

GUERNSEY STATUTORY INSTRUMENT

2014 No.

**The Disclosure (Bailiwick of Guernsey) (Amendment)
Regulations, 2014**

Made

6th August 2014

Coming into operation

7th August, 2014

Laid before the States

, 2014

THE HOME DEPARTMENT, in exercise of the powers conferred on it by section 11 of the Disclosure (Bailiwick of Guernsey) Law, 2007^a and all other powers enabling it in that behalf, hereby makes the following Regulations:-

Amendment of the Principal Regulations.

1. The Principal Regulations are amended as follows.

2. Immediately after regulation 2 of the Principal Regulations, insert the following regulation -

"Request for additional information from third parties.

- 2A. (1) This regulation applies where -

^a Order in Council No. XVI of 2007; amended by Recueil d'Ordonnances Tome XXXIII, p. 161; Ordinance Nos. XIV, XIX and XXXVII of 2010 and the Disclosure (Bailiwick of Guernsey) (Amendment) Ordinance, 2014 made by the States of Deliberation on the 28th May, 2014.

- (a) a person has made a disclosure to a prescribed police officer under section 1, 2 or 3 of the Law of 2007 ("**the initial disclosure**"), and
- (b) on the basis of the initial disclosure, the officer has reasonable cause to believe that another person ("**a third party**") possesses relevant information.

(2) A prescribed police officer may, by notice in writing served upon a third party, require that third party to provide the officer (or any other specified officer) with such additional information relating to the initial disclosure as may be specified -

- (a) within such period which, subject to paragraph (4), shall not be less than 7 days, and
- (b) in such form and manner,

as may be specified.

(3) A prescribed police officer may by written notice extend the period specified under paragraph (2)(a) for such period of time as he may specify in writing.

(4) Where a relevant officer is satisfied that the provision of additional information is reasonably required as a matter of urgency he may, for the purposes of paragraph (2)(a) -

- (a) specify, or

- (b) authorise any prescribed police officer to specify,

such reasonable period of less than 7 days within which the information must be provided, as he thinks fit.

- (5) For the purposes of this regulation -

"**relevant information**" means information which is, or is likely to be, of assistance to any enquiries that a prescribed police officer reasonably believes to be necessary in order to establish -

- (a) whether any person is engaged in money laundering, or
- (b) that certain property is or is derived from the proceeds of criminal conduct, and

"**a relevant officer**" has the same meaning as it has for the purposes of regulation 2(3)."

3. In paragraph (1) of regulation 3 of the Principal Regulations, immediately after " regulation 2" insert "or 2A".

4. For the Schedule to the Principal Regulations substitute -

"SCHEDULE

Regulations 1 and 5

FORM OF DISCLOSURE

DISCLOSURE FORM
STRICTLY PRIVATE AND CONFIDENTIAL

Please forward with covering letter to:	
The Guernsey Border Agency, Financial Investigation Unit: Financial Intelligence Service, Ozanne Hall, Mignot Plateau, Cornet Street, St Peter Port, GY1 1LF	
Tel: 714081 Fax: 710466 E-mail: fiu@gba.gov.gg (not secure)	
Reporting MLRO:	
Tel:	Email

Your reference	
FIS reference	
Date	Consent request? Yes/No

1. MAIN DISCLOSURE SUBJECT

Person

Title	
Full name <i>(please include former and other names)</i>	
Is the subject a Politically Exposed Person? <i>(please give details)</i>	
Gender	
Date of birth / Alias date of Birth	
Estimated age	
Place of Birth	
Town of Birth	
Nationality(ies)	
Occupation	
Employer	
Address(es) including postal	

codes	
Country of Residence	
Contact details, e.g. telephone, fax, email	
Passport number(s) and dates	
Passport issuing country(ies)	
Other identification numbers and dates, e.g. national identity card, driving licence etc. <i>(please specify type)</i>	
Any other relevant information	

and/or Organisation

Type of Organisation i.e. company, trust, non-profit organisation or other	
Name <i>(please include former and other names)</i>	
Legal registration / identification number	
Address(es) including postal codes	
Contact details, e.g. telephone, fax, email	
Place of incorporation/date	
Country registered / established	
Date registered / established	
Any other relevant information	
<i>(Trust)</i> Country of Administration Country Settled	
<i>(non-profit organisation)</i> Area of Benefit Area of Operation	

2. ASSOCIATED SUBJECTS (including organisation officials)

Official Type	
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Title	
Full name (<i>please include former and other names</i>)	
Date of birth	
Address(es) including postal codes	

For further associated subjects, please copy the formats used above.

3. RELEVANT ACCOUNTS

Account Name	
Account Holder(s)	
Financial Institution/SWIFT/BIC address	
Account / product type, e.g. investment, company etc.	
Account number and sort code	
Date account opened	
Date account closed	
Account balance / value	
Balance / value date	

For additional accounts or products, please copy the format used above.

4. RELEVANT TRANSACTIONS

Please note that the obligation to report suspicion applies to all types of transaction and attempted transaction, including attempted transactions in circumstances where there is no existing business relationship with the disclosure subject and no such business relationship is subsequently established.

Transaction date	
Transaction amount	
Transaction type / method	
Transaction parties (<i>please use person / organisation format as above where more detailed information is available</i>)	
Was the transaction carried out?	
Was the transaction made in the context of an existing business relationship? If not,	

was a business relationship then established?	
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For additional transactions, please copy the format used above.

5. CLIENT RELATIONSHIP

Current status of relationship	
Date relationship commenced	
Date relationship ended	

6. REASONS FOR SUSPICION

<i>Please give full account of circumstances and grounds for suspicion</i>
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Suspected Underlying Offences	<i>Please specify where possible the nature of the offences which you suspect may underlie or otherwise be relevant to the transaction, for example fraud or corruption, (whether carried out or not), together with the grounds for that suspicion.</i>
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This disclosure is made under the <i>(please delete as appropriate)</i>	Terrorism and Crime (Bailiwick of Guernsey) Law, 2002
	Disclosure (Bailiwick of Guernsey) Law, 2007

7. DETAILS OF ANY REQUEST FOR CONSENT

<i>Please specify the act or transaction for which consent is sought</i>
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8. ADDITIONAL INFORMATION (including explanation of any attachments)

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NB - Please also provide as much information and documentation as possible to demonstrate why suspicion has been raised and to enable the FIS to fully understand the purpose and intended nature of the business relationship, e.g. copy identification and account opening documents, account statements, contract notes, minutes, correspondence, structure charts, transcripts, etc."

Interpretation.

5. (1) In these Regulations, unless the context requires otherwise, "the Principal Regulations" means the Disclosure (Bailiwick of Guernsey) Regulations, 2007^b, and other expressions have the same meanings as in the Disclosure (Bailiwick of Guernsey) Law, 2007.

(2) The Interpretation (Guernsey) Law, 1948^c applies to the interpretation of these Regulations.

(3) Any reference in these Regulations to an enactment is a reference thereto as from time to time amended, re-enacted (with or without modification), extended or applied.

Citation and commencement.

6. These Regulations may be cited as the Disclosure (Bailiwick of Guernsey) (Amendment) Regulations, 2014, and shall come into force on the 7th August, 2014.

Dated this 7th day of August, 2014

^b G.S.I. No. 34 of 2007, as amended by G.S.I. No.50 of 2010 and No. 23 of 2011.

^c Ordres en Conseil Vol. XIII, p. 355.



DEPUTY P L GILLSON

Minister of the States Home Department

For and on behalf of the Department

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Disclosure (Bailiwick of Guernsey) Regulations, 2007 as amended ("the 2007 Regulations").

In particular they insert a new regulation 2A into the 2007 Regulations. The inserted regulation applies where a person has made a disclosure under section 1, 2 or 3 of the Disclosure (Bailiwick of Guernsey) Law, 2007 and the police officer to whom the disclosure is made believes as a result, that another person ("a third party") may possess relevant information. "Relevant information" is defined as information which is, or is likely to be, of assistance to any enquiries that a prescribed police officer reasonably believes to be necessary in order to establish whether any person is engaged in money laundering, or that certain property is or is derived from the proceeds of criminal conduct. Where the inserted regulation applies, a prescribed police officer, by notice in writing served upon a third party, may require that third party to provide the officer (or any other specified officer) with such additional information relating to the initial disclosure as may be specified in writing within such period which, in usual circumstances shall not be less than 7 days, and in such form and manner, as may be specified.

These Regulations also amend the form of disclosure set out in the Schedule to the 2007 Regulations, as amended.

These Regulations come into force on the 7th August, 2014.

