

GUERNSEY STATUTORY INSTRUMENT

2024 No. 8

**The Criminal Justice (Proceeds of Crime)
(Bailiwick of Guernsey) (Amendment of Schedule 3)
Regulations, 2024**

Made

6th February, 2024

Coming into operation

On being made

Approved by the States

, 2024

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^a ("**the Law**") and all other powers enabling it in that behalf, hereby makes the following Regulations:-

Amendment of the Law.

1. (1) Schedule 3 to the Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) Law, 1999 ("**Schedule 3**") is amended as follows.

(2) In paragraph 16, after subparagraph (2), insert -

"(2A) For the avoidance of doubt, and without prejudice to the functions of the Commission under any other enactment or any action taken by the Commission under such an enactment, the functions of the Commission

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

in subparagraph (1) include monitoring and enforcing compliance by specified businesses with any international sanctions measure that has been implemented in the Bailiwick, and references to those functions shall be construed accordingly."

(3) After paragraph 16, insert –

"Proliferation financing etc.

16A. (1) Subject to subparagraphs (3) and (4), and without prejudice to paragraph 16(2A), the provisions of this Schedule apply to the activity within subparagraph (2) in the same way that they apply to money laundering and terrorist financing, and shall be construed accordingly.

(2) The activity within this subparagraph is the breach of targeted financial sanctions that –

- (a) are imposed under any international sanctions measure that has been implemented in the Bailiwick, and
- (b) relate to the proliferation of weapons of mass destruction and its financing,

and for the avoidance of doubt, the breach of targeted financial sanctions includes their non-implementation, circumvention or evasion.

(3) Subparagraph (1) does not apply to –

- (a) paragraph 10(2)(b)(ii), or

(b) subparagraph (B) in the definition of Appendix C business in paragraph 21.

(4) For the purposes of subparagraph (1), references in paragraph 3(8) to 31st March 2019 shall be read as references to 29th February, 2024.

(5) The references to the NRA in this Schedule include any national risk assessment in respect of the proliferation of weapons of mass destruction and its financing that may be published by the Committee as amended from time to time, and shall be construed accordingly."

(4) In paragraph 21, in the definition of the "relevant enactments" -

(a) for subparagraph (d), substitute -

"(d) the Sanctions (Bailiwick of Guernsey) Law, 2018,"

(b) for subparagraph (e), substitute -

"(e) any UK enactment within the meaning of, and as implemented by, the Sanctions (Implementation of UK Regimes) (Bailiwick of Guernsey) (Brexit) Regulations, 2020," and

(c) delete subparagraphs (f) to (i).

Citation.

3. These Regulations may be cited as the Criminal Justice (Proceeds of

Crime) (Bailiwick of Guernsey) (Amendment of Schedule 3) Regulations, 2024, and shall come into force on being made.

Dated this 6th day of February, 2024

A handwritten signature in black ink, appearing to read 'Lyndon Trott', with a stylized flourish at the end.

LYNDON TROTT

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 Schedule 3 to the Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) Law, 1999 in relation to the financing of the proliferation of weapons of mass destruction and other international sanctions measures that have been implemented in the Bailiwick.

These Regulations came into force on being made.