

GUERNSEY STATUTORY INSTRUMENT

2024 No. 38

**The Criminal Justice (Proceeds of Crime)
(Bailiwick of Guernsey) (Amendment of Schedule 3)
(No. 3) Regulations, 2024**

Made

22nd April, 2024

Coming into operation

On being made

Laid before the States

THE POLICY & RESOURCES COMMITTEE, in exercise of the powers conferred on it by sections 49AA, 49AB 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 Schedule 3 to the Law.

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

(2) In paragraph 4(3)(c), from "measures to understand" to the end substitute "measures to understand the nature of the customer's business and its ownership and control structure,".

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

(3) For paragraph 5(3)(a)(ii), substitute –

"(ii) obtaining senior management approval for, in the case of either –

A. an existing business relationship with a foreign politically exposed person, or

B. an existing high risk business relationship with a domestic politically exposed person or a person who is a politically exposed person by virtue of subparagraph (4)(b),

continuing that relationship,".

(4) In paragraph 15C(1)(e), for "£1,000 or less" substitute "under £1,000".

(5) In paragraph 15C(2)(c), for "£1,000 or less" substitute "under £1,000".

(6) For paragraph 15H(b), substitute -

"(b) in the course of those activities, acts as a trustee of a relevant trust or a partner of a relevant partnership (or occupies an equivalent role to that of trustee or partner in relation to a foreign

legal arrangement).".

(7) In paragraph 15I(1), for "A specified business to which this Part applies" substitute "Where a specified business to which this Part applies is acting as a trustee of a relevant trust or a partner of a relevant partnership, it".

(8) In paragraph 15J(1)(b), after "a trustee of a relevant trust or a partner of a relevant partnership" insert "(or the occupant of an equivalent role in relation to a foreign legal arrangement)".

(9) In the definition of "occasional transaction" in paragraph 21(1), for "£1,000" substitute "£1,000 or more".

Citation and commencement.

2. These Regulations may be cited as the Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) (Amendment of Schedule 3) (No. 3) Regulations, 2024, and shall come into force on being made.

Dated this 22nd day of April, 2024



DEPUTY HEIDI SOULSBY

Vice-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 make several minor amendments to Schedule 3 (specified businesses) to the Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) Law, 1999, including in relation to requiring specified businesses to understand a customer's business as a part of risk assessments of proposed business relationships and occasional transactions.

These Regulations came into force on being made.