

The questions Jersey needs to answer

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Jersey's made its excuses. Now it needs to provide answers to questions about what has been happening at Lloyds in the island. I suggest those questions are:

- 1) Why did Lloyds create the Hong Kong payment structure for a Jersey based fund described in the recent Panorama programme?
- 2) If Lloyds did create it to, as suggested by the salesman who was filmed, get round the European Union Savings Tax Directive why did it do that?
- 3) What is the purpose of the European Union Savings Tax Directive if not to stop tax evasion — which is what the EU says its purpose is?
- 4) If a structure is designed to help customers avoid the requirements of the European Union Savings Tax Directive isn't it entirely foreseeable as a consequence that some might use that opportunity to evade their obligation to pay tax?
- 5) If Lloyds did create this structure at some obvious expense why shouldn't it ask its salespeople to promote its availability, and the attractions of using it? Was the salesman therefore an exception — or was he just doing his job?
- 6) If the salesman was just doing his job isn't this evidence of systemic abuse?
- 7) Could a payment structure of the sort described in the programme be set up by a relatively junior employee?
- 8_) If a junior employee could not set up this structure who could?
- 9) Will the JFSC review look at the authorisation of this structure? If not, why not?
- 10) Is it a requirement under Jersey's anti-money laundering regulations to report suspected tax evasion wherever and whenever it arises, and whether with regard to taxes due in Jersey or elsewhere?

11) If a customer seeks to avoid application of the European Union Savings Tax Directive isn't it at least plausible to assume one reason for doing so might be that they are evading tax?

12) If it is plausible that a customer refusing to exchange information with their domestic tax authority under the European Union Savings Tax Directive might be tax evading shouldn't an anti-money laundering suspicious transaction report be submitted in each and every such case?

13) If a bank promotes a scheme that makes it easier to evade tax should it be reported as facilitating a money laundering transaction?

Those in Guernsey also have questions to answer:

14) Why would Northern Rock only operate a bank account for a shell corporation and not for a real trading entity?

15) Is it ethical to point out to someone asking if he might tax evade the availability of shell corporations for this purpose?

Many from Jersey and Guernsey like to comment on this site.

Now answer these questions — all of them.