

GUERNSEY STATUTORY INSTRUMENT

2024 No.25

**The Sanctions (Miscellaneous Amendments)
Regulations, 2024**

<i>Made</i>	<i>6th March, 2024</i>
<i>Coming into operation</i>	<i>On being made</i>
<i>Laid before the States</i>	<i>20th March, 2024</i>

THE POLICY & RESOURCES COMMITTEE, in exercise of the powers conferred on it by sections 26(2A) and 27 of the Sanctions (Bailiwick of Guernsey) Law, 2018^a, and all other powers enabling it in that behalf, hereby makes the following Regulations: -

Amendment of the Law.

1. (1) The Sanctions (Bailiwick of Guernsey) Law, 2018 is amended as follows.

(2) After subsection (1) of section 2A (additional functions of the Committee in relation to implemented sanctions measures), insert -

"(2) For the avoidance of doubt, in deciding whether to grant a licence in respect of a designated person under a sanctions measure

^a Order in Council No. VII of 2019; this enactment has been amended.

implemented in the Bailiwick, and whether to impose conditions, the Committee must seek to ensure that the grant of a licence will not lead to -

- (a) a UN sanctions measure or a UK sanctions measure being contravened (whether by issuing a licence in circumstances that are not permitted by the UN sanctions measure or UK sanctions measure in question, or otherwise), or
- (b) the purpose of the person's designation being frustrated."

(3) After section 2D (false positive cases), insert -

"Asset freezing provisions.

2E. (1) For the avoidance of doubt and subject to the provisions of this section, a designated person within the meaning of section 2F is subject to the prohibitions and related provisions provided for under Part II (Prohibitions in relation to designated persons) of the Terrorist Asset Freezing Law as if that person had been designated under that Law.

(2) Subject to subsection (3), where a UK sanctions measure that has been implemented in the Bailiwick under section 2 ("a **relevant UK sanctions measure**") contains provisions that correspond to the provisions of Part II of the Terrorist Asset Freezing Law ("**UK asset freezing provisions**"), the UK asset freezing provisions shall not apply.

(3) The application of the prohibitions provided for under Part II of the Terrorist Asset Freezing Law for the purposes of subsection (1) is

subject to the same exemptions as those which apply to the UK asset freezing provisions in question.

(4) Subsection (1) does not apply to the prohibitions in Part II of the Terrorist Asset Freezing Law that relate to the provision of financial services, save in respect of designated persons (including any persons or entities owned or controlled, directly or indirectly, by such designated persons) whose designations are made under, and for the purposes of, a specified provision within the meaning of section 2F in respect of the following relevant UK sanctions measures -

- (a) the Afghanistan (Sanctions) (EU Exit) Regulations 2020,
- (b) the Counter-Terrorism (Sanctions) (EU Exit) Regulations 2019,
- (c) the Counter-Terrorism (International Sanctions) (EU Exit) Regulations 2019,
- (d) the ISIL (Da'esh) and Al-Qaida (United Nations) (Sanctions) (EU Exit) Regulations 2019, or
- (e) any other UK relevant sanctions measure that contains UK asset freezing provisions which include prohibitions in relation to the provision of financial services.

Meaning of designated person for the purposes of section 2E.

2F. (1) A designated person within the meaning of this section is any person, group or entity that is designated under a relevant UK sanctions measure for the purposes of a provision of that regime that is specified in Schedule 5 to the Sanctions (Implementation of UK Regimes) (Bailiwick of Guernsey) (Brexit) Regulations, 2020 ("**a specified provision**").

(2) For the avoidance of doubt, where a designation for the purposes of a specified provision includes, or purports to include, persons named by the Security Council of the United Nations under a specified UN Sanctions measure, any person, group or entity for the time being named by the Security Council under that UN Sanctions measure is a designated person within the meaning of subsection (1).".

(4) In subsection (1) of section 14 (reporting obligations of relevant institutions) -

- (a) immediately before paragraph (a) delete "if",
- (b) at the start of paragraph (a) insert "if",
- (c) at the end paragraph (a)(iii) delete "and",
- (d) at the start of paragraph (b) insert "if",
- (e) at the end of paragraph (b) for "." substitute ", and", and
- (f) after paragraph (b) insert -

"(c) of any assets frozen or actions taken in compliance with a sanctions measure, including attempted transactions."

Amendment of 2020 Regulations.

2. (1) The Sanctions (Implementation of UK Regimes) (Bailiwick of Guernsey) (Brexit) Regulations, 2020^b are amended as follows.

(2) In regulation 1 -

(a) in paragraph (1), after "subject to" , insert "section 2E of the Law and", and

(b) after paragraph (3), insert -

"(4) Schedule 5 (Specified provisions for purposes of section 2F of the Law) has effect."

(3) After Schedule 4, insert the Schedule 5 set out in the Schedule to these Regulations.

Citation and commencement.

3. These Regulations may be cited as the Sanctions (Miscellaneous Amendments) Regulations, 2024, and shall come into force on being made.

^b G.S.I. No. 162 of 2020; these regulations have been amended.

Dated this 6th day of March, 2024

A handwritten signature in black ink that reads "Lyndus Trotter". The signature is written in a cursive style with a large initial 'L'.

DEPUTY L.S. TROTT

President of the Policy & Resources Committee

For and on behalf of the Committee

SCHEDULE

Regulation 2(3)

"SCHEDULE 5

Regulation 1(4).

SPECIFIED PROVISIONS FOR PURPOSES OF SECTION 2F OF THE LAW

UK SANCTIONS REGIME	SPECIFIC PROVISION FOR ASSET FREEZING DESIGNATIONS
The Afghanistan (Sanctions) (EU Exit) Regulations 2020	Regulation 6
The Bosnia and Herzegovina (Sanctions) (EU Exit) Regulations 2020	Regulation 10
The Burundi (Sanctions) Regulations, 2021	Regulation 10
The Central African Republic (Sanctions) (EU Exit) Regulations	Regulation 11
The Chemical Weapons (Sanctions) (EU Exit) Regulations 2019	Regulation 10
The Counter-Terrorism (International Sanctions) (EU Exit) Regulations 2019	Regulation 10
The Counter-Terrorism (Sanctions) (EU Exit) Regulations 2019	Regulation 10

The Cyber (Sanctions) (EU Exit) Regulations 2020	Regulation 10
The Democratic People's Republic of Korea (Sanctions) (EU Exit) Regulations 2019	Regulations 5 & 10
The Democratic Republic of the Congo (Sanctions) (EU Exit) Regulations 2019	Regulation 11
The Global Anti-Corruption Sanctions Regulations 2021	Regulation 10
The Global Human Rights Sanctions Regulations 2020	Regulation 10
The Guinea (Sanctions) (EU Exit) Regulations 2019	Regulation 10
The Haiti (Sanctions) Regulations 2022	Regulation 6
The ISIL (Da'esh) and Al-Qaida (United Nations) (Sanctions) (EU Exit) Regulations 2019	Regulation 6
The Iran (Sanctions) (Nuclear) (EU Exit) Regulations 2019	Regulation 11
The Iran (Sanctions) Regulations 2023	Regulation 14
The Iraq (Sanctions) (EU Exit) Regulations 2020	Regulation 6(1) or (2)

The Lebanon (Sanctions) (EU Exit) Regulations 2020	NONE
The Lebanon (Sanctions) (Assassination of Rafiq Hariri and others) (EU Exit) Regulations 2020	Regulation 6
The Libya (Sanctions) (EU Exit) Regulations 2020	Regulations 11 & 17
The Mali (Sanctions) (EU Exit) Regulations 2020	Regulation 11
The Myanmar (Sanctions) Regulations 2021	Regulations 10 & 79
The Nicaragua (Sanctions) (EU Exit) Regulations 2020	Regulation 10
The Republic of Belarus (Sanctions) (EU Exit) Regulations 2019	Regulation 10
The Republic of Guinea-Bissau (Sanctions) (EU Exit) Regulations 2019	Regulation 10
The Russia (Sanctions) (EU Exit) Regulations 2019	Regulation 10
The Somalia (Sanctions) (EU Exit) Regulations 2020	Regulation 11
The South Sudan (Sanctions) (EU Exit) Regulations 2019	Regulation 11

The Sudan (Sanctions) (EU Exit) Regulations 2020	Regulation 11
The Syria (Sanctions) (EU Exit) Regulations 2019	Regulation 10
The Syria (United Nations Sanctions) (Cultural Property) (EU Exit) Regulations 2020	NONE
The Unauthorised Drilling Activities in the Eastern Mediterranean (Sanctions) (EU Exit) Regulations 2020	Regulation 10
The Venezuela (Sanctions) (EU Exit) Regulations 2019	Regulation 10
The Yemen (Sanctions) (EU Exit) (No.2) Regulations 2020	Regulation 11
The Zimbabwe (Sanctions) (EU Exit) Regulations 2019	Regulation 10

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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make several minor amendments to the Sanctions (Bailiwick of Guernsey) Law, 2018 ("the Law") to make clarificatory provision in relation to licences granted under the Law, the applicability of the prohibitions in Part II of the Terrorist Asset Freezing (Bailiwick of Guernsey) Law, 2011 ("the Terrorist Asset Freezing Law") to persons subject to UK sanctions measures, and the scope of the reporting obligations of relevant institutions under the Law. They also insert a new Schedule into the Sanctions (Implementation of UK Regimes) (Bailiwick of Guernsey) (Brexit) Regulations, 2020 specifying relevant provisions in UK sanctions measures for the purposes of the clarificatory provision in respect of the applicability of the prohibitions in Part II of the Terrorist Asset Freezing Law to persons subject to UK sanctions measures.

The Regulations come into force on being made.