



GUERNSEY STATUTORY INSTRUMENT

2019 No. 80

**The Terrorism and Crime (Bailiwick of Guernsey)  
(Information) Regulations, 2019**

<i>Made</i>	22 <sup>nd</sup> July, 2019
<i>Coming into operation</i>	22 <sup>nd</sup> July, 2019
<i>Laid before the States</i>	, 2019

THE COMMITTEE FOR HOME AFFAIRS, in exercise of the powers conferred on it by sections 15D and 82 of the Terrorism and Crime (Bailiwick of Guernsey) Law, 2002<sup>a</sup> and all other powers enabling it in that behalf, hereby makes the following Regulations:-

**Application.**

1. (1) These regulations apply where the Financial Intelligence Service has –

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<sup>a</sup> Order in Council No. XVI of 2002; amended by Order in Council No. XIII of 2006; No. XIII of 2010; No. XI of 2011 and No. XIV of 2012; Ordinance No. I of 2000; Ordinance No. XXXIII of 2003; No. VII of 2005; No. XLVI of 2007; Nos. XIII, XX and XXXVI of 2010; Nos. XXIX and LIV of 2014 and No. IX of 2016; G.S.I. No. 16 of 2003; G.S.I. No. 41 of 2005; and G.S.I. No. 5 of 2017.

- (a) received a report within section 15D of the 2002 Law,  
and
- (b) reasonably believes that –
  - (i) a person ("**the relevant person**") possesses  
information relating to that report, and
  - (ii) the information is necessary or expedient for  
the proper discharge by the Financial  
Intelligence Service of its functions.

(2) For the avoidance of doubt and without limitation, information relates to a report if it is required in order to provide a response to a request for information included in that report, including where it is required to establish whether that response should be negative, and irrespective of whether or not a previous request has been made under these regulations or otherwise for information that relates to that report.

(3) A response is negative for the purposes of paragraph (2) if it specifies that -

- (a) particular facts or circumstances referred to in a  
report do not exist , or
- (b) information requested in a report is not available  
within the Bailiwick.

**Provision of information.**

2. A prescribed police officer may, by notice in writing served upon the relevant person, require the relevant person to provide that officer (or any other specified police officer) with such information as may be specified –

- (a) within such period which, subject to regulation 4, shall not be less than 7 days, and
- (b) in such form and manner,

as may be specified.

3. A prescribed police officer may by written notice extend the period specified under regulation 2 for such period of time as that officer may specify in writing.

4. Where a relevant officer is satisfied that the provision of information is reasonably required as a matter of urgency the relevant officer may, for the purposes of regulation 2 -

- (a) specify, or
- (b) authorise any prescribed police officer to specify,

such reasonable period of less than 7 days within which the information must be provided, as the relevant officer thinks fit.

**Offence of failure to provide information.**

5. (1) Subject to regulation 6, a person who fails to provide

information which that person is required to provide under a notice given under regulation 2 –

- (a) within the period specified, and
- (b) in the form and manner specified,

is guilty of an offence.

- (2) A person guilty of an offence under paragraph (1) is liable –
  - (a) on summary conviction, to imprisonment for a term not exceeding 6 months or to a fine not exceeding level 5 on the uniform scale or to both, or
  - (b) on conviction or indictment, to imprisonment for a term not exceeding five years or to a fine or to both.

**Defence.**

- 6. (1) A person does not commit an offence under regulation 5 if –
  - (a) that person has a reasonable excuse for not providing the information, or
  - (b) that person is a professional legal adviser and the information came to that person in privileged circumstances.
- (2) Information comes to a professional legal adviser in privileged

circumstances if it is communicated or given to that adviser -

- (a) by (or by a representative of) a client of the adviser in connection with the giving by the adviser of legal advice to the client,
- (b) by (or by a representative of) a person seeking legal advice from the adviser, or
- (c) by a person in connection with legal proceedings or contemplated legal proceedings.

(3) But paragraph (2) does not apply to information which is communicated or given with a view to furthering a criminal purpose.

**Interpretation.**

7. In these Regulations, unless the context requires otherwise,

"**2002 Law**" means the Terrorism and Crime (Bailiwick of Guernsey) Law, 2002,

"**relevant officer**" has the same meaning as it has for the purposes of regulation 2(3) of the Terrorism and Crime (Bailiwick of Guernsey) Regulations, 2007<sup>b</sup>,

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<sup>b</sup> G.S.I. No. 36 of 2007; as amended by G.S.I. No. 27 of 2008; No. 49 of 2010; No. 24 of 2011; and No. 51 of 2014.

"**specified**" means specified in writing, and related expressions shall be construed accordingly,

and other expressions have the same meanings as in the 2002 Law.

**Citation and commencement.**

8. These Regulations may be cited as the Terrorism and Crime (Bailiwick of Guernsey) (Information) Regulations, 2019, and shall come into force on the day on which they are made.

Dated this 22<sup>nd</sup> day of July, 2019

A handwritten signature in cursive script that reads "Mary Lowe". The signature is written in dark ink and has a horizontal line drawn underneath it.

M. M. LOWE

President of the States Committee for Home Affairs

For and on behalf of the Committee

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EXPLANATORY NOTE

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

These Regulations govern the obtaining of information by the Financial Intelligence Service where a report has been made by a party listed in section 15D of the Terrorism and Crime (Bailiwick of Guernsey) Law, 2002 and as a result, the Financial Intelligence Service reasonably believes that a person within the Bailiwick possesses

or controls information which is necessary or expedient for the proper discharge by the Financial Intelligence Service of its functions.

Where the Regulations apply, a prescribed police officer, by notice in writing served upon the relevant person, may require that person to provide the officer (or any other specified police officer) with such information relating to the report as may be specified in writing within such period which, in usual circumstances shall not be less than 7 days, and in such form and manner, as may be specified.

These Regulations come into force on the day on which they are made.

