

The Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) (Amendment) Ordinance, 2024

THE STATES, in pursuance of their Resolution of the 24th April, 2024^a and in exercise of the powers conferred on them by sections 53A and 54 of the Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) Law, 1999^b, and all other powers enabling them in that behalf, hereby order:-

Amendment of the Proceeds of Crime Law: Schedule 5.

1. (1) Schedule 5 to the Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) Law, 1999 ("**the Proceeds of Crime Law**") is amended as follows.

(2) In paragraph 2 (registration of prescribed businesses) -

(a) in subparagraph (3)(a)(v) at the end insert "the names, dates of birth and places of residence of the directors or partners (as the case may be) and beneficial owners, and", and

(b) after subparagraph (5A) insert -

"(5B) The Commission may refuse to register a business under this Schedule in circumstances where in respect of a director, partner or

^a Article VI of Billet d'État No. V of 2024.

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

beneficial owner of that business -

- (a) there has been a failure to comply with paragraph 4 or paragraph 5 of Schedule 6 (Administrator of estate agents), Schedule 7 (Administrator of accountants), or Schedule 8 (Administrator of non-locally qualified legal professionals),
- (b) there has been a failure to comply with paragraph 3 or paragraph 4 of Schedule 9 (Functions of His Majesty's Greffier regarding advocates),
- (c) an order has been made under paragraph 6 of Schedule 6, paragraph 6 of Schedule 7, or paragraph 6 of Schedule 8, or
- (d) a referral has been made under paragraph 5 of Schedule 9."

(3) After paragraph 3 (validity of registration, annual fee and general requirements), insert -

"Administrative financial penalties.

3A. (1) The Commission may by regulation make such provision as it thinks fit in respect of the charging of administrative financial penalties for -

- (a) the late payment of fees or charges required to

be paid, or

- (b) the late filing or delivery of information or documents required to be filed or delivered,

by or under the provisions of this Schedule.

(2) Regulations under this paragraph may -

- (a) prescribe the amount and basis of calculation of penalties payable in the circumstances described in subparagraph (1),
- (b) provide for the payment and collection of fees, charges and penalties and for their recovery by the Commission as a civil debt,
- (c) make provision in relation to appeals (including, without limitation, provision applying the provisions of section 106 of the Financial Services Business (Enforcement) (Bailiwick of Guernsey) Law, 2020, subject to such exceptions, adaptations and modifications as may be prescribed by the regulations), and
- (d) make provision under the powers conferred by this Schedule notwithstanding the provisions of any enactment for the time being in force.

Rules as to annual return.

3B. (1) The Commission may make rules requiring the submission by prescribed businesses to the Commission, in such form and manner, at such times or intervals and in respect of such periods as may be prescribed, of an annual return.

(2) The annual return shall contain such information and shall be accompanied by such documents as may be prescribed, being information and documents considered by the Commission to be necessary -

(a) for the purposes of enabling the Commission to perform its functions,

(b) for the purposes of responding to the obligations of the Bailiwick in relation to international co-operation and mutual assistance, including without limitation information and documents relating to financial crime, including money laundering and financing of terrorism,

(c) in the interests of -

(i) the public, or

(ii) the reputation of the Bailiwick as a finance centre.

(3) Information and documents submitted pursuant to

rules under this paragraph shall be in such form as may be prescribed or, if no form is prescribed, as the Commission may reasonably require.

(4) In this paragraph "**prescribed**" means prescribed by the rules."

(4) In paragraph 5 (suspension or revocation of registration), in subparagraph (1A) at the end insert "or (5B)".

Amendment of the Proceeds of Crime Law: Schedule 9.

2. (1) Schedule 9 to the Proceeds of Crime Law is amended as follows.

(2) In paragraph 3 (initial notification requirement), after subparagraph (6) insert -

"(7) In this paragraph and paragraph 4 (ongoing notification requirement), reference to a "managing Advocate" includes a beneficial owner of a local legal services business."

(3) In paragraph 13 (interpretation), at the end of the definition of "managing Advocate" insert "(and see also paragraph 3(7))".

Extent.

2. This Ordinance has effect throughout the Bailiwick of Guernsey.

Citation.

3. This Ordinance may be cited as the Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) (Amendment) Ordinance, 2024.

Commencement.

4. This Ordinance shall come into force on the day on which it is made.