

The Disclosure (Bailiwick of Guernsey) (Amendment)

(No. 2) Ordinance, 2010

THE STATES, in pursuance of their Resolution of the 25th March, 2010^a, and in exercise of the powers conferred on them by section 14 of the Disclosure (Bailiwick of Guernsey) Law, 2007^b and all other powers enabling them in that behalf, hereby order:-

Amendment of the Law.

1. The Law is amended as follows.

2. In Part I of the Law for "police officer", wherever appearing, substitute "prescribed police officer".

3. Immediately after section 3 of the Law, insert the following section -

"Disclosure under section 1(13), 2(8) or 3(10).

3A. (1) Disclosure under section 1(13), 2(8) or 3(10) includes disclosure of -

- (a) any information or document relating to the knowledge, suspicion or reasonable grounds for suspicion that the person in respect of whom the disclosure is made is engaged in money laundering, and

^a Article XII of Billet d'État No. VI of 2010.

^b Order in Council No. XVI of 2007; amended by Ordinance No. XXXIX of 2008 and the Disclosure (Bailiwick of Guernsey) (Amendment) Ordinance, 2010.

- (b) any fact or matter upon which such knowledge, suspicion or reasonable grounds for suspicion is based.

(2) For the purposes of subsection (1), "**information or document**" includes any information or document relating to -

- (a) any money or property,
- (b) any transaction concerning such money or property, and
- (c) the parties to any such transaction."

4. In section 4(4) -

- (a) immediately after "subsection (1),", insert "where a contravention of paragraph (b)(i) of that subsection is alleged,", and
- (b) for "(b)", substitute "(b)(i)".

5. In section 17(1) of the Law insert the following definitions in the appropriate places -

"**Financial Intelligence Service**" means the division of the Financial Investigation Unit, comprising those police officers and other persons assigned to the division for the purpose of the receipt, analysis and dissemination within the Bailiwick, and elsewhere, of

disclosures under Part I, which are more commonly known or referred to as suspicious transaction reports or suspicious activity reports,"

"**Financial Investigation Unit**" means that branch of the Customs and Immigration Service responsible for the investigation of financial and economic crime," and

"**prescribed police officer**" means a police officer who is a member of the Financial Intelligence Service,".

Interpretation.

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

Repeals.

7. The following enactments are repealed -

- (a) the Money Laundering (Disclosure of Information) (Guernsey) Law, 1995^c,
- (b) the Money Laundering (Disclosure of Information) (Alderney) Law, 1998^d, and
- (c) the Money Laundering (Disclosure of Information)

^c Ordres en Conseil Vol. XXXVI, p. 111.

^d Ordres en Conseil Vol. XXXVIII, p 226.

(Sark) Law, 2001^e.

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) (No. 2) Ordinance, 2010.

Commencement.

10. This Ordinance shall come into force on the 28th April, 2010.

^e Order in Council No. XXXII of 2001.