

The Sanctions (Director Disqualification) (Amendment) Ordinance, 2024

THE POLICY & RESOURCES COMMITTEE, in exercise of the powers conferred on the States by sections 26 and 27 of the Sanctions (Bailiwick of Guernsey) Law, 2018^a, and on the Committee by Article 66A of the Reform (Guernsey) Law, 1948^b, and all other powers respectively enabling the States and the Committee in that behalf, hereby orders:-

Amendment of the Law.

1. (1) The Law is amended as follows.

(2) After section 3, insert -

"Director disqualification sanctions.

3A. (1) Subject to subsection (2), it is an offence for a person who is designated for the purposes of director disqualification sanctions under a relevant UK sanctions measure -

(a) to be a director of a Guernsey company or an Alderney company, or

(b) directly or indirectly to take part in or be concerned in the promotion, formation or

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

^b Ordres en Conseil Vol. XIII, p. 288; this enactment has been amended.

management of a Guernsey company or an Alderney company.

(2) Subsection (1) does not apply -

(a) to the extent that an exception from subsection (1) has been created by virtue of the relevant UK sanctions measure in question, and

(b) to anything done under the authority of a licence issued under the relevant UK sanctions measure in question.

(3) It is a defence for a person charged with an offence under this section to prove that they did not know and could not reasonably have been expected to know that they were subject to director disqualification sanctions at the time at which they engaged in the conduct within subsection (1).

(4) For the avoidance of doubt, this section is without prejudice to Part XXV (Disqualification Orders) of the Companies (Guernsey) Law, 2008 and section 88 (disqualification orders) of the Companies (Alderney) Law, 1994."

(3) In section 19(1), before the words "is liable", insert "or section 3A".

(4) In section 25, in the appropriate places, insert -

""**Alderney company**"" means a company incorporated or registered under the law of Alderney,"

""**Guernsey company**"" means a company incorporated or registered under the law of Guernsey," and

""**director disqualification sanctions**"" means a prohibition under a relevant UK sanctions measure on being a director of a company or directly or indirectly taking part or being concerned in the promotion, formation or management of a company,".

Amendment of the Regulations.

2. (1) The Regulations are amended as follows.

(2) After regulation 2(da), insert -

"(db) references to section 11A of the Company Directors Disqualification Act 1986 and Article 15A of the Company Directors Disqualification (Northern Ireland) Order 2002 shall be construed as references to section 3A of the Law,

(dc) references to section 11A(1) of the Company Directors Disqualification Act 1986 and Article 15A(1) of the Company Directors Disqualification (Northern Ireland) Order 2002 shall be construed as references to section 3A(1) of the Law,".

Interpretation.

3. In this Ordinance -

"**the Law**" means the Sanctions (Bailiwick of Guernsey) Law, 2018,

"**the Regulations**" means the Sanctions (Implementation of UK Regimes) (Bailiwick of Guernsey) (Brexit) Regulations, 2020^c, and

"**UK enactments**" has the same meaning as in the Regulations, and

other terms used both in this Ordinance and -

- (a) the Regulations,
- (b) the Law, or
- (c) any of the UK enactments,

shall have the same meanings as in the Regulations, the Law or the UK enactment in question, as the case may be.

Citation and Commencement.

4. This Ordinance may be cited as the Sanctions (Director Disqualification) (Amendment) Ordinance, 2024 and shall come into force on being made.

^c G.S.I. No. 162 of 2020. This enactment has been amended.