

# **The Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) (Amendment) Ordinance, 2022**

THE STATES, in pursuance of their Resolutions of the 25<sup>th</sup> day of May, 2022<sup>a</sup>, and in exercise of the powers conferred on them by sections 53A and 54 of the Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) Law, 1999<sup>b</sup>, and all other powers enabling them in that behalf, hereby order:-

## **Amendment of the Proceeds of Crime Law.**

1. (1) The Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) Law, 1999 is amended as follows.

(2) In section 49AA, after subsection (3) insert –

"(3A) Schedule 6 (Administrator of estate agents) has effect."

(3) After Schedule 5, insert the Schedule 6 set out in the Schedule.

## **Extent.**

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

## **Citation.**

3. This Ordinance may be cited as the Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) (Amendment) Ordinance, 2022.

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<sup>a</sup> Article VIII of Billet d'État No IX of 2022.

<sup>b</sup> Ordres en Conseil Vol. XXXIX, p. 137; this enactment has been amended.

**Commencement.**

4. This Ordinance shall come into force on the day appointed for this purpose by regulations made by the Committee; and different dates may be appointed for different provisions and for different purposes.

SCHEDULE

Section 1(3)

"SCHEDULE 6

ADMINISTRATOR OF ESTATE AGENTS

Section 49AA(3A)

*The Administrator*

**Administrator of Estate Agents.**

1. (1) There is established an office to be called the Administrator of Estate Agents.

(2) The holder of the office established under subparagraph (1) is referred to in this Schedule as the Administrator.

(3) The Administrator shall be the Registrar of Companies within the meaning of the Companies (Guernsey) Law, 2008, or such other person as the Committee may from time to time appoint by regulations; and a person appointed under regulations made under this subparagraph shall be appointed on such terms and conditions as may from time to time be agreed between the Committee and the person, provided that none of those terms and conditions is inconsistent with any provision of this Schedule.

(4) The purpose of establishing the office of Administrator of Estate Agents is –

- (a) to prevent unfit persons from being persons involved in estate agency, and

- (b) thereby to protect the interests of the people, and the reputation, of the Bailiwick,

and the Administrator must take account of these purposes when exercising his or her functions under this Schedule.

(5) In this Schedule a "**person involved in estate agency**" means a person who is either an estate agent, or a relevant person, within the meaning of this Schedule (and "**persons involved in estate agency**" shall be construed accordingly).

**Functions of Administrator.**

2. (1) In addition to functions conferred under other paragraphs of this Schedule, the functions of the Administrator are -

- (a) to communicate and co-operate with -
  - (i) any authority appearing to the Administrator to exercise, in a place outside the Bailiwick, functions corresponding to the Administrator's, and
  - (ii) such other persons as he or she thinks fit,

for the purposes of assisting such authorities and persons and promoting, and enhancing the performance of, the Administrator's function, and such communication and co-operation may, without limitation, take the form of sharing any information

which the Administrator may lawfully disclose, and

- (b) to exercise such other functions as may be assigned or transferred to him or her by or under this Law or any other enactment.

(2) Subparagraph (1)(a) does not authorise the Administrator to disclose confidential information other than in accordance with paragraph 19.

**Ancillary powers of Administrator.**

3. (1) The Administrator has power to do anything that appears to the Administrator to be necessary or expedient for the purpose of exercising his or her functions including, without limitation, power -

- (a) to require the production of such documents, accounts and information from such persons and within such periods and at such times and intervals as he or she thinks fit, including, but not limited to –
  - (i) persons involved in estate agency,
  - (ii) estate agency businesses,
  - (iii) the beneficial owners and legal owners of estate agency businesses,
  - (iv) the directors of estate agency businesses,
  - (v) the controllers of estate agency businesses, and

- (vi) the managers of estate agency businesses,
- (b) subject to any provision to the contrary in this Law or any other enactment, to publish information, guidance, reports and other documents, and
- (c) to request advice from Her Majesty's Procureur in relation to the exercise of any of his or her functions.

(2) The Administrator may also exercise the power at subparagraph (1)(a) for the purpose of enabling him or her (of the Administrator's own volition or at the request of the Committee or any other authority within the Bailiwick with functions in respect of financial crime) to obtain information relating to legal persons so that he or she can identify, assess and understand risks to the Bailiwick of money laundering, terrorist financing, the proliferation of weapons of mass destruction and all other forms of financial crime.

(3) For the avoidance of doubt (and without prejudice to any function conferred under any other enactment) the Administrator may –

- (a) seek and receive information from any person, and
- (b) take any such information into account in deciding whether and in what manner to exercise his or her functions.

*Notification requirements*

**Initial notification requirement.**

4. (1) Subject to subparagraph (2), a person ("P") or a person acting on P's behalf must notify the Administrator before P becomes a person involved in estate agency.

(2) Where, on the coming into force of this Schedule, a person ("P") is a person involved in estate agency, P, or a person acting on P's behalf, must notify the Administrator within 14 days of this Schedule coming into force.

(3) A person notifying the Administrator under subparagraph (1) or (2) must provide such information as the Administrator may specify in guidance that the Administrator causes to be published on the States of Guernsey website from time to time, including, but not limited to, information relating to the minimum standards test.

(4) For the purposes of this Schedule, "**information relating to the minimum standards test**" means information relating to whether P is a fit person to be a person involved in estate agency, including certification by the notifying person as to whether P has at any time –

(a) been convicted of any offence (other than an offence which is spent for the purposes of the Rehabilitation of Offenders (Bailiwick of Guernsey) Law, 2002),

(b) engaged in any business practices which are, or which might reasonably be regarded as appearing to be, deceitful or oppressive or otherwise improper (whether unlawful or not) or which otherwise reflect discredit on the person's method of conducting

business or the person's suitability to carry on estate agency, or

- (c) engaged in or been associated with any other business practices or otherwise conducted himself or herself in such a way as to cast doubt on his or her soundness of judgement.

(5) Without prejudice to the generality of subparagraph (4), and for the avoidance of doubt, when assessing whether a person is a fit person to be a person involved in estate agency for the purposes of this Schedule, regard shall be had to the person's probity, integrity, honesty and soundness of judgement.

**Ongoing notification requirement.**

5. A person involved in estate agency ("P"), or any other person who has notified the Administrator under paragraph 4(1) or (2) and who continues to act on behalf of P for the purposes of this Schedule, must –

- (a) provide the Administrator with information relating to the minimum standards test in respect of P within 21 days (or such other period as the Administrator may reasonably specify in all the circumstances) of being requested to do so, and
- (b) notify the Administrator within 21 days after –
  - (i) P is convicted of any offence, or
  - (ii) any other change in respect of information

previously provided to the Administrator,

and provide the Administrator with such information relating to that offence or change (as the case may be) as the Administrator may require.

*Enforcement – estate agent disqualification orders*

**Estate agent disqualification orders.**

6. (1) Without prejudice to any other powers of the Administrator, where in the opinion of the Administrator a person is not a fit person to be a person involved in estate agency, the Administrator may make and subsequently renew, on one or more occasions, an application to the Court for an order (an "**estate agent disqualification order**") prohibiting that person from being a person involved in estate agency.

(2) An estate agent disqualification order may, in the Court's absolute discretion, be made by consent.

(3) An estate agent disqualification order and any renewal thereof-

(a) shall have effect for such period (not exceeding 15 years), and

(b) may contain such ancillary, incidental and supplementary terms and conditions,

as shall be specified in it.

(4) Without prejudice to the generality of subparagraph (3) and for the avoidance of doubt, where the person who is the subject of an estate agency disqualification order is the beneficial owner of an estate agency business, an estate agent disqualification order may, for the purpose of (and only to the extent necessary for) giving effect to the prohibition referred to in subparagraph (1), contain terms and conditions requiring the person to divest himself or herself of such rights and interests in the estate agency business, within such period, as the Court may specify.

**Grounds for making an estate agent disqualification order.**

7. (1) The Court may make an estate agent disqualification order where it considers that, by reason of a person's conduct in relation to an estate agency or otherwise, that person is unfit to be a person involved in estate agency.

(2) Subject to subparagraph (3), in determining whether a person is unfit to be a person involved in estate agency, regard shall be had to the matters set out in subparagraphs 4(4)(a) – (c) and (5).

(3) For the avoidance of doubt, the Court may have regard to matters other than those set out in the subparagraphs mentioned above in determining whether a person is unfit to be a person involved in estate agency.

**Revocation of estate agent disqualification orders.**

8. (1) A person subject to an estate agent disqualification order may apply to the Court for a revocation of the order on the ground that he or she is not unfit to be a person involved in estate agency, and the Court may grant the application if satisfied that –

(a) it would not be contrary to the public interest to do so,

and

- (b) the applicant is not unfit to be a person involved in estate agency.

(2) An application under this paragraph for the revocation of a disqualification order shall not be heard unless the person upon whose application the disqualification order was made has been served with notice of the application to revoke not less than 28 days (or such other period as the Court may in its absolute discretion direct) before the date of the hearing; and, without prejudice to the foregoing, the Court may –

- (a) direct that notice of the application to revoke shall also be served on such other persons as the Court thinks fit, and
- (b) for that purpose adjourn the hearing of the application.

(3) The revocation of a disqualification order may, with the consent of the parties and in the Court's absolute discretion, be granted by consent.

*Enforcement – other civil sanctions*

**Civil penalties.**

- 9. (1) Where the Administrator is satisfied that –
  - (a) a person involved in estate agency is not unfit to be a person involved in estate agency but –

- (i) has, without reasonable excuse, failed to comply with a requirement under paragraph 4 or 5, or
  - (ii) falls within paragraph 4(4)(a) – (c),
- (b) a person involved in estate agency, or an estate agency business, has failed to comply with a condition imposed under paragraph 12, or
- (c) any other person has, without reasonable excuse, failed to comply with –
  - (i) a requirement under paragraph 4 or 5, or
  - (ii) a request made by the Administrator to provide information (whether to the Administrator or another person) relevant to the exercise of the Administrator's functions,

the Administrator may (subject to the provisions of this paragraph and paragraph 13) impose on that person or business a financial penalty in respect of the failure to comply that gave rise to the liability of such amount as the Administrator considers appropriate and proportionate, but not exceeding £20,000 or such other amount as the Committee may prescribe by regulations.

(2) In deciding whether or not to impose a penalty under this paragraph and, if so, the amount thereof, the Administrator must take into consideration the following factors -

- (a) whether the failure was brought to the attention of the Administrator by the person concerned,
- (b) the seriousness of the failure,
- (c) whether or not the failure was inadvertent,
- (d) what efforts, if any, have been made to rectify the failure and to prevent a recurrence,
- (e) the potential financial consequences to the person or business concerned, and to third parties including customers and creditors of that person, of imposing a penalty,
- (f) the penalties imposed by the Administrator under this paragraph in other cases, and
- (g) any other matter the Administrator considers relevant.

(3) Any financial penalty imposed under this paragraph is payable to the States and is recoverable as a civil debt.

(4) Where the Administrator proposes to impose a financial penalty, he or she must notify in writing the person or business on whom the penalty is to be imposed of –

- (a) the proposed penalty, and the reasons for the same,

- (b) the date on which it is proposed, subject to paragraph 13, to impose the penalty, which must not be less than 42 days after the date of the notice, and
- (c) the right of that person or business to make written representations to the Administrator under paragraph 13(1).

(5) Where the Administrator imposes a financial penalty he or she must-

- (a) issue to the person or business on whom the penalty is being imposed notice of the penalty, and
- (b) include in the notice a statement of the right to apply to the Court under paragraph 15.

(6) Where a penalty is imposed on a person or business under this paragraph, the Administrator may publish, in such manner and for such period as the Administrator may determine, the name of the person or business and the amount of the penalty, and the publication may contain such information in respect of any person named therein, and such ancillary, incidental and supplementary information, as the Administrator may determine.

**Private reprimands.**

10. (1) Without prejudice to any other powers of the Administrator, where the Administrator considers that, having regard to the conduct of a person involved in estate agency, it is appropriate to do so, the Administrator may issue to

the person a private reprimand.

(2) The Administrator may not publish a private reprimand without the consent of the person in question.

(3) A private reprimand issued under subparagraph (1) may be taken into account by the Administrator in considering any matter under this Schedule concerning the estate agent in question.

**Public statements.**

**11.** (1) Without prejudice to any other powers of the Administrator, where in the opinion of the Administrator a person involved in estate agency ("P") has contravened in a material particular -

- (i) a provision of this Schedule, or
- (ii) any prohibition, restriction, condition, obligation, enforcement requirement, other requirement, duty, direction or arrangement imposed, issued or arising under any such provision,

the Administrator may publish, in such manner and for such period as the Administrator may determine, a statement to that effect.

(2) Where the Administrator proposes to publish a statement under this paragraph, he or she must notify in writing the person in respect of whom the statement is to be published of –

- (a) the text of the proposed statement, and the reasons for

the same,

- (b) the date on which it is proposed, subject to paragraph 13, to publish the statement, which must not be less than 42 days after the date of the notice, and
- (c) that person's right to make written representations to the Administrator under paragraph 13(1).

(3) A statement published under subparagraph (1) may contain such information in respect of any person named therein, and such ancillary, incidental and supplementary information (including information as to any conditions imposed on the person under paragraph 12) as the Administrator may determine.

(4) In deciding whether or not to publish a statement under this paragraph and, if so, the terms thereof, the Administrator must take into consideration the following factors -

- (a) whether the contravention was brought to the attention of the Administrator by P,
- (b) the seriousness of the contravention,
- (c) whether or not the contravention was inadvertent,
- (d) what efforts, if any, have been made to rectify the contravention and to prevent a recurrence,

- (e) the potential financial consequences to P, and to third parties including customers and creditors of P, of publishing a statement,
- (f) the action taken by the Administrator under this paragraph in other cases, and
- (g) any other matter the Administrator considers relevant.

(5) If at any time it appears to the Administrator that a statement published under this paragraph or any information contained in it is or has become misleading, inaccurate or incomplete, or that it is necessary or desirable in the interests of the public or the reputation of the Bailiwick to do so, the Administrator shall make such addition, erasure or other alteration to the statement or content thereof as the Administrator considers necessary.

(6) A statement published under subparagraph (1) may be taken into account by the Administrator in considering any matter under this Schedule concerning the estate agent in question.

**Imposition of conditions.**

12. (1) Without prejudice to any other powers of the Administrator, where the Administrator considers that, having regard to the conduct of a person involved in estate agency or an estate agency business, it is appropriate to do so, the Administrator may impose conditions on that person or business in respect of the person or business's conduct of estate agency.

(2) Where the Administrator proposes to impose conditions under this paragraph, he or she must notify in writing the person or business in

respect of whom or which the conditions are to be imposed of –

- (a) the conditions, and the reasons for the same,
- (b) the date on which it is proposed, subject to paragraph 13, to impose the conditions, which must not be less than 42 days after the date of the notice,
- (c) the duration of the conditions, and
- (d) that right of that person or business to make written representations to the Administrator under paragraph 13(1).

**Representations prior to civil penalty, etc.**

13. (1) The person or business notified under paragraph 9(4), 11(2) or 12(2) may make written representations to the Administrator concerning the proposed financial penalty, public statement or conditions (as the case may be) within 28 days of the date of the notice.

(2) If the person or business in question exercises their right under subparagraph (1) the Administrator -

- (a) must consider their representations, and
- (b) may decide to –
  - (i) impose the penalty, publish the statement or impose the conditions,

- (ii) in the case of a proposed financial penalty, impose a penalty in a lesser amount, issue a private reprimand, publish a statement or impose conditions,
- (iii) withdraw the penalty, not publish the statement or not impose the conditions, or
- (iv) postpone the date for imposing the penalty, publishing the statement or imposing the conditions,

as the case may be, but in any event must inform that person or business of his or her decision in writing, and the reasons for the same, before the date on which the financial penalty is imposed or would otherwise have been imposed, the statement is published or would otherwise have been published, or the conditions are imposed or would otherwise have been imposed, as the case may be.

(3) For the avoidance of doubt, where the Administrator has imposed a financial penalty under paragraph 9 he or she may not seek to recover payment of that penalty until –

- (a) 28 days immediately following the date of the notice of the penalty issued under paragraph 9(5)(a), or
- (b) if an application to the Court is instituted within that period under paragraph 15, the final determination, or withdrawal, of that application,

and for the purposes of this subparagraph, an appeal shall be deemed not to have been finally determined until the expiration of the time allowed for the institution of an appeal to the Court of Appeal under the Court of Appeal (Guernsey) Law, 1961 or until the determination of any such appeal instituted within that time.

**Relationship of civil penalties with prosecutions.**

14. (1) A person is not liable to a civil penalty if a prosecution in respect of the matter has been commenced.

(2) If the prosecution commences after a civil penalty has been paid, the Administrator shall repay the civil penalty.

**General right to apply to Court to set aside action of Administrator.**

15. (1) Without prejudice to any specific right of appeal in any enactment, a person who is directly affected by any action, direction, decision or determination of the Administrator (including an order imposing a financial penalty) may apply to the Court to set aside that action, direction, decision or determination.

(2) An application under subparagraph (1) shall be made in such manner (if any) as may be prescribed by order of the Court.

(3) On such an application the Court may make such order on such terms and conditions as it thinks fit.

(4) Subject to any direction given by the Court –

- (a) the applicant shall give at least seven days' notice of the application to the Administrator,
- (b) where the application is made in respect of a legal person and the applicant is not the legal person in respect of which the application is made, the applicant shall give at least seven days' notice of the application to the legal person, and
- (c) the application shall be made within 21 days after the day of the action, direction, decision or determination of the Administrator.

(5) An appeal from an order of the Court under this section lies, with leave of the Court or the Court of Appeal, to the Court of Appeal on a question of law.

(6) Section 21 of the Court of Appeal (Guernsey) Law, 1961 (powers of a single judge) applies to the powers of the Court of Appeal to give leave to appeal under this section as it applies to the powers of the Court of Appeal to give leave to appeal under Part II of that Law.

*Enforcement: offences*

**Offences: general.**

16. (1) A person who contravenes any provision of an estate agent disqualification order is guilty of an offence.

(2) A person guilty of an offence under this paragraph is liable on

conviction to a fine not exceeding level 5 on the uniform scale, to imprisonment for a term not exceeding three months, or to both.

**False or misleading information.**

17. (1) If a person to whom subparagraph (2) applies –
- (a) makes a statement which the person knows or has reasonable cause to believe to be false, deceptive or misleading in a material particular,
  - (b) recklessly makes a statement, dishonestly or otherwise, which is false, deceptive or misleading in a material particular,
  - (c) produces or furnishes or causes or permits to be produced or furnished any information or document which the person knows or has reasonable cause to believe to be false, deceptive or misleading in a material particular, or
  - (d) recklessly produces or furnishes or recklessly causes or permits to be produced or furnished, dishonestly or otherwise, any information or document which is false, deceptive or misleading in a material particular,

he or she is guilty of an offence.

- (2) This subparagraph applies to a person (D) who –

- (a) makes any statement or provides any information or document to the Administrator, or to any officer, servant or agent of the Administrator, when the Administrator or that person is acting in the exercise of his or her functions, or
- (b) otherwise than as mentioned in paragraph (a) makes any statement or provides any information or document to the Administrator in circumstances in which D knows or could reasonably be expected to know that the statement, information or document would or might be used by the Administrator for the purpose of exercising his or her functions.

(3) A person guilty of an offence under this paragraph is liable on conviction to a fine not exceeding level 5 on the uniform scale, to imprisonment for a term not exceeding three months, or to both.

*Miscellaneous and Final*

**Disclosure and publication of non-confidential information.**

18. Any information held by the Administrator, other than confidential information, may be disclosed or published by him or her –

- (a) in accordance with the provisions of this Schedule, any other enactment or any rule of law, or
- (b) if no such provision is made, in such manner, subject to such conditions and for such purposes as he or she thinks fit.

**Disclosure and publication of confidential information.**

19. (1) Any confidential information held by the Administrator shall not be disclosed or published by him or her except –

- (a) to the persons and bodies set out in subparagraph (2) where the Administrator considers that disclosure necessary and proportionate for the purposes set out in paragraph 1(4), or
- (b) in accordance with any other enactment or any rule of law.

(2) The persons and bodies referred to in subparagraph (1) are –

- (a) the Commission,
- (b) the Director of the Economic and Financial Crime Bureau,
- (c) the Registrar of Companies (including in his or her capacity as the Registrar of Foundations),
- (d) the Registrar of Limited Liability Partnerships,
- (e) the Registrar within the meaning of the Companies (Alderney) Law, 1994,
- (f) the Registrar of Beneficial Ownership,

- (g) the Greffier,
- (h) any body or person with the function of implementing or enforcing international sanctions measures within the Bailiwick,
- (i) the Greffier within the meaning of the Government of Alderney Law, 2004,
- (j) the Alderney Gambling Control Commission,
- (k) the Director of the Revenue Service,
- (l) the Registrar of Charities and other Non Profit Organisations under the Charities etc. (Guernsey and Alderney) Ordinance, 2021, and
- (m) the Registrar of Non-Profit Organisations appointed under the Charities and Non-Profit Organisations (Registration) (Sark) Law, 2010.

**Exclusion of liability.**

20. (1) No person undertaking a function under this Schedule is to be liable in damages or personally liable in any civil proceedings in respect of anything done, or omitted to be done, after the coming into force of this Law in respect of that function, unless the thing was done or omitted to be done in bad faith.

(2) Subparagraph (1) does not prevent an award of damages in

respect of an act or omission on the ground that it was unlawful as a result of section 6(1) of the Human Rights (Bailiwick of Guernsey) Law, 2000.

**Service of notices and documents.**

21. (1) Any document other than a summons to be given or served under the provisions of or for the purposes of this Schedule may be given to or served upon –

- (a) an individual ("A"), by being delivered to A, or by being left at, or sent by post to, A's usual or last known place of abode, or by being transmitted to A's relevant electronic address,
- (b) a company or other legal person with a registered office in the Bailiwick, by being left at, or sent by post to, that office, or by being transmitted to its relevant electronic address,
- (c) a company or other legal person without a registered office in the Bailiwick, by being left at, or sent by post to-
  - (i) its principal or last known principal place of business in the Bailiwick, or
  - (ii) if there is no such place, its registered office or principal or last known principal place of business elsewhere,

or by being transmitted to its relevant electronic address,

- (d) an unincorporated body -
    - (i) by being given to or served on any partner (not being a limited partner in a limited partnership), member of the committee or other similar governing body, director or other similar officer thereof in accordance with subparagraph (a), or
    - (ii) by being left at, or sent by post to -
      - (A) the body's principal or last known principal place of business in the Bailiwick, or
      - (B) if there is no such place, its principal or last known principal place of business elsewhere,
- or by being transmitted to its relevant electronic address,
- (e) the Administrator, by being left at, or sent by post to, his or her principal office in the Bailiwick, or by being transmitted to his or her electronic address,

and in this paragraph –

- (i) **"by post"** means by special delivery, recorded or signed for delivery or ordinary letter post,
- (ii) **"electronic address"** includes, without limitation, an e-mail address and telecommunications address,
- (iii) **"relevant electronic address"** means an electronic address -
  - (A) with which, in the opinion of the Administrator, the person concerned has a personal, business or other connection, and
  - (B) a document transmitted to which is likely to come to the attention of the person concerned,
- (iv) **"transmitted"** means transmitted by electronic communication (that is to say, in electronic form and by electronic means), facsimile transmission or other similar means which produce or enable the production of a document containing the text of the communication, and

(v) "**summons**" includes any document compelling a person's attendance before the court.

(2) Subparagraph (1) is without prejudice to any other lawful method of service.

(3) A document sent by post shall, unless the contrary is shown, be deemed for the purposes of this Schedule to have been received –

(a) in the case of a document sent to an address in the United Kingdom, the Channel Islands or the Isle of Man, on the third day after the day of posting,

(b) in the case of a document sent elsewhere, on the seventh day after the day of posting,

excluding in each case any day which is not a business day.

(4) Service of any document sent by post shall be proved by showing the date of posting, the address thereon and the fact of prepayment.

(5) A document shall be deemed for the purposes of this Schedule to have been -

(a) addressed to the person concerned, and

(b) delivered to any person, or left at or transmitted to a place or address,

if the person effecting service certifies that it was addressed, and delivered, left or transmitted (as the case may be), in accordance with the provisions of this section, and the document shall, unless the contrary is shown, be deemed for those purposes to have been received when it was delivered, left or transmitted (as the case may be).

**Interpretation.**

22. In this Schedule –

"**beneficial owner**" has the meaning given in paragraph 22 of Schedule 3, subject to the following modification: wherever "25%" appears, there is substituted "15%",

"**confidential information**" means –

- (a) an individual's usual residential address, and
- (b) beneficial ownership details relating to an estate agency business within the meaning of Part XXIX of the Companies (Guernsey) Law, 2008,

"**the Court**" means the Royal Court sitting as an Ordinary Court,

"**estate agency**" has the meaning given in paragraph 3 of Schedule 2, but does not include acting in the course of a business in circumstances where that business is a small business within the meaning of the Prescribed Businesses (Bailiwick of Guernsey) Law, 2008,

"**estate agency business**" means a business engaged in estate agency (and, for the avoidance of doubt, consequently does not include a small business within the meaning of the Prescribed Businesses (Bailiwick of Guernsey) Law, 2008),

"**estate agent**" means a person engaged in estate agency who is not a relevant person,

"**estate agent disqualification order**": see paragraph 6(1),

"**information relating to the minimum standards test**": see paragraph 4(4),

"**person involved in estate agency**": see paragraph 1(5), and

"**relevant person**": see paragraph 23.

**Meaning of relevant person.**

23. In this Schedule a "**relevant person**" means –

- (a) a person participating (directly or indirectly) in the management of an estate agency business, or
- (b) the beneficial owner of an estate agency business."