

GUERNSEY STATUTORY INSTRUMENT

2022 No. 104

**The Disclosure (Bailiwick of Guernsey) (Amendment)
Regulations, 2022**

<i>Made</i>	<i>20th December, 2022</i>
<i>Coming into operation</i>	<i>21st December, 2022</i>
<i>Laid before the States</i>	<i>, 2023</i>

THE COMMITTEE FOR HOME AFFAIRS, in exercise of the powers conferred on it by sections 11, 11A and 16 of the Disclosure (Bailiwick of Guernsey) Law, 2007^a, section 20 of the Interpretation and Standard Provisions (Bailiwick of Guernsey) Law, 2016^b and all other powers enabling it in that behalf, hereby makes the following Regulations: -

Amendment of the 2007 Regulations.

1. (1) The Disclosure (Bailiwick of Guernsey) Regulations, 2007^c are amended as follows.

^a Order in Council No. XVI of 2007; this enactment has been amended.

^b Order in Council No. V of 2018; this enactment has been amended.

^c G.S.I. No. 34 of 2007; this enactment has been amended.

(2) In regulation 1(1), for "Financial Investigation Unit" substitute "Financial Intelligence Unit".

(3) In regulation 2(4), after subparagraph (a) insert -

"(aa) the Head of the Financial Intelligence Unit, or such person as the Head of the Financial Intelligence Unit may authorise for this purpose,

(ab) the Director of the Economic and Financial Crime Bureau, or such person as the Director of the Economic and Financial Crime Bureau may authorise for this purpose,".

(4) In regulation 2A(5)(a), after "money laundering," insert "the proliferation of weapons of mass destruction or the financing of the proliferation of weapons of mass destruction, as the case may be,".

(5) In regulation 5, the definitions of Financial Intelligence Service, Financial Investigation Unit and prescribed police officer are revoked.

(6) In the Schedule, for

(a) " Financial Investigation Unit", and

(b) FIS", wherever it appears,

substitute "FIU".

(7) After the words "prescribed police officer", wherever they appear, insert "or another FIU officer".

Amendment of 2019 Regulations.

2. (1) The Disclosure (Bailiwick of Guernsey) (Information) Regulations, 2019^d are amended as follows.

(2) After the words "prescribed police officer", wherever they appear, insert "or other FIU officer".

Amendment of 2007 Law.

3. (1) The Disclosure (Bailiwick of Guernsey) Law, 2007 is amended as follows.

(2) In section 17 -

(a) in the appropriate place, insert –

""**another FIU officer**" means a member of the Financial Intelligence Unit who is not a police officer," and

(b) the definition of Economic Crime Division is deleted.

(3) After the words "prescribed police officer", wherever they appear other than in section 17, insert "or another FIU officer".

^d G.S.I. 81 of 2019; this enactment has been amended.

Citation and commencement.

4. These Regulations may be cited as the Disclosure (Bailiwick of Guernsey) (Amendment) Regulations, 2022, and shall come into force on 21st December, 2022.

Dated this 20th day of December, 2022.



ROBERT PROW

President of the Committee for Home Affairs

For and on behalf of the Committee

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Disclosure (Bailiwick of Guernsey) Regulations, 2007 the Disclosure (Bailiwick of Guernsey) (Information) Regulations, 2019, which govern the powers of the Financial Intelligence Unit to obtain information. The effect of the amendments is to enable these powers to be exercised by members of the Financial Intelligence Unit who are not police officers or customs officers, to enable members of the Economic and Financial Crime Bureau to have access to additional information in certain circumstances and to make some minor revisions to reflect the change of name from the Financial Intelligence Service to the Financial Intelligence Unit. The amendments also make provision for information in relation to the proliferation of weapons of mass destruction or the financing of the proliferation of weapons of mass destruction. In addition, these Regulations make some consequential amendments to the Terrorism and Crime (Bailiwick of Guernsey) Law,

2002, to enable reports of suspicion to be made to members of the Financial Intelligence Unit who are not police officers or customs officers, and to update the interpretation provisions.

These Regulations come into force on 21st December, 2022.