



BCR LAW REPORT Q3

This report highlights key proposals introduced in the States Assembly, legislation that has been recently passed, and important decisions made by courts and tribunals in Q3.



Contents

Propositions lodged in the States Assembly	02
Royal Court Judgements of Interest	04
Articles of interest by BCR Law	05





PROPOSITIONS LODGED IN THE STATES ASSEMBLY DURING Q3

Draft Shipping (Registration) (Jersey) Amendment Regulations 202-

If adopted, these regulations will amend the Shipping (Registration) (Jersey) Regulations 2004, primarily to make further provisions about 'representative persons', in particular that:

- A representative person may not resign their position without giving sufficient notice to the Registrar

- Representative persons remain in office until the expiry of a notice of resignation or the appointment of a successor representative person (whichever is the later)
- A representative person will hold and be required to produce to the Registrar within seven days of being requested to do so, information of the kind required to be held by financial services providers under the Financial Services (Disclosure and Provision of Information) (Jersey) Law 2020 identifying the owner of a ship and where a corporate structure is involved, the ultimate beneficial owner of that ship.

These amendments are being proposed to ensure that Jersey had a robust policy in relation to representative persons.

A full copy of the draft regulations can be found [here](#).

Draft Patents Law and Registered Designs Law (Jersey) Amendment Regulations 202-

If adopted, these regulations seek to extent modern intellectual property treaties to Jersey.

Currently, the Patents (Jersey) Law 1957 and the Registered Designs (Jersey) Law 1957 provide for the re-registration of intellectual property rights first registered in the UK. This secondary registration can only remain in force so long as the right remains in force in the UK.

The regulations, if adopted will provide that if a patent or a design right, derived from a Patent Cooperation Treaty (the PCT) or the Geneva Act (1999) of the Hague Agreement Concerning the International Registration of Industrial Designs (the Hague Agreement) is granted in the UK, it will automatically also provide protection in Jersey, dispensing with the need for the right holder to register it locally in Jersey.

The extension of the PCT and Hague Agreement will permit Jersey residents and businesses to seek protection of their intellectual property in a large number of countries by filing a single 'international' application.

A full copy of the draft regulations can be found [here](#).

Draft Financial Services (Disclosure and Provision of Information) (Jersey) Amendment Law 202-

If adopted, this law will amend the Financial Services (Disclosure and Provision of Information) (Jersey) Law 2020 to permit businesses who are obliged to perform customer due diligence under the Money Laundering (Jersey) Order 2008 to access beneficial ownership information held by the Jersey Financial Services Commission.

This will be a welcomed addition, not only to the industry, but also ultimately to clients who engage these businesses who on many occasions have to provide the same information to multiple providers.

A full copy of the draft regulations can be found [here](#).



ROYAL COURT JUDGMENTS OF INTEREST ISSUED DURING Q3

Representation of Frost [2024] JRC 166

KEY WORDS: Presumption of Death; Probate

A unique case considering the principles to be considered when the Court is invited to make a declaration of death.

The Court held that it is empowered whether as a matter of Customary Law or pursuant to the Probate (Jersey) Law 1998 to make such a declaration and extend this across the entirety of the estate of the person who is the subject of the application.

[LINK TO FULL JUDGEMENT](#)

[OUR ANALYSIS REPORT](#)



Representation of Dominion Firduciary Trust Limited re the E Trust [2024] JRC 168

KEY WORDS: Trusts; Mistake; Tax; Inheritance Tax

A recent judgment concerning the Court's powers under Article 47E of the Trusts (Jersey) Law 1984. The principles that the Court applies when hearing these applications is well established, however this judgment emphasises the importance of ensuring that all relevant evidence is presented to the Court at the outset.

[LINK TO FULL JUDGEMENT](#)

[OUR ANALYSIS REPORT](#)

ARTICLES OF INTEREST

UK Supreme Court Rules on 'Fire and Rehire'

The UK Supreme Court has ruled against the controversial 'fire and rehire' approach, where employers dismiss employees and offer to rehire them on new terms without certain contractual benefits. In this case, Tesco attempted to remove a permanent pay benefit for relocated staff by firing and rehiring them. The Court unanimously ruled that employers cannot terminate contracts just to strip away these benefits, preserving employee rights.

This ruling, although not binding in Jersey, is likely to influence similar cases due to close ties in employment law.

[OUR ARTICLE](#)



Disney's Bizarre defence in wrongful death litigation

A visit to Disney turned tragic when Dr. Tangsuan suffered a fatal allergic reaction to a meal she ate at Disney. Her family has brought a claim against Disney.

In a surprising move, Disney attempted to shift the case to arbitration using a clause from its Disney+ Terms & Conditions. It has since withdrawn this bold defence, but the damage to its reputation remains.

[OUR ARTICLE](#)



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ABOUT THE AUTHOR



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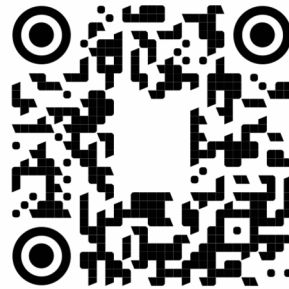
Ashley joined BCR Law in January 2019 and qualified as an Advocate with the firm in 2023.

Ashley specialises in Business Law, including matters relating to Employment Law, dealing with a broad range of both contentious and non-contentious matters focused on serving the local business community.

Ashley's particular areas of expertise include Construction, where he has a background of industry experience, employment, where he has significant experience in advising both employers and employees, and trust matters.

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