



Notice to Licensees issued under Section 22(3)(b) of the Alderney eGambling Ordinance, 2009

20th May 2010

Licensees may find the following definition of what constitutes the proceeds of crime within the Bailiwick of Guernsey (which includes Alderney) useful when considering their AML/CFT obligations as set out in the Alderney eGambling Ordinance, 2009 and the Alderney eGambling Regulations, 2009.

What are the proceeds of crime?

At its most basic level money laundering is deception by attempting to make illegitimate funds appear to have been obtained through legal means – but what do we mean by illegitimate funds i.e. what offence has to be undertaken in order for the funds obtained by committing that offence to be considered as the proceeds of crime?

Under section 1(1) of the Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) Law, 1999 all offences that are indictable under the law of the Bailiwick are considered to be predicate offences and therefore funds obtained by committing a predicate offence are considered to be the proceeds of crime.

Under Bailiwick law all offences are indictable except for some minor public order and traffic offences. Therefore, the range of predicate offences is extremely wide and includes the following:

- participation in an organised criminal group and racketeering;
- terrorism, including terrorist financing;
- trafficking in human beings and migrant smuggling;
- sexual exploitation, including sexual exploitation of children;
- illicit trafficking in narcotic drugs and psychotropic substances;
- illicit arms trafficking;
- illicit trafficking in stolen and other goods;
- corruption and bribery;
- fraud and tax evasion;
- counterfeiting and piracy of products;
- environmental crime;
- murder, grievous bodily injury;
- kidnapping, illegal restraint and hostage taking;
- robbery or theft;
- smuggling;
- extortion;
- forgery;
- piracy; and
- insider trading and market manipulation.