

The Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) (Amendment) Regulations, 2023

Made

30th May, 2023

Coming into operation

see Regulation 3

Laid before the States

, 2023

THE POLICY & RESOURCES COMMITTEE in exercise of the powers conferred upon it by sections 49(2), 49A(2) and 54 of the Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) Law, 1999^a, and all other powers enabling it in that behalf, hereby makes the following Regulations:-

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 Schedule 1 -

(a) in paragraph 26(b) for "section 3(1)(g) or (ab) of that Law" substitute "section 3(1)(ab) of that Law",

(b) in paragraph 29, and in paragraph 29(a), in both places

^a Ordres en Conseil Vol. XXIX, p. 137; this enactment has been amended.

after "Part I of this Schedule" insert "or paragraph 6 of Schedule 2", and

(c) in paragraph 32(h), after "paragraphs 21 to 27 of Part I of this Schedule", insert ", or paragraph 6 of Schedule 2".

(3) In Schedule 2, after paragraph 5 insert the following paragraph -

"6. Directors of not more than six companies.

The carrying on by way of business the activities described in section 3(1)(g) of the Regulation of Fiduciaries, Administration Businesses and Company Directors, etc (Bailiwick of Guernsey), Law, 2020, but not including -

(a) the provision of in-house legal, accountancy or actuarial advice or services to any business referred to in paragraphs 2 to 27 of Schedule 1, or

(b) the carrying on of the profession (respectively) of a lawyer, accountant or actuary for any client carrying on such a business."

Amendment of the Prescribed Businesses (Bailiwick of Guernsey) Law, 2008.

2. (1) The Prescribed Businesses (Bailiwick of Guernsey) Law, 2008^b is amended as follows.

(2) In section 32(1), in the definition of "**small business**", after paragraph (d) insert -

^b Order in Council No. XII of 2009; this enactment has been amended.

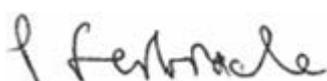
"but does not include a business of the type described in paragraph 6 of Schedule 2 to the Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) Law, 1999,".

Citation and commencement.

3. (1) These Regulations may be cited as the Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) (Amendment) Regulations, 2023, and, subject to subparagraph (2), shall come into force on the 8th July, 2023.

(2) Regulation 2 shall come into force on the 1st October, 2023.

Dated this 30th day of May, 2023



P.T.R. FERBRACHE

President of the the Policy & Resources Committee

For and on behalf of the Committee

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations (and the Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) (Amendment) (No. 2) Regulations, 2023 ("**the No. 2 Regulations**")) make changes to the supervisory framework surrounding the six directorship exemption from the requirement to hold a personal fiduciary licence under Regulation of Fiduciaries, Administration Businesses and Company Directors, etc (Bailiwick of Guernsey), Law, 2020. These Regulations amend Schedules 1 and 2 to the Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) Law, 1999 ("**the Proceeds of Crime Law**"), and the No. 2 Regulations will amend Schedules 3 and 5 to that Law, to bring individuals benefitting

from the six directorship exemption within the ambit of the registration framework for prescribed businesses under Schedule 5 to the Proceeds of Crime Law. These Regulations also amend the Prescribed Businesses (Bailiwick of Guernsey) Law, 2008 so that individuals benefiting from the six directorship exemption are subject to the Commission's powers in relation to prescribed businesses under that Law, e.g. to obtain information. It should be noted that within the broader supervisory framework, the Guernsey Financial Services Commission has power to disapply the six directorship exemption for contraventions of the Proceeds of Crime Law.

These Regulations and the No. 2 Regulations are being made separately because they are subject to different legislative procedures before the States of Deliberation – these Regulations, when made by the Committee, will be laid before the States, which may annul them; the No. 2 Regulations will be presented to the States with a policy letter and cannot come into force until approved by Resolution of the States.

Apart from regulation 2, these Regulations come into force on the 8th July, 2023. Regulation 2 comes into force on the 1st October, 2023.