

PROJET DE LOI

ENTITLED

The Economic and Financial Crime Bureau and Financial Intelligence Unit (Bailiwick of Guernsey) Law, 2022 *

[CONSOLIDATED TEXT]

NOTE

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* No. XII of 2022; as amended by the: Forfeiture of Assets in Civil Proceedings (Bailiwick of Guernsey) Law, 2023 (No. VI of 2023); Economic and Financial Crime Bureau and Financial Intelligence Unit (Amendment) Regulations, 2022 (G.S.I. No. 76 of 2022); Economic and Financial Crime Bureau and Financial Intelligence Unit (Bailiwick of Guernsey) Law, 2022 (Amendment) Regulations, 2024 (G.S.I. No. ** of 2024).

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The Economic and Financial Crime Bureau and Financial Intelligence Unit (Bailiwick of Guernsey) Law, 2022

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The Economic and Financial Crime Bureau and Financial Intelligence Unit (Bailiwick of Guernsey) Law, 2022

THE STATES, in pursuance of their Resolution of the 24th November, 2021^a, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Bailiwick of Guernsey.

PART I OFFICE OF THE DIRECTOR

Establishment of Office of the Director.

1. (1) There is hereby established an office to be known as the Office of the Director of the Economic and Financial Crime Bureau.

(2) The holder of that office shall be known as the Director of the Economic and Financial Crime Bureau ("**the Director**").

(3) Subject to subsection (9), the Director shall be appointed by the States Committee for Home Affairs ("**the Committee**").

(4) The Office of the Director is not a committee of the States, the States of Alderney or the Chief Pleas of Sark and, except to the extent provided otherwise in this Law or any other enactment –

(a) is not subject to any rule of law relating to committees of the States, the States of Alderney or the Chief Pleas of Sark, and

^a Article III of Billet d'État No. XXIII of 2021.

(b) does not have any of the rights or privileges vested in such committees.

(5) The Director shall, subject to the terms and conditions of his or her appointment, exercise the functions assigned or transferred to him or her under this Law or any other enactment.

(6) The Director may do anything that appears to him or her to be necessary, conducive or expedient to or for the carrying out of the Director's functions or incidental to their proper discharge.

(7) For the purposes of the Public Functions (Transfer and Performance) (Bailiwick of Guernsey) Law, 1991^b –

(a) the Office of the Director is a public office, and

(b) the Director is an office holder.

(8) The provisions of Schedule 1 have effect in respect of the Office of the Director.

(9) The appointment of the Director may be varied or terminated at any time, but without prejudice to anything done pursuant to the appointment or to the making of a new appointment.

PART II
FUNCTIONS OF THE DIRECTOR

^b Ordres en Conseil Vol. XXXIII, p. 478. This enactment has been amended.

Functions of the Director.

2. (1) The functions of the Director are –
- (a) to prevent, detect and investigate the commission of economic and financial crime (including, for the avoidance of doubt, working collaboratively with investigatory bodies in or outside the Bailiwick, whether as part of a joint investigation team or otherwise),
 - (b) to assist Her Majesty's Procureur (as and when requested by Her Majesty's Procureur) with –
 - (i) the prosecution of offences of economic and financial crime,
 - (ii) the discharge of his or her functions as central authority for mutual legal assistance, and
 - [(iii) the seizure, freezing, restraint, detention, forfeiture, confiscation, custody or preservation of the proceeds of criminal conduct or recoverable property, whether in response to a request for mutual legal assistance or otherwise,]
 - (c) to identify and trace the proceeds of criminal conduct [or recoverable property],
 - (d) to exercise the powers conferred on police officers and customs officers under the enactments set out in Part IV

and Schedule 2,

- (e) to put in place the measures required of the Director under Part III, and
- (f) to carry out such other functions as may be assigned or transferred to the Director –
 - (i) under this Law and any other enactment, and
 - (ii) by Ordinance of the States made under and for the purposes of this section.

(2) Save that the functions under subsection (1)(e) may only be exercised by the Director or a Deputy Director appointed under Schedule 1, the functions of the Director conferred under subsection (1) may be exercised by persons designated by the Director for that purpose ("**designated persons**"; and references to "**a designated person**" shall be construed accordingly).

(3) For the avoidance of doubt, designated persons exercising powers under section 2(1)(d) who are not police or customs officers shall not be treated as police or customs officers for disciplinary or other employment-related purposes.

(4) For the avoidance of doubt, the provisions of this section (including subsection (3) as it applies to members of the FIU under section 4(10)) are without prejudice to any powers of police officers and customs officers under any enactment, or customary law.

(5) The Director shall provide to the Committee annually –

- (a) a report on –
 - (i) the activities (including the effectiveness of those activities) undertaken in the preceding year by the Director and those acting on behalf of the Director to discharge the functions in subsection (1), and
 - (ii) such other matters relevant to the discharge of the Director's functions as the Director may think fit,
 - (b) a financial statement setting out details of the expenditure of the Director in the previous year in the discharge of the functions in subsection (1), and
 - (c) a copy of the annual report from the Head of the FIU for the relevant year that has been provided to the Director under section 4(7)(b)(i).
- (6) In this section –
- (a) **"proceeds of criminal conduct"** has the meaning it has for the purposes of the Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) Law, 1999^c, under and in accordance with section 4 of that Law, and
 - [(b) **"recoverable property"** is to be construed in accordance with Schedule 1 to the Forfeiture of Assets

^c Ordres en Conseil Vol. XXXIX, p. 137. This enactment has been amended.

in Civil Proceedings (Bailiwick of Guernsey) Law, 2023.]

- (7) The Committee may amend Schedule 2 by regulations.

NOTES

In section 2, first, subsection (1)(b)(iii), second, the words in square brackets in subsection (1)(c) and, third, subsection (6)(b) were substituted by the Forfeiture of Assets in Civil Proceedings (Bailiwick of Guernsey) Law, 2023, section 148, Schedule 5, respectively paragraph 1(2)(a), paragraph 1(2)(b) and paragraph 1(2)(c), with effect from 26th April, 2024.

The following Regulations have been made under section 2:

Economic and Financial Crime Bureau and Financial Intelligence Unit (Amendment) Regulations, 2022;

Economic and Financial Crime Bureau and Financial Intelligence Unit (Bailiwick of Guernsey) Law, 2022 (Amendment) Regulations, 2024.

Meaning of "economic and financial crime".

3. In this Law, "**economic and financial crime**" means –

(a) any offence committed within the Bailiwick that generates, or is intended to generate, a financial or economic benefit, resource or loss for any person, including (but not limited to) –

(i) money laundering (within the meaning of section 17 of the Disclosure (Bailiwick of Guernsey) Law, 2007^e),

(ii) terrorist financing (within the meaning of

^e Order in Council No. XVI of 2007. This enactment has been amended.

section 79 of the Terrorism and Crime (Bailiwick of Guernsey) Law, 2002^f), and

- (iii) a breach of any sanctions measure within the meaning of the Sanctions (Bailiwick of Guernsey) Law, 2018^g (including but not limited to breach of any enactment implementing a sanctions measure), and
- (b) conduct ancillary to an offence falling within paragraph (a).

PART III

THE FINANCIAL INTELLIGENCE UNIT

The Financial Intelligence Unit.

4. (1) The Director shall, in consultation with the Committee, maintain, or arrange for the maintenance of, the unit known as the Financial Intelligence Unit ("FIU") which –

- (a) comprises persons responsible for the receipt, analysis and dissemination within the Bailiwick and elsewhere, of –
 - (i) disclosures made under Part I of the Disclosure (Bailiwick of Guernsey) Law, 2007 and Part III of the Terrorism and Crime (Bailiwick of Guernsey) Law, 2002 which are more

^f Order in Council No. XVI of 2002. This enactment has been amended.

^g Order in Council No. VII of 2019. This enactment has been amended.

Consolidated text

commonly known as or referred to as suspicious transaction reports or suspicious activity reports, and

(ii) other information relevant to economic and financial crime, and

(b) is operationally independent in the discharge of its functions.

(2) Subject to subsection (4), the Director shall –

(a) appoint a person ("**the Head of the FIU**") to exercise the functions listed at subsection (7),

(b) ensure that the Head of the FIU has the necessary authority and financial, human, technical and other resources to enable the FIU to discharge its functions effectively, including, without limitation –

(i) control of an annual budget to be determined in accordance with subsections (5) and (6), and

(ii) the authority to employ senior managers and other staff members or to engage third parties to provide specific services, as necessary to meet the operational needs of the FIU, and

(c) take such other steps as the Director may think fit to ensure that the FIU remains operationally independent and autonomous.

(3) The appointment of the Head of the FIU may be varied or terminated at any time, but without prejudice to anything done pursuant to the appointment or to the making of a new appointment.

(4) The appointment of the Head of the FIU (including, for the avoidance of doubt, the variation or termination of such an appointment) shall be made in consultation with the Committee.

(5) The annual budget of the FIU shall –

- (a) include specific provision for the costs of training and travel for its members,
- (b) subject to subsection (6), be agreed between the Director and the Head of the FIU in the year preceding that to which it relates, and
- (c) not preclude the Head of the FIU from making a request to the Director or any appropriate third party for resources in addition to those in the annual budget if the Head of the FIU considers this necessary.

(6) Where –

- (a) agreement under subsection (5)(b) is not possible, or
- (b) in the event of any other disagreement about resources between the Director and the Head of the FIU,

the Director or the Head of the FIU may refer the matter to the Committee, who will

then, as the case may be, determine the budget of the FIU for the relevant year or give a direction to the Director and the Head of the FIU in relation to the disagreement about resources.

- (7) The functions of the Head of the FIU are –
 - (a) to take such steps as the Head of the FIU may think fit to ensure that the FIU –
 - (i) is staffed by persons who –
 - (A) maintain high professional standards, including standards concerning confidentiality,
 - (B) are of high integrity and appropriately skilled and trained, and
 - (C) have the appropriate security clearance levels for handling and disseminating sensitive and confidential information, and
 - (ii) discharges its functions effectively and in a way that takes into account, and is proportionate to, the risks to the Bailiwick from criminal conduct and unlawful conduct within the meaning of section 2, and is in accordance with –
 - (A) relevant international standards, and

- (B) the principles and guidance issued by the Egmont Group of Financial Intelligence Units, and
- (b) to provide to the Director and to the Committee annually –
 - (i) a report on the activities and effectiveness of the FIU in the preceding year, and on such other matters relevant to the discharge of the functions of the FIU as the Head of the FIU may think fit, and
 - (ii) a financial statement setting out details of the expenditure of the FIU in the preceding year.
- (8) For the purposes of this section –
 - (a) **"relevant international standards"** means –
 - (i) the International standards on Combating Money Laundering and the Financing of Terrorism and Proliferation issued by the Financial Action Task Force as revised or reissued from time to time,
 - (ii) the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances 1988,
 - (iii) the United Nations Convention for the

Suppression of the Financing of Terrorism
1999,

(iv) the United Nations Convention against
Transnational Organised Crime 2000, and

(v) the United Nations Convention against
Corruption 2003, and

(b) the functions of the FIU are the activities referred to in
subsection (1)(a) and such other functions as may be
assigned or transferred to the FIU under any enactment.

(9) The Committee may amend the definition of relevant
international standards in subsection (8) by regulations.

(10) Members of the FIU may exercise the powers referred to in
[section 2(1)(d)].

(11) Section 2(3) applies to members of the FIU as it applies to
designated persons.

NOTE

*In section 4, the words in square brackets in subsection (10) were substituted
by the Economic and Financial Crime Bureau and Financial Intelligence
Unit (Amendment) Regulations, 2022, section 1(2), with effect from 20th
October, 2022.*

Ringfencing.

5. (1) The Head of the FIU may not be required by the Director or
any other person to do anything in the course of his or her employment that would not

fall within the functions listed at section 4(7) or be ancillary thereto.

(2) Subject to subsection (3), the financial, technical, human and other resources of the FIU may not be used, deployed or otherwise drawn upon by the Director or any other person outside the FIU.

(3) Subsection (2) does not prevent the Head of the FIU, or any other member of the FIU with the consent of the Head of the FIU, from –

- (a) working with another domestic or international authority or organisation, or
- (b) working for another domestic or international authority or organisation on secondment.

Guidance from the Director.

6. (1) The Director may, after consulting the Head of the FIU, give to the Head of the FIU in a manner deemed appropriate by the Director guidance of a general character concerning the strategic direction of the FIU.

(2) Subsection (1) is without prejudice to –

- (a) the operational autonomy and independence of the FIU in the discharge of its functions,
- (b) the exercise by the Head of the FIU of the functions listed at section 4(7), or
- (c) the provisions of section 5.

PART IV

MISCELLANEOUS AND FINAL

Statutory references to police officers, disclosure of information and consequential amendments

References in PPACE to police officers.

7. (1) With the exception of the provisions listed in subsection (2), any reference in the Police Powers and Criminal Evidence (Bailiwick of Guernsey) Law, 2003^h to a police officer includes a reference to the Director and a designated person.

(2) The provisions referred to in subsection 1 are –

- (a) section 5,
- (b) section 31,
- (c) Part IV, and
- (d) sections 67 to 72.

(3) The Committee may by regulations amend the list of provisions at subsection (2).

References in Schedule 2 enactments to police officers etc. and disclosure of information.

8. (1) Unless the contrary intention appears, and subject to any regulations made subsection (3), any reference to a police officer in the enactments listed in Schedule 2 includes a reference to the Director and designated persons and to

^h Ordres en Conseil Vol. XLIII(2), p. 617. This enactment has been amended.

members of the FIU.

(2) Unless the contrary intention appears, and subject to any regulations made under subsection (3), any power in an enactment to disclose information to a police officer or customs officer for a specified purpose includes a power to disclose that information to the Director and designated persons and to members of the FIU for the purpose of carrying out their functions.

(3) The Committee may, by regulations, specify –

- (a) references to police officers in the enactments listed in Schedule 2, and
- (b) powers in an enactment to disclose information to a police officer or customs officer for a specified purpose,

which do not include references to the Director or designated persons or members of the FIU, or powers to disclose that information to the Director or designated persons or members off the FIU for the purpose of the carrying out by the Director of his or her functions (as the case may be).

(4) For the avoidance of doubt, subject to any power to disclose information conferred under any enactment, information obtained by the Director, designated persons and members of the FIU in the discharge of their functions shall be treated as confidential.

Consequential amendment to the Regulation of Investigatory Powers Law.

9. (1) The Regulation of Investigatory Powers (Bailiwick of

Guernsey) Law, 2003ⁱ is amended as follows.

(2) In section 6(1), after paragraph (b) insert –

"(ba) the Director of the Economic and Financial Crime Bureau,".

(3) After section 14(3)(c) insert –

"(ca) the Director of the Economic and Financial Crime Bureau and designated persons within the meaning of the Economic and Financial Crime Bureau and Financial Intelligence Unit (Bailiwick of Guernsey) Law, 2022,".

(4) In section 20(1), in the table, after row (b) insert a row (ba) with the words "the Director of the Economic and Financial Crime Bureau" in the "Designated Person" column, and the words "Economic and Financial Crime Bureau" in the "Relevant Public Authority" column.

(5) In section 26(6), at the end of paragraph (a) delete "and", at the end of paragraph (b) for "." substitute ",", and at the end insert –

"(c) the Director of the Economic and Financial Crime Bureau.".

(6) In section 29(6), at the end of paragraph (b) delete "or" and after that paragraph insert –

ⁱ Order in Council No. XXX of 2003. This enactment has been amended.

"(ba) the Director of the Economic and Financial Crime Bureau, or",

and in paragraph (c), for "(a) or (b)" substitute "(a), (b) or (c)".

(7) In section 40(4), after paragraph (b) insert –

"(ba) the Director of the Economic and Financial Crime Bureau,".

(8) In section 41(2), after paragraph (b) insert –

"(ba) the Director of the Economic and Financial Crime Bureau, or".

(9) In section 50(3)(a) and (b), in both places after "a customs officer" insert ", the Director of the Economic and Financial Crime Bureau, a designated person within the meaning of the Economic and Financial Crime Bureau and Financial Intelligence Unit (Bailiwick of Guernsey) Law, 2022,".

(10) In section 51, after paragraph (d) insert –

"(da) the Director of the Economic and Financial Crime Bureau,".

(11) In Schedule 1, after paragraph 14 insert –

"14A. The Director of the Economic and Financial Crime Bureau.".

Consequential amendment to the Data Protection Law.

10. (1) The Data Protection (Bailiwick of Guernsey) Law, 2017^j is amended as follows.

(2) In Schedule 1 (Application to the Crown, Public Committees and the Police), after paragraph 2 insert –

"2A. Application to the Director of the Economic and Financial Crime Bureau.

(1) This Law applies to the Director of the Economic and Financial Crime Bureau (in this paragraph, "**the Director**") and his or her servants.

(2) For the purposes of this Law, persons designated by the Director under and for the purpose of section 2(2) of the Economic and Financial Crime Bureau and Financial Intelligence Unit (Bailiwick of Guernsey) Law, 2022 are the Director's servants."

Consequential amendments relating to the FIU.

11. (1) Subject to subsection (2), in the provisions set out in subsection (3), the definition of the Financial Intelligence Service is deleted and replaced with the following –

""**Financial Intelligence Unit**" has the meaning given in Part III of the Economic and Financial Crime Bureau and Financial Intelligence Unit (Bailiwick of Guernsey) Law, 2022," "

(2) Subsection (1) also applies in respect of any provision set out in subsection (3) in which, on commencement of this Law, references to the Financial Intelligence Service have been amended to references to the Financial Intelligence

^j Order in Council No. VI of 2018. This enactment has been amended.

Unit, and shall be construed accordingly.

- (3) The provisions in this subsection are –
- (a) section 17 of the Disclosure (Bailiwick of Guernsey) Law, 2007,
 - (b) section 79 of the Terrorism and Crime (Bailiwick of Guernsey) Law, 2002,
 - (c) paragraph 21 of Schedule 3 to the Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) Law, 1999,
 - (d) section 51 of the Charities etc. (Guernsey and Alderney) Ordinance, 2021^k,
 - (e) section 13 of, and article 3 of the First Schedule to, the Transfer of Funds (Guernsey) Ordinance, 2017^l,
 - (f) section 13 of, and article 3 of the First Schedule to, the Transfer of Funds (Alderney) Ordinance, 2017^m,
 - (g) section 13 of, and article 3 of the First Schedule to, the Transfer of Funds (Sark) Ordinance, 2017ⁿ,

k Ordinance No. XXIV of 2021.

l No. XXVII of 2017.

m Alderney Ordinance No. III of 2017.

n Sark Ordinance No. X of 2017.

- (h) paragraph 15 of Schedule 4 to the Alderney eGambling Ordinance, 2009^o, and
- (i) regulation 7 of the Sanctions (Implementation of UK Regimes) (Bailiwick of Guernsey) (Brexit) Regulations, 2020^p.

Consequential amendment relating to the rehabilitation of offenders.

12. (1) The Rehabilitation of Offenders (Bailiwick of Guernsey) Law, 2002 (Commencement, Exclusions and Exceptions) Ordinance, 2006^q is amended as follows.

(2) In Schedule 1, Part II (Offices and Employments), after paragraph 5 insert –

"5A. The Director of the Economic and Financial Crime Bureau and the Head of the Financial Intelligence Unit within the meaning of the Economic and Financial Crime Bureau and Financial Intelligence Unit (Bailiwick of Guernsey) Law, 2022, or any employment in the Economic and Financial Crime Bureau or the Financial Intelligence Unit."

Power to make other consequential provision by Ordinance.

13. (1) The States may by Ordinance make such consequential, incidental and supplemental provision as they think fit in connection with the commencement of any provision of this Law.

^o Alderney Ordinance No. X of 2009. This enactment has been amended.

^p G.S.I. No. 162 of 2020.

^q Recueil d'Ordonnances Tome XXXI, p. 386. This enactment has been amended.

(2) Without limiting subsection (1), an Ordinance under that subsection may make any amendment to an enactment consequential upon the coming into force of any provision of this Law that the States think fit.

Final provisions

Exclusion of liability.

- 14.** (1) Subject to subsection (2), no liability shall be incurred by –
- (a) the States, the States of Alderney or the Chief Pleas of Sark, or any committee thereof,
 - (b) the Director or any person –
 - (i) to whom the Director has, under paragraph 3 of Schedule 1, delegated any function, or
 - (ii) appointed as Deputy Director under paragraph 4 of Schedule 1,
 - (c) designated persons,
 - (d) the Head of the FIU or any of its members, or
 - (e) any officer, servant or member of the States, the States of Alderney or the Chief Pleas of Sark or officer or servant of the Director,

in respect of anything done or omitted to be done after the commencement of this Law in the discharge or purported discharge of their functions, unless the thing was

done or omitted to be done in bad faith.

(2) Subsection (1) does not apply so as to prevent an award of damages in respect of the act or omission on the ground that it was unlawful under section 6(1) of the Human Rights (Bailiwick of Guernsey) Law, 2000^r.

Power to amend by Ordinance for specified purposes.

15. (1) The States may by Ordinance amend this Law where it appears to them to be necessary or expedient to do so for the purpose of –

- (a) the enabling of any person or body within the Bailiwick with functions under this Law to carry out those functions,
- (b) enhancing or protecting the reputation or economic interests of the Bailiwick or any part thereof, or
- (c) discharging any international obligation to which the Bailiwick is subject,

and to make such other provision as they think fit for the purposes of carrying this Law into effect.

General provision as to subordinate legislation.

16. (1) The Committee (and any other committee of the States) shall, before recommending the States to agree to make an Ordinance under this Law, consult the Policy and Finance Committee of the Chief Pleas of Sark and the Policy and Finance Committee of the States of Alderney in relation to the terms of the proposed Ordinance; but a failure to comply with this subsection shall not invalidate

^r Ordres en Conseil Vol. XL p. 396. This enactment has been amended.

any Ordinance so made.

(2) The Committee shall consult the Policy and Finance Committee of the States of Alderney and the Policy and Finance Committee of the Chief Pleas of Sark before making regulations under this Law; but a failure to comply with this subsection shall not invalidate any regulations so made.

(3) Regulations under this Law shall be laid before a meeting of the States as soon as possible after being made; and if at that or the next meeting the States resolve that the regulations be annulled, the regulations shall cease to have effect but without prejudice to anything done under them or to the making of new regulations.

Extent.

17. This Law extends throughout the Bailiwick.

Citation.

18. This Law may be cited as the Economic and Financial Crime Bureau and Financial Intelligence Unit (Bailiwick of Guernsey) Law, 2022.

Commencement.

19. This Law shall come into force on the day appointed by Ordinance of the States; and different dates may be appointed for different provisions and for different purposes.

NOTE

The Law was brought into force on 20th October, 2022 by the Economic and Financial Crime Bureau and Financial Intelligence Unit (Bailiwick of Guernsey) Law, 2022 (Commencement) Ordinance, 2022, section 1.

SCHEDULE 1
OFFICE OF THE DIRECTOR

Section 1(8)

Salary or fees of Director.

1. The Director shall be paid such salary or fees, emoluments and other allowances as the Committee, following consultation with the States Policy & Resources Committee, may determine.

Appointment of staff.

2. Without prejudice to the requirement to appoint a person as Head of the FIU under section (4), the Director may –

- (a) appoint such officers and servants, and
- (b) appoint and instruct such other persons,

upon such terms and conditions (whether as to remuneration, expenses, pensions or otherwise) as he or she thinks necessary for the exercise of his or her functions, subject to the approval of the Committee as to the maximum number of officers and servants that may, from time to time, be engaged by him or her.

Delegation of functions.

3. (1) Subject to section 2(2), the Director may, by an instrument in writing, either generally or otherwise as specified in the instrument, arrange for any of his or her functions to be exercised in his or her name by any person named or described in the instrument, other than this power of delegation.

(2) A function exercised by a delegate pursuant to an arrangement made under this paragraph is for all purposes exercised by the Director; and every decision taken or other thing done by a delegate pursuant to such an arrangement has the same effect as if taken or done by the Director.

(3) An arrangement made under this paragraph for the exercise of a function by a delegate –

(a) may be varied or terminated at any time by the Director, but without prejudice to anything done pursuant to the arrangement or to the making of a new arrangement,

(b) does not prevent the exercise of the function by the Director while the arrangement subsists.

(4) The provisions of this paragraph and of paragraph 3 are without prejudice to the provisions of the Public Functions (Transfer and Performance) (Bailiwick of Guernsey) Law, 1991.

Appointment of Deputy Director.

4. (1) Without prejudice to the generality of paragraph 2, the Committee may, in consultation with the Director and subject to such terms and conditions as it thinks fit, appoint any person as Deputy Director with authority to exercise the Director's functions during any period during which the Director is unavailable.

(2) A function exercised by a Deputy Director pursuant to an appointment under this paragraph is for all purposes exercised by the Director; and every decision taken or other thing done by a Deputy Director pursuant to such an appointment has the same effect as if taken or done by the Director.

(3) An appointment under this paragraph of a Deputy Director –

(a) may be varied or terminated at any time by the

Committee in consultation with the Director, but without prejudice to anything done pursuant to the appointment or to the making of a new appointment,

- (b) does not prevent the exercise of the function by the Director while the appointment subsists.

Proof of documents.

5. (1) In any legal proceedings the provisions of subparagraph (2) shall apply in relation to any document purporting to be –

- (a) issued by or on behalf of the Director or the Deputy Director appointed under paragraph 4, or
- (b) signed by the Director, by any of the Director's officers or servants, by the Deputy Director appointed under paragraph 4 or by any person to whom, pursuant to paragraph 3, he or she has delegated authority to sign documents of that description.

(2) The document shall, unless the contrary is proved, be deemed

–

- (a) to be the document which it purports to be, and
- (b) to have been issued by or on behalf of the Director or Deputy Director or, as the case may be, to have been signed by the person by whom it purports to have been signed, without proof of his or her identity, signature or official capacity.

Legal proceedings relating to the FIU.

6. (1) Subject to subparagraph (2), legal proceedings concerning the activities of the FIU may be brought by or against the Director.

(2) Subparagraph (1) does not apply to any proceedings brought by the members of the FIU (including, for the avoidance of doubt, the Head of the FIU) in relation to their employment.

SCHEDULE 2

[Section 2(1)(f)]

RELEVANT ENACTMENTS

1. Each of the following enactments:

Offences against Police Officers (Bailiwick of Guernsey) Law, 1963^s

False Documents and Domicile, etc. (Bailiwick of Guernsey) Law, 1998^t

Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) Law, 1999

Drug Trafficking (Bailiwick of Guernsey) Law, 2000^u

Criminal Justice (International Cooperation) (Bailiwick of Guernsey) Law, 2001^v

Terrorism and Crime (Bailiwick of Guernsey) Law, 2002

Bail (Bailiwick of Guernsey) Law, 2003^w

Forgery and Counterfeiting (Bailiwick of Guernsey) Law, 2006^x

Criminal Justice (Miscellaneous Provisions) (Bailiwick of Guernsey) Law, 2006^y

Disclosure (Bailiwick of Guernsey) Law, 2007

Sanctions (Bailiwick of Guernsey) Law, 2018

Computer Misuse (Bailiwick of Guernsey) Law, 1991^z

[Forfeiture of Assets in Civil Proceedings (Bailiwick of Guernsey) Law, 2023]

Criminal Justice (Fraud Investigation) (Bailiwick of Guernsey) Law, 1991^{aa}

^s Ordres en Conseil Vol. XIX, p. 125. This enactment has been amended.

^t Ordres en Conseil Vol. XXXVIII, p. 174. This enactment has been amended.

^u Order in Council No. VII of 2000. This enactment has been amended.

^v Order in Council No. VII of 2001. This enactment has been amended.

^w Ordres en Conseil Vol. XLIII, p. 485). This enactment has been amended.

^x Order in Council No. II of 2010. This enactment has been amended.

^y Order in Council No. XIII of 2006. This enactment has been amended.

^z Ordres en Conseil Vol. XXXIII, p. 140.

^{aa} Ordres en Conseil, Vol. XXXIII, p. 81. This enactment has been amended.

Prevention of Corruption (Bailiwick of Guernsey) Law, 2003^{bb}

Theft (Bailiwick of Guernsey) Law, 1983^{cc}

Protection of Investors (Bailiwick of Guernsey) Law, 2020^{dd}

Terrorist Asset-Freezing (Bailiwick of Guernsey) Law, 2011^{ee}

Police Property and Forfeiture (Bailiwick of Guernsey) Law, 2006^{ff}

[Cash Controls (Bailiwick of Guernsey) Law, 2007]

2. Any subordinate legislation made under an enactment listed in paragraph 1.

NOTES

In Schedule 2,

the word, figures, parentheses and letter in the first pair of square brackets were substituted by the Economic and Financial Crime Bureau and Financial Intelligence Unit (Amendment) Regulations, 2022, section 1(2), with effect from 20th October, 2022;

the words in the second pair of square brackets were substituted by the Forfeiture of Assets in Civil Proceedings (Bailiwick of Guernsey) Law, 2023, section 148, Schedule 5, paragraph 1(3), with effect from 26th April, 2024;

the words in the third pair of square brackets were inserted by the Economic and Financial Crime Bureau and Financial Intelligence Unit (Bailiwick of Guernsey) Law, 2022 (Amendment) Regulations, 2024, regulation 1(2), with effect from 1st April, 2024.

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- bb** Order in Council No. I of 2004. This enactment has been amended.
cc Ordres en Conseil Vol. XXVIII, p. 5. This enactment has been amended.
dd Order in Council No. XVIII of 2020.
ee Order in Council No. XI of 2011. This enactment has been amended.
ff Order in Council No. XXII of 2007. This enactment has been amended.

