tribunal – Restricted Section of Register) (Jersey) Regulations 2018 and come into force on the coming into force of Article 33 of the Charities (Jersey) Law 2014³.

L.-M. HART

Deputy Greffier of the States

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- ¹ *chapter 15.070*
² *chapter 15.070*
³ *chapter 15.070*