

# **The Disclosure (Bailiwick of Guernsey) (Amendment) Ordinance, 2010**

**THE STATES**, in pursuance of their Resolution of the 24<sup>th</sup> February, 2010<sup>a</sup>, and in exercise of the powers conferred on them by section 14 of the Disclosure (Bailiwick of Guernsey) Law, 2007<sup>b</sup> and all other powers enabling them in that behalf, hereby order:-

## **Amendment of section 1 of the Law.**

1. Section 1 of the Law is amended as follows -

- (a) in subsection (8), for "rules or guidance" wherever appearing, substitute "rules, guidance or instructions",
- (b) in subsection (13), immediately after "A disclosure" insert "made in good faith", and
- (c) immediately after subsection (13), insert the following subsection -

"(14) In subsection (13) "**good faith**" means that the person making the disclosure -

- (a) knows or suspects, or
- (b) has reasonable grounds for knowing or suspecting,

that the person in respect of whom the disclosure is made is engaged in money laundering."

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<sup>a</sup> Article X of Billet d'État No. IV of 2010.

<sup>b</sup> Order in Council No. XVI of 2007; amended by Ordinance No. XXXIX of 2008.

**Amendment of section 2 of the Law.**

2. Section 2 of the Law is amended as follows -

- (a) in subsection (7), for "rules or guidance" wherever appearing, substitute "rules, guidance or instructions",
- (b) in subsection (8), immediately after "A disclosure" insert "made in good faith", and
- (c) immediately after subsection (8), insert the following subsection -

"(9) In subsection (8) "**good faith**" means that the person making the disclosure -

- (a) knows or suspects, or
- (b) has reasonable grounds for knowing or suspecting,

that the person in respect of whom the disclosure is made is engaged in money laundering."

**Amendment of section 3 of the Law.**

3. Section 3 of the Law is amended as follows -

- (a) in subsection (7), for "rules or guidance" wherever appearing, substitute "rules, guidance or instructions",
- (b) in subsection (10), immediately after "A disclosure" insert "made in good faith", and

(c) immediately after subsection (10), insert the following subsection -

"(11) In subsection (10) "**good faith**" means that the person making the disclosure -

(a) knows or suspects, or

(b) has reasonable grounds for knowing or suspecting,

that the person in respect of whom the disclosure is made is engaged in money laundering. "

**Amendment of section 4 of the Law.**

4. Section 4 of the Law is amended as follows -

(a) for subsection 1(b), substitute -

"(b) he discloses to any other person information or any other matter concerning the required disclosure -

(i) which is likely to prejudice any investigation which might be conducted following -

(A) the making of the required disclosure under paragraph (a)(i), or

(B) the communication of the information or other matter under paragraph (a)(ii), or

(ii) which is not already in the public domain and

which, in the circumstances of any investigation, it is unreasonable to disclose.", and

- (b) in subsection (4), immediately after "suspect" insert "or have reasonable grounds to suspect".

**Amendment of section 15 of the Law.**

5. Section 15 of the Law is amended as follows -

- (a) in the heading to section 15, after "guidance" insert "or instructions",
- (b) in subsection (1), after "guidance" insert "and instructions", and
- (c) in subsection (2), for "rules and guidance" substitute "rules, guidance and instructions".

**Amendment of section 16 of the Law.**

6. Section 16 of the Law is amended as follows -

- (a) in the heading of section 16, for "rules and guidance" substitute "rules, guidance and instructions",
- (b) in subsection (1), for "rule or guidance" wherever appearing, substitute "rule, guidance or instruction", and
- (c) in subsection (2), for "rule or guidance" substitute "rule, guidance or instruction".

**Interpretation.**

7. In this Ordinance, "**the Law**" means the Disclosure (Bailiwick of Guernsey) Law, 2007, as amended.

**Extent.**

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

**Citation.**

9. This Ordinance may be cited as the Disclosure (Bailiwick of Guernsey) (Amendment) Ordinance, 2010.

**Commencement.**

10. This Ordinance shall come into force on the 24<sup>th</sup> March, 2010.