

**The Criminal Justice (Proceeds of Crime)  
(Bailiwick of Guernsey) (Trustees and Partners)  
(Amendment) Regulations, 2023**

|                               |                                  |
|-------------------------------|----------------------------------|
| <i>Made</i>                   | <i>5<sup>th</sup> June, 2023</i> |
| <i>Coming into operation</i>  | <i>8<sup>th</sup> July, 2023</i> |
| <i>Approved by the States</i> | <i>5<sup>th</sup> July, 2023</i> |

THE POLICY & RESOURCES COMMITTEE, in exercise of the powers conferred on it by sections 49AA and 54 of the Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) Law, 1999<sup>a</sup> ("**the Law**") and all other powers enabling it in that behalf, hereby makes the following Regulations:-

**Amendment of the Law.**

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

(2) In section 51(1), in the appropriate places, insert the following definitions -

""**relevant partnership**"" means -

- (a) a limited partnership within the meaning of, and subject to the provisions of, the Limited Partnerships (Guernsey) Law, 1995 that does not have legal

---

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

personality, or

- (b) a partnership within the meaning of, and subject to the provisions of, the Partnership (Guernsey) Law, 1995," and

""**relevant trust**" means any express trust that is governed by or is otherwise subject to the law of any part of the Bailiwick,".

- (3) In section 52, in the appropriate places, insert -

""**relevant partnership**" (section 51(1))," and

""**relevant trust**" (section 51(1)),".

- (4) In Schedule 3, after paragraph 15G, insert -

#### "PART IIIB

#### PROVISIONS APPLICABLE TO TRUSTEES AND PARTNERS

#### Application.

**15H.** This Part applies to any specified business that -

- (a) carries out regulated activities within the meaning of Schedule 1, and
- (b) in the course of those activities, acts as a trustee of a relevant trust or a partner of a relevant partnership.

#### Regulated agents and service providers.

**15I.** (1) A specified business to which this Part applies must hold information on the identity of any regulated agents and service providers to the relevant trust or relevant partnership, as the case may be.

(2) A specified business that holds information within subparagraph (1) must ensure that the information -

- (a) so far as is possible, is accurate and up to date, and
- (b) is updated on a timely basis.

**Disclosure of status.**

**15J.** (1) Where -

- (a) a specified business to whom this Part applies -
  - (i) enters into a business relationship with, or
  - (ii) carries out or is otherwise involved in an occasional transaction with,a financial services business or a relevant business, and
- (b) the specified business is carrying out the activity at subparagraph (a) in its capacity as a trustee of a relevant trust or a partner of a relevant partnership, as the case may be,

the specified business must disclose the matters in subparagraph (b) to the financial services business or relevant business in question.

(2) The provisions of this paragraph are without prejudice to any powers or duties of disclosure that may otherwise be applicable.

**Disclosure of information.**

**15K.** (1) A specified business within paragraph 15H may disclose upon request -

- (a) to any of the relevant authorities, any information relating to the trust or partnership, as the case may be, and
- (b) in the circumstances described in paragraph 15J(1)(a), to a financial services business or relevant business, any information relating to -
  - (i) the beneficial ownership of the trust or partnership, as the case may be, and
  - (ii) any assets of the trust or partnership, as the case may be, that are to be held or managed under the terms of a business relationship or occasional transaction in question.

(2) The provisions of this paragraph are without prejudice to any powers or duties of disclosure that may otherwise be applicable."

(5) In paragraph 21 of Schedule 3, in the appropriate places, insert the following -

**"regulated agent "** means a person who -

- (a) is acting in relation to or on behalf of a relevant trust or relevant partnership, as the case may be, and
- (b) for the purposes of so doing is required to hold, and does hold, a licence from the Commission or a corresponding body in another jurisdiction,"

**"relevant authorities"** means -

- (a) His Majesty's Procureur,
- (b) a police officer,
- (c) the Committee,
- (d) the Commission,
- (e) the Alderney Gambling Control Commission,
- (f) the Director of the Economic and Financial Crime Bureau,
- (g) the Financial Intelligence Unit,
- (h) the Director of the Revenue Service,
- (i) the Registrar of Charities and other Non Profit Organisations,
- (j) the Registrar of Non-Profit Organisations appointed under the Charities and Non-Profit Organisations (Registration) (Sark) Law, 2010,
- (k) the Registrar for the purposes of each of the Beneficial Ownership Laws,
- (l) the Registrar of Companies,
- (m) the Registrar of Limited Liability Partnerships,
- (n) the Registrar of Foundations,
- (o) the Greffier, and

(p) the Registrar for the purposes of the Companies (Alderney) Law, 1994," and

""**service provider**" means a person, other than a regulated agent, who is providing investment advisory or management services, managerial services, accountancy services, tax advisory services, legal services, trust services, partnership services or corporate services in relation to a relevant trust or relevant partnership, as the case may be,".

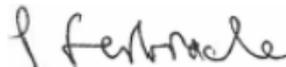
**Citation.**

3. These Regulations may be cited as the Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) (Trustees and Partners) (Amendment) Regulations, 2023.

**Commencement.**

4. These Regulations shall come into force on the 8<sup>th</sup> day of July, 2023.

Dated this 5<sup>th</sup> day of June, 2023



P. T. R. FERBRACHE

President of the Policy & Resources Committee

For and on behalf of the Committee

---

## EXPLANATORY NOTE

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

These Regulations introduce some amendments to the provisions in respect of specified businesses under the Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) Law, 1999. The amendments require specified businesses that act as trustees or partners in the course of their business to hold information on parties that provide services to a trust or partnership, and to disclose to such parties their status as a trustee or partner. There are also amendments governing the provision of information about a trust or partnership to third parties.

If approved by the States of Deliberation, these Regulations shall come into force on the 8<sup>th</sup> day of July, 2023.