



GUERNSEY STATUTORY INSTRUMENT

2016 No. **45**

**The Criminal Justice (Proceeds of Crime) (Bailiwick of  
Guernsey) Law, 1999 (Amendment of Schedule 2)  
Regulations, 2016**

<i>Made</i>	<i>27<sup>th</sup> September, 2016</i>
<i>Coming into operation</i>	<i>1<sup>st</sup> October, 2016</i>
<i>Laid before the States</i>	<i>, 2016</i>

**THE POLICY & RESOURCES COMMITTEE**, in exercise of the powers conferred upon it by sections 49A and 54 of the Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) Law, 1999<sup>a</sup> and of all other powers enabling it in that behalf, hereby makes the following Regulations:-

**Amendment of Schedule 2 to the Law of 1999.**

1. In Schedule 2 to the Law of 1999,
  - (a) in paragraph 5(d), for "the creation, operation, management or administration" substitute "the creation, operation or management", and

<sup>a</sup> Ordres en Conseil Vol. XXXIX, p. 137; 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; No. XVI of 2010; No. XXXIV of 2010; No. XVII of 2014 and No. IX of 2016; G.S.I. No. 27 of 2002; No. 33 of 2007; Nos. 48 and 73 of 2008; No. 12 of 2010 and No. 14 of 2013 and certain sections of the Law are modified in their application to external confiscation orders by Recueil d'Ordonnances Tome XXVIII, p. 274.

- (b) in paragraph 5(e), for "the creation, operation, management or administration" substitute "the creation, operation or management".

**Interpretation.**

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

(2) The Interpretation (Guernsey) Law, 1948<sup>b</sup> applies to the interpretation of these Regulations throughout the Bailiwick.

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

**Citation.**

3. These Regulations may be cited as the Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) Law, 1999 (Amendment of Schedule 2) Regulations, 2016.

**Commencement.**

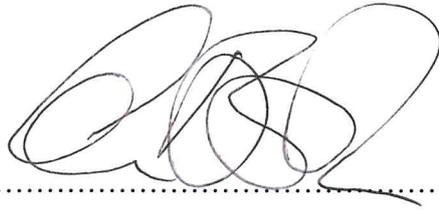
4. These Regulations shall come into force on the 1<sup>st</sup> October, 2016.

Dated this 27<sup>th</sup> day of September, 2016

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<sup>b</sup>

Ordres en Conseil Vol. XIII, p. 355.



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DEPUTY GAVIN ST PIER

President of the Policy & Resources Committee

For and on behalf of the Committee

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EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend Schedule 2 to the Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) Law, 1999.

In particular, they amend paragraph 5 of Schedule 2 to the 1999 Law (which prescribes the legal services which constitute relevant business for the purposes of the Law) by removing the references to the administration of companies, other legal persons or legal arrangements. The amendments are made to ensure that routine administration work such as preparing board minutes, reviewing company books or making amendments to existing documents when it is carried out by lawyers who are not acting as trust and company service providers is not caught by measures to address money laundering or terrorist financing. International standards do not require such measures to apply to lawyers in these circumstances, which is also not covered by corresponding legal frameworks in similar jurisdictions such as the United Kingdom, Jersey and the Isle of Man.

These Regulations come into force on the 1<sup>st</sup> October, 2016.