

GUERNSEY STATUTORY INSTRUMENT

2023 No. 74

The Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) (Amendment) (No. 4) Regulations, 2023

<i>Made</i>	<i>3rd October, 2023</i>
<i>Coming into operation</i>	<i>3rd October, 2023</i>
<i>Laid before the States</i>	<i>, 2023</i>

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, section 20(c) 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 Proceeds of Crime Regulations.

1. For regulation 2 of the Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) (Amendment) Regulations, 2023^c, substitute -

^a Ordres en Conseil Vol. XXIX, p. 137; 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 2023.

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

(2) In section 1(2)—

(a) in paragraph (a) delete "or", and

(b) in paragraph (b), for "small business" substitute "small business, or", and

(c) after paragraph (b) insert—

"(c) a business of the type described in paragraph 6 of Schedule 2 to that Law, where the business is not under an obligation to register with the Commission under paragraph 2 of Schedule 5."

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

"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 where the business is under an obligation to register with the Commission under paragraph 2 of Schedule 5 of that Law."."

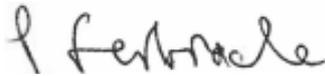
Extent.

2. These Regulations shall have effect in the Bailiwick of Guernsey.

Citation and commencement.

3. These Regulations may be cited as the Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) (Amendment) (No. 4) Regulations, 2023 and shall come into force on 3rd October, 2023.

Dated this 3rd day of October 2023

A handwritten signature in black ink, appearing to read 'P.T.R. Ferbrache', written in a cursive style.

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 substitute regulation 2 of the Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) (Amendment) Regulations, 2023. Regulation 2, as substituted by these regulations, will amend the Prescribed Businesses (Bailiwick of Guernsey) Law, 2008 in relation to individuals who benefit from the six directorship exemption from the requirement to hold a personal fiduciary licence under the Regulation of Fiduciaries, Administration Businesses and Company Directors, etc (Bailiwick of Guernsey) Law, 2020. The effect of the amendment will be that those individuals who benefit from the six directorships exemption who are also required to register with the Commission under Schedule 5 of the Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) Law, 1999 will be subject to the Commission's powers in relation to prescribed businesses under the Prescribed Businesses Law, e.g. to obtain information. This is because the amendment carves out registrable six directorship individuals from the definition of "small business" in the Prescribed Businesses Law, and the Law does not apply to small businesses by virtue of section 1.

Those six directorship individuals who are not registrable, for instance because all of their directorships are exempted, will not be subject to the Commission's powers under the Prescribed Business Law, and that Law is disapplied in relation to these individuals by an amendment to section 1.