

ORDER IN COUNCIL

VII
1998

ratifying a Projet de Loi

ENTITLED

The Money Laundering (Disclosure of Information) (Alderney) Law, 1998

(Registered on the Records of the Island of Guernsey
on the 18th August, 1998.)



1998

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 18th day of August, 1998 before de Vic Graham Carey, Esquire, Deputy Bailiff; present:- Leonard Arthur Moss, Lawrence Oscar Ozanne, John Richard Rowe Henry, David Charles Lowe, Esquires, Mrs. Eileen May Glass, Laurence Lenfestey Guille, Derek Martin Le Page, Stephen Edward Francis Le Poidevin, Alan Cecil Bisson, David Michael Jory and Keith Bichard, OBE, Esquires, and The Reverend Peter Gerald Lane, Jurats.

The Deputy Bailiff having this day placed before the Court a copy of an Order of Her Majesty in Council dated the 21st day of July, 1998 approving and ratifying a *Projet de Loi* entitled "The Money Laundering (Disclosure of Information) (Alderney) Law, 1998", THE COURT, after the reading of the said Order in Council and after having heard Her Majesty's Comptroller thereon, ORDERED:-

1. That the said Order in Council be registered on the records of this Island; and
2. That an extract of this present Act, together with a copy of the said Order in Council, be sent by Her Majesty's Greffier to the Clerk of the Court of Alderney for registration on the records of that Island of which Order in Council the tenor followeth:-

At the Court at Buckingham Palace

The 21st day of July 1998

PRESENT.

The Queen's Most Excellent Majesty in Council

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey dated the 15th day of July 1998 in the words following, viz.:-

"YOUR MAJESTY having been pleased, by Your General Order of Reference of the 22nd day of February 1952, to refer unto this Committee a humble Petition of Jon Kay-Mouat, Esquire, President of the States of Alderney, setting forth:-

"That at a meeting of the States of Alderney held on the 6th day of May 1998, the States adopted a Resolution that a Projet de Loi entitled "The Money Laundering (Disclosure of Information) (Alderney) Law, 1998" be approved: That at the meeting of the States aforesaid Your Humble Petitioner was authorised to present to Your Majesty in Council a Petition that the said Projet de Loi be sanctioned: That the said Projet de Loi is as set forth in the Schedule hereunto annexed: And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Projet de Loi entitled "The Money Laundering (Disclosure of Information) (Alderney) Law, 1998" and order that the same shall have force of Law within the Island of Alderney."

"THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have taken the said Petition and the Projet de Loi annexed thereto into consideration and do this day agree humbly to report, as their opinion, to Your Majesty, that it may be advisable for Your Majesty to comply with the prayer of the said Petition and to approve of and ratify the said Projet de Loi."

HER MAJESTY having taken the said Report into consideration is pleased, by and with the advice of Her Privy Council, to approve of and ratify the said Projet de Loi, and to order, and it is hereby ordered, that the same shall have the force of Law within the Island of Alderney.

AND HER MAJESTY doth hereby further direct that this Order, and the said Projet de Loi (a copy whereof is hereunto annexed), be entered upon the Register of the Island of Guernsey and observed accordingly.

AND the Lieutenant Governor and Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other Her Majesty's Officers for the time being, of the said Island of Guernsey, and also the Jurats of the said Island of Alderney, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

N. H. Nicholls

PROJET DE LOI

ENTITLED

The Money Laundering (Disclosure of Information) (Alderney) Law, 1998

THE STATES, in pursuance of their Resolution of the 6th day of May, 1998, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Island of Alderney.

No liability for reporting suspicions as to source of monies.

1. No obligation of secrecy or confidence or other restriction on the disclosure of information to which any person may be subject, whether arising by statute, contract or otherwise, shall be regarded as being contravened by reason of the disclosure by that person or by any of his officers, servants or agents to an officer described in section 2 of-

- (a) any reasonable suspicion or belief that any money or other property is, or is derived from or represents, the proceeds of criminal activity;
- (b) any information or document relating to-
 - (i) any such money or property;
 - (ii) any transaction concerning it;
 - (iii) the parties to any such transaction;
- (c) any fact or matter upon which any such suspicion or belief is based.

Officers to whom disclosure may be made.

2. The officers referred to in section 1 are-

- (a) Her Majesty's Procureur or Comptroller;
- (b) any member of the salaried police force of the Island of Guernsey;
- (c) any officer of customs and excise within the meaning of the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law, 1972, as amended(a);
- (d) any officer or servant of the Guernsey Financial Services Commission authorised by the Commission to receive disclosures for the purposes of this Law;
- (e) such other person or class or description of persons as the States may by Ordinance specify.

Interpretation.

3. In this Law -

"**criminal activity**" means any activity which constitutes a criminal offence under the law of Alderney or which would constitute such an offence if it were to take place in Alderney;

"**person**" includes any body of persons incorporated with or without limited liability in any part of the world, and any unincorporated body of persons.

Citation.

4. This Law may be cited as the Money Laundering (Disclosure of Information) (Alderney) Law, 1998.

A. E. BOHAN,
Her Majesty's Deputy Greffier.

(a) Ordres en Conseil Vol. XXIII, p.573; and No. XIII of 1991.