

Island of



Guernsey

Ordinance of the States

XXXIV
2010

Made28th July, 2010

Coming into Operation28th July, 2010

The Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) (Amendment) (No. 2) Ordinance, 2010

The Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) (Amendment) (No. 2) Ordinance, 2010

THE STATES, in pursuance of their Resolution of the 28th July 2010^a, and in exercise of the powers conferred on them by sections 35 and 53A of the Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) Law, 1999^b and all other powers enabling them in that behalf, hereby order:-

Amendment of the Law.

1. (1) The Law is amended in accordance with the following subsections.

(2) In section 2(3) for "(whether before or after the commencement of this Law) obtained property", substitute "(whether before or after the commencement of this Law and whether directly or indirectly) acquired or obtained property (including, for the avoidance of doubt, any interest, dividend or other form of income or accrued value deriving directly, or indirectly, from that property)".

(3) Immediately after section 35, insert the following section -

^a Article V of Billet d'État No. XVII of 2010.

^b Ordres en Conseil Vol. XXXIX, p. 137; amended by Order in Council No. II of 2005 and No. XV of 2007; Recueil d'Ordonnances Tome XXVIII, p. 266; Tome XXIX, pp. 112 and 406; Tome XXXII, p. 666; Ordinance No. XXXVII of 2008 and the Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) (Amendment) Ordinance, 2010; G.S.I. No. 27 of 2002; G.S.I. No. 33 of 2007, G.S.I. No. 48 of 2008 and G.S.I. No. 12 of 2010 and certain sections of the Law are modified in their application to external confiscation orders by Recueil d'Ordonnances Tome XXVIII, p. 274.

"Designation of all countries on 28th July 2010.

35A. (1) With effect on and from the 28th July, 2010 any country which is not already a designated country under section 35(1) (including any country which comes into existence after that date) is designated for the purposes of this Law and any Ordinance or subordinate legislation made under this Law.

(2) Without prejudice to the generality of subsection (1), a country which is designated under that subsection is a designated country for the purposes of the Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) (Enforcement of Overseas Confiscation Orders) Ordinance, 1999."

(4) In section 41 of the Law -

(a) for subsections (1)(b), (2)(b) and (3)(b), substitute -

"(b) he discloses to any other person information or any other matter about, or relating to, that knowledge or suspicion."

(b) immediately after subsection (3), insert the following subsections -

"(3A) Nothing in subsections (1) to (3) makes it an offence for any person to disclose any information or other matter if the disclosure is for any of the purposes set out in subsection (3B).

(3B) The purposes are -

- (a) the prevention, detection, investigation or prosecution of criminal offences, whether in the Bailiwick or elsewhere,
 - (b) the prevention, detection or investigation of conduct for which penalties other than criminal penalties are provided under the law of any part of the Bailiwick or of any country outside the Bailiwick,
 - (c) the carrying out -
 - (i) by the Commission, or
 - (ii) by a body in another country which carries out any similar function to the Commission,of its functions,
 - (d) the carrying out of any functions of any intelligence service, or
 - (e) the carrying out of any function which appears to the Home Department to be a function of a public nature and which it designates as such by order.", and
- (c) subsection (6) is repealed.

(5) In section 51(1) of the Law immediately after the definition of "**Home Department**", insert the following definition -

""**intelligence service**" has the same meaning as in section 67 of the Regulation of Investigatory Powers (Bailiwick of Guernsey) Law, 2003,".

(6) In section 52 of the Law immediately after the entry relating to ""**instituted**"" , insert ""**intelligence service**" (section 51(1)),".

Interpretation.

2. (1) In this Ordinance, "**the Law**" means the Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) Law, 1999.

(2) Any reference in this Ordinance to an enactment is a reference thereto as from time to time amended, re-enacted (with or without modification), extended or applied.

Extent.

3. This Ordinance has effect throughout the Bailiwick of Guernsey.

Citation.

4. This Ordinance may be cited as the Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) (Amendment) (No. 2) Ordinance, 2010.

Commencement.

5. This Ordinance shall come into force on the 28th July 2010.

K.H. TOUGH,
Her Majesty's Greffier.

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