

ORDER IN COUNCIL

XXXII
2001

ratifying a Projet de Loi

ENTITLED

The Money Laundering (Disclosure of Information (Sark) Law, 2001

(Registered on the Records of the Island of Guernsey
on the 11th December, 2001.)



2001

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 11th day of December, 2001 before de Vic Graham Carey, Esquire, Bailiff; present:— David Charles Lowe, Esquire, Mrs. Eileen May Glass, Laurence Lenfestey Guille, Derek Martin Le Page, Stephen Edward Francis Le Poidevin, Alan Cecil Bisson, David Michael Jory, Keith Bichard, OBE, Esquires, The Reverend Gerald Peter Lane, and Michael Henry De La Mare and Michael John Tanguy, Esquires, Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 14th day of November, 2001, approving and ratifying a Projet de Loi of the Chief Pleas of the Island of Sark entitled “The Money Laundering (Disclosure of Information) (Sark) Law, 2001”, 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 Sénéchal of Sark for registration on the records of that Island, of which Order in Council the tenor followeth:—

At the Court at Buckingham Palace

The 14th day of November, 2001

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 2nd day of November 2001 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 the humble Petition of the States of the Island of Guernsey setting forth:—

“1. That in pursuance of their Resolution of the 18th day of April 2001, the Chief Pleas of the Island of Sark, at a meeting held on the 18th day of July 2001 approved a Bill or “Projet de Loi” entitled “The Money Laundering (Disclosure of Information) (Sark) Law, 2001”: 2. That the said Bill or “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 Bill or “Projet de Loi” of the Chief Pleas of Sark entitled “The Money Laundering (Disclosure of Information) (Sark) Law, 2001”, and to order that the same shall have force of law within the Island of Sark.”

“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have taken the said Petition and the said Projet de Loi 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 Sark.

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, in the said Bailiwick, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

A. K. Galloway

PROJET DE LOI

ENTITLED

The Money Laundering (Disclosure of Information) (Sark) Law, 2001

THE CHIEF PLEAS, in pursuance of their Resolution of the 18th day of April, 2001, 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 Sark.

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) the Constable or the Vingtenier;
- (d) any officer of customs and excise within the meaning of the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law, 1972, as amended^a;
- (e) any officer or servant of the Guernsey Financial Services Commission authorised by the Commission to receive disclosures for the purposes of this Law;
- (f) such other person or class or description of persons as the Chief Pleas may by Ordinance specify.

Interpretation.

3. In this Law -

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

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

"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) (Sark) Law, 2001.