

# The Prescribed Businesses (Bailiwick of Guernsey) (Amendment) Law, 2024

THE STATES, in pursuance of their Resolutions of the 24<sup>th</sup> April, 2024<sup>a</sup> have approved the following provisions which, subject to the Sanction of His Most Excellent Majesty in Council, shall have force of law in the Bailiwick of Guernsey.

## Amendment of the Prescribed Businesses Law.

1. (1) Section 13 of the Prescribed Businesses (Bailiwick of Guernsey) Law, 2008<sup>b</sup> (power to issue discretionary financial penalties) is amended as follows.

(2) In subsection (1), for "£200,000" to the end, substitute " the relevant sum calculated in accordance with subsection (1A) (or such other sum as the States may specify by Ordinance) as it considers appropriate."

(3) After subsection (1), insert -

"(1A) The relevant sum is -

- (a) in the case of a registered prescribed business or a former registered prescribed business (other than a prescribed business of the type described in paragraph 6 of Schedule 2 in respect of which paragraph (b) applies),

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<sup>a</sup> Article VI of Billet d'État No. V of 2024.

<sup>b</sup> Order in Council No. XII of 2009; this enactment has been amended.

£4,000,000, provided that any penalty of more than £300,000 shall not exceed 10% of the turnover of the registered prescribed business or former registered prescribed business in question, or

- (b) in the case of a person who, when the contravention or non-fulfilment in question took place, was a director, controller, partner, senior officer or beneficial owner of a registered prescribed business or a prescribed business of the type described in paragraph 6 of Schedule 2, an amount not exceeding £400,000.

(1B) The Policy & Resources Committee may, after consultation with the Commission, the Policy and Finance Committee of the States of Alderney and the Policy and Finance Committee of the Chief Pleas of Sark, by regulation make such provision as it thinks fit for the purpose of carrying this section into effect including, without limitation, provision in respect of -

- (a) the meaning of the expressions "turnover" and "emoluments" for the purposes of this section, including without limitation the determination and basis of calculation thereof, and
- (b) the banding of penalties under this section within the relevant sum calculated in accordance with subsection (1A) and the

criteria subject to which each band is to be applied, taking into consideration the factors set out in paragraphs (a) to (h) of subsection (2).".

(4) In subsection (2) -

(a) at the end of paragraph (e) delete "and",

(b) at the end of paragraph (f), for "." substitute ",", and

(c) after paragraph (f) insert -

"(g) in the case of a director, controller, partner, or senior officer, or a business of the type described in paragraph 6 of Schedule 2, the emoluments arising from the position concerned, and

(h) any other factor the Commission considers relevant.".

(5) After subsection (3), insert -

"(4) In this section, references to "**paragraph 6 of Schedule 2**" are references to paragraph 6 of Schedule 2 to the Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) Law, 1999.".

**Extent.**

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

**Citation.**

3. This Law may be cited as the Prescribed Businesses (Bailiwick of Guernsey) (Amendment) Law, 2024.