

ORDER IN COUNCIL

VII
2019

ratifying a Projet de Loi

ENTITLED

The Sanctions (Bailiwick of Guernsey) Law, 2018

(Registered on the Records of the Island of Guernsey
on the 26th March, 2019.)



2019

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 26th day of March, 2019 before Richard James McMahon, Deputy Bailiff, present:- Barbara Jean Bartie, Stephen Murray Jones, Esquire, O.B.E. Claire Helen Le Pelley, David Percy Langley Hodgetts, Esquire, L.V.O., Niall David McCathie, Terry John Ferbrache, David Allan Grut, Jonathan Grenfell Hooley, David James Mortimer, Alan Stevenson Boyle, David John Robilliard, Esquires, and Marilyn Jasmine King, Jurats.

The Deputy Bailiff, having this day placed before the Court an Order of Her Majesty in Council dated 13th March 2019, approving and ratifying a Projet de Loi of the States of Guernsey entitled “The Sanctions (Bailiwick of Guernsey) Law, 2018”, 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 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 be sent by Her Majesty’s Greffier to the Greffier of the Court of Alderney and to the SÉNÉSCHAL of Sark for registration on the records of those Islands.

J. TORODE
Her Majesty’s Greffier.



At the Court at Buckingham Palace

THE 13th DAY OF MARCH 2019

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY
IN COUNCIL

The following report from the Committee of Council for the Affairs of Jersey and Guernsey was today read at the Board:

“In accordance with Your Majesty’s General Order of Reference of 22nd February 1952 the Committee have considered a Petition of the States of Guernsey:

“That, in pursuance of their Resolutions of 7th June 2017 and 14th December 2018, the States of Deliberation at a meeting on 14th December 2018 approved a *Projet de Loi* entitled the Sanctions (Bailiwick of Guernsey) Law, 2018 and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction to it. That the States of the Island of Alderney at a meeting held on 9th January 2019 considered the *Projet de Loi* when a Resolution was passed agreeing to the application to Alderney. That the Chief Pleas of the Island of Sark at a meeting held on 11th January 2019 considered the *Projet de Loi* when a Resolution was passed agreeing to the application to Sark. That the *Projet de Loi* is as set forth in the attached Schedule. The Petition most humbly prays that Your Majesty might be graciously pleased to sanction the Sanctions (Bailiwick of Guernsey) Law, 2018, and to order that it shall have force of law in the Bailiwick of Guernsey.

“The Committee have considered the *Projet de Loi* and have agreed to report that it may be advisable for Your Majesty to approve and ratify it”.

Her Majesty, having taken the report into consideration, was pleased, by and with the advice of Her Privy Council, to approve and ratify the *Projet de Loi* (a copy of which is annexed to this Order) and to order that it, together with this Order, shall have the force of law in the Bailiwick of Guernsey and shall be entered on the Register of the Island of Guernsey and observed accordingly.

Her Majesty’s Officers in the Bailiwick of Guernsey, and all others whom it may concern, are therefore to take notice of Her Majesty’s Order and to proceed accordingly.

Richard Tilbrook

PROJET DE LOI

ENTITLED

The Sanctions (Bailiwick of Guernsey) Law, 2018

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|-------------|---|
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PROJET DE LOI

ENTITLED

The Sanctions (Bailiwick of Guernsey) Law, 2018

THE STATES, in pursuance of their Resolutions of the 7th June, 2017^a and the 14th December 2018^b, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Bailiwick of Guernsey.

PART I

SANCTIONS MEASURES

Meaning of "sanctions measure" and related expressions.

1. (1) In this Law, a "sanctions measure" means -
 - (a) a Decision or Regulation, or any part thereof, adopted by the European Union under one or more of –
 - (i) Articles 60, 301 or 308 of the Treaty establishing the European Community, or

^a Article IV of Billet d'État No. XI of 2017.

^b Article XXIV of Billet d'État No. XXVII of 2018.

- (ii) Chapter 2 of Title V, Article 75, Article 215 or Article 352 of the Treaty on the Functioning of the European Union,

("an **EU sanctions measure**"); and for the avoidance of doubt, an EU sanctions measure includes an EU financial sanctions Regulation,

- (b) a Resolution adopted by the Security Council of the United Nations under Article 41 of the Charter of the United Nations, or any part thereof ("**a UN sanctions measure**"), and includes a UN financial sanctions Resolution, or
- (c) sanctions regulations, or any part thereof, made by an appropriate minister under and within the meaning of section 1 of the Sanctions and Anti-Money Laundering Act 2018^c ("**a UK sanctions measure**").

(2) For the purposes of subsection (1), a reference to any provision of the Treaty on the Functioning of the European Union includes a reference to any corresponding provision of the Treaty establishing the European Community (as it had effect before 1 December 2009).

^c An Act of Parliament (2018 c. 13).

(3) Where an EU sanctions measure or a UK sanctions measure has been adopted to implement a UN sanctions measure, the UN sanctions measure is related to the EU sanctions measure or to the UK sanctions measure, as the case may be, for the purposes of this Law.

(4) For the avoidance of doubt, subsection (3) applies where the purposes for which the EU sanctions measure or UK sanctions measure has been adopted include any purpose additional to that of implementing the UN sanctions measure, and a reference in this Law to a UN sanctions measure being related to an EU sanctions measure or a UK sanctions measure applies only in respect of the provisions of the EU sanctions measure or UK sanctions measure that have been adopted to implement the UN sanctions measure.

(5) The States may by Ordinance amend the definition of sanctions measure for the purposes of this Law.

Implementation of sanctions measures.

2. (1) The Committee may by regulation make provision for the implementation within the Bailiwick of any sanctions measures in force at the time of the making of the relevant regulations.

(2) Subject to subsection (4), regulations made under this section may -

- (a) implement sanctions measures subject to any modifications that the Committee may consider necessary or expedient for the purposes of -

- (i) the effective implementation of those measures in the Bailiwick, or
 - (ii) giving effect to standards published by the Financial Action Task Force relating to combating threats to the integrity of the international financial system, or measures published by any other international organisation or body whose responsibilities include matters relating to sanctions,
- (b) implement a sanctions measure wholly or in part,
- (c) implement a sanctions measure for a limited or unlimited period (including on a temporary basis pending the subsequent adoption or implementation of a sanctions measure that is related to the sanctions measure implemented by the regulations), and different time periods may be applied to different sanctions measures, or to different parts of the same sanctions measure, within the same regulations,
- (d) specify that a reference to a sanctions measure is a reference thereto as from time to time amended, repealed and re-enacted (with or without modification), extended or applied,

- (e) make provision for the effect within the Bailiwick of any annulment of any part of an EU sanctions measure by the Court of Justice of the European Union or of a UK sanctions measure by a court within the United Kingdom,
- (f) make provision for appeals against the decisions of the Committee or any other party within the Bailiwick with decision-making powers under a sanctions measure as modified under paragraph (a),
- (g) provide that any one or more of the Bailiwick, Jersey, the Isle of Man, the United Kingdom (or any part thereof) are to be treated as if they were a member state of the European Union, or formed part of the United Kingdom, as the case may be, for the purposes of the implementation of a sanctions measure within the Bailiwick.

(3) Subject to subsection (4), and for the avoidance of doubt, regulations may be made under this section in respect of a sanctions measure that is already in force within the Bailiwick or any part of the Bailiwick by virtue of any enactment (including Part II of this Law), irrespective of whether that enactment -

- (a) implements the same sanctions measure as that implemented by the regulations, or

- (b) implements a sanctions measure that is related to a sanctions measure that is implemented by the regulations,

and any such regulations are without prejudice to any such enactment.

(4) Regulations made under this section may not make provision for the implementation of a sanctions measure in such a way that the effect of those regulations would be to treat a sanctions measure as remaining in force for the purposes of its implementation within the Bailiwick after it had expired or otherwise ceased to have effect.

Contravention of sanctions measures.

3. A person who contravenes, or causes or permits any contravention of, any of the prohibitions in or requirements of any sanctions measures as implemented in the Bailiwick by regulations made under section 2 is guilty of an offence.

PART II

AVOIDANCE OF DELAY: TEMPORARY MEASURES

Designations under UK temporary regulations.

4. (1) Any person who is the subject of a designation for the purposes of temporary regulations made under and within the meaning of section 152 of the Policing and Crime Act 2017^d ("**UK temporary regulations**") for the purposes of implementing a UN financial sanctions Resolution is a designated person for the purposes of this Part.

^d An Act of Parliament (2017 c.3)

- (2) A person ceases to be a designated person under this Part -
 - (a) when the UK temporary regulations under which the person was designated cease to have effect, or
 - (b) on the entering into force of regulations made under section 2 which implement (whether directly or indirectly) the UN financial sanctions Resolution implemented by the UK temporary regulations under which the person was designated,

whichever is the sooner.

(3) Indirect implementation of a UN financial sanctions Resolution for the purposes of subsection (2)(b) means implementing an EU sanctions measure which is related to the UN financial sanctions Resolution in question within the meaning of section 1(3).

(4) For the avoidance of doubt, subsection (3) applies where the regulations implementing an EU sanctions measure also implement provisions of that sanctions measure that are additional to the provisions of the UN financial sanctions Resolution in question.

(5) The Committee shall by regulation amend or modify the prohibitions under sections 5 to 9 of this Law for the purposes of their application to any person designated under particular UK temporary regulations in order to remove any material difference in substance or effect that there may be between the prohibitions at sections 5 to 9 of this Law that would otherwise be applicable to that

person and the prohibitions applicable to that person under the UK temporary regulations in question.

(6) For the avoidance of doubt, regulations made under subsection (5) may create new liabilities, obligations and offences corresponding to those in the UK temporary regulations in question, and may impose penalties in respect of those liabilities, obligations and offences that are equal to, but do not exceed, penalties in respect of the corresponding liabilities, obligations and offences in the UK temporary regulations in question.

(7) The States may amend or repeal this section by Ordinance for the purposes of giving effect to any amendment or repeal relating to the enactment of UK temporary regulations, whether under the Sanctions and Anti-Money Laundering Act 2018 or otherwise, or to any other enactment providing for the temporary implementation of sanctions measures within the United Kingdom.

(8) An Ordinance under subsection (7) may include any consequential amendment or repeal of this Law, or any part thereof.

Freezing of funds and economic resources.

5. (1) A person ("P") must not deal with funds or economic resources owned, held or controlled by a designated person if P knows, or has reasonable cause to suspect, that P is dealing with such funds or economic resources.

(2) In subsection (1) -

(a) "**deal with**" means –

(i) in relation to funds –

- (A) use, alter, move, allow access to, or transfer, the funds,
 - (B) deal with the funds in any other way that would result in any change in their volume, amount, location, ownership, possession, character or destination, or
 - (C) make any other change that would enable the use of the funds, including by way of, or in the course of, portfolio management, and
- (ii) in relation to economic resources, exchange, or use in exchange, for funds, goods or services, and
- (b) funds or economic resources are owned, held or controlled by a designated person if they are -
 - (i) owned, held or controlled by a designated person directly or indirectly,
 - (ii) wholly or jointly owned, held or controlled by a designated person, or
 - (iii) owned, held or controlled by a person acting on behalf of, or controlled by, a designated person.

- (3) A person who contravenes subsection (1) commits an offence.

Making funds or financial services available to designated person.

6. (1) A person ("P") must not make funds or financial services available (directly or indirectly) to a designated person if P knows, or has reasonable cause to suspect, that P is making the funds or financial services so available.

- (2) A person who contravenes subsection (1) commits an offence.

Making funds or financial services available for benefit of designated person.

7. (1) A person ("P") must not make funds or financial services available to any person for the benefit of a designated person if P knows, or has reasonable cause to suspect, that P is making the funds or financial services so available.

(2) For the purposes of subsection (1) funds are made available for the benefit of a designated person only if that person thereby obtains, or is able to obtain, a significant financial benefit; and for this purpose, "financial benefit" includes the discharge of a financial obligation for which the designated person is wholly or partly responsible.

- (3) A person who contravenes subsection (1) commits an offence.

Making economic resources available to designated person.

8. (1) A person ("P") must not make economic resources available (directly or indirectly) to a designated person if P knows, or has reasonable cause to suspect -

- (a) that P is making the economic resources so available, and
 - (b) that the designated person would be likely to exchange the economic resources, or use them in exchange, for funds, goods or services.
- (2) A person who contravenes subsection (1) commits an offence.

Making economic resources available for benefit of designated person.

9. (1) A person ("P") must not make economic resources available to any person for the benefit of a designated person if P knows, or has reasonable cause to suspect, that P is making the economic resources so available.

(2) For the purposes of subsection (1) economic resources are made available for the benefit of a designated person only if that person thereby obtains, or is able to obtain, a significant financial benefit; and for this purpose, "financial benefit" includes the discharge of a financial obligation for which the designated person is wholly or partly responsible.

- (3) A person who contravenes subsection (1) commits an offence.

Exceptions under UK temporary regulations.

10. The prohibitions under sections 5 to 9 are subject to any exceptions that may be provided for in the UK temporary regulations under which the designated person in question is so designated.

Licences, etc.

11. (1) The prohibitions under sections 5 to 9 do not apply to anything done under the authority of a licence or other form of permission granted by the Committee under this section.

(2) Subject to subsection (8), the Committee may grant a licence or other permission in respect of a designated person.

(3) A licence or other permission granted under this section -

- (a) must specify the acts authorised by it,
- (b) may be general or granted to a category of persons or to a particular person,
- (c) may be unconditional or subject to conditions, and
- (d) may be unlimited or limited in duration.

(4) The Committee may at any time vary or revoke a licence or other permission granted under this section.

(5) On the grant, variation or revocation of a licence or other permission under this section, the Committee must -

- (a) in the case of a licence or other permission granted to a particular person, give written notice of the grant, variation or revocation to that person, or

- (b) in the case of a general licence or other permission or a licence or other permission granted to a category of persons, take such steps as the Committee considers appropriate to publicise the grant, variation or revocation of the licence or other permission.

(6) A person who, for the purpose of obtaining a licence or other permission under this section, knowingly or recklessly -

- (a) provides information that is false in a material respect, or
- (b) provides or produces a document that is not what it purports to be,

commits an offence.

(7) A person who purports to act under the authority of a licence or other permission granted under this section but fails to comply with any condition to which the licence or other permission is subject commits an offence.

(8) A licence or other permission under this section may only be granted in accordance with any licensing or other criteria that may be applicable to licences or other permission granted by Her Majesty's Treasury in the UK temporary regulations under which the designated person in question is so designated.

Circumventing prohibitions, etc.

12. (1) A person must not intentionally participate in activities knowing that the object or effect of them is (whether directly or indirectly) -

- (a) to circumvent section 5(1), 6(1), 7(1), 8(1) or 9(1), or
 - (b) to enable or facilitate the contravention of any of those provisions.
- (2) A person who contravenes subsection (1) commits an offence.

Avoidance of delay: temporary listings.

13. (1) Subject to subsection (2), where -
- (a) a person is designated for the purposes of a UN financial sanctions Resolution listed in column 1 of Schedule 1,
 - (b) the UN financial sanctions Resolution in question is related to an EU financial sanctions Regulation listed in column 2 of Schedule 1,
 - (c) the EU financial sanctions Regulation in question has been implemented in the Bailiwick, or any part of the Bailiwick, by corresponding legislation listed in column 3 of Schedule 1, and
 - (d) at the time when the designation referred to in paragraph (a) is made, the person who is subject to the designation is not included in the list of persons in the related EU financial sanctions Regulation to

whom the prohibitions in the EU financial sanctions Regulation relate ("**the EU list**"),

that person is to be treated for a temporary period as included in the EU list for the purposes of the implementation of the EU financial sanctions Regulation in the Bailiwick, or any part of the Bailiwick, by the corresponding legislation in column 3.

(2) The temporary period referred to in subsection (1) ends –

- (a) at the end of the day on which the person is included in the EU list (otherwise than under subsection (1)), or
- (b) if the person is not added to the EU list before the end of a period of 30 days beginning with the day after the day on which the designation referred to in subsection (1)(a) is made, at the end of that period of 30 days.

(3) The States may amend or repeal this section or any part thereof by Ordinance where that amendment or repeal corresponds with any amendment or repeal relating to section 155 of the Policing and Crime Act 2017, whether made under the Sanctions and Anti-Money Laundering Act 2018 or otherwise, or is made in order to provide for the temporary implementation within the Bailiwick of a designation within the meaning of subsection 1(a) for the purposes of any UK sanctions measure which has been implemented in the Bailiwick and which is related to the UN financial sanctions Resolution in question.

(4) An Ordinance under subsection (3) may include any consequential amendment or repeal of this Law, or any part thereof.

PART III
INFORMATION

Reporting obligations of relevant institutions.

14. (1) A relevant institution must inform the Committee as soon as practicable if –

- (a) it knows, or has reasonable cause to suspect, that a person –
 - (i) is a sanctioned person,
 - (ii) is linked to a sanctioned person, or
 - (iii) has committed an offence under any provision of this Law, under any regulations made under this Law or under any Ordinance listed in Schedule 3, and
- (b) the information or other matter on which the knowledge or reasonable cause for suspicion is based came to it in the course of carrying on its business.

(2) A person is linked to a sanctioned person for the purposes of subsection (1) if that person is –

- (a) wholly or jointly owned, held or controlled by a sanctioned person, whether directly or indirectly, or

- (b) acting on behalf of, or at the direction of, a sanctioned person.

(3) Where a relevant institution informs the Committee under subsection (1) it must state -

- (a) the information or other matter on which the institution's knowledge or reasonable cause for suspicion is based, and
- (b) any information that the institution holds about the person by which the person can be identified.

(4) Subsection (5) applies if -

- (a) a relevant institution informs the Committee under subsection (1) that it knows, or has reasonable cause to suspect, that a person is a sanctioned person, is linked to a sanctioned person or has committed an offence under this Law, under any regulations made under this Law or under an Ordinance listed in Schedule 3, as the case may be, and
- (b) that person is a customer of the institution.

(5) Where this subsection applies, the relevant institution must also state the nature and amount or quantity of any funds or economic resources held by it for the customer at the time when it first had the knowledge or suspicion.

(6) A relevant institution that fails to comply with subsection (1), (3) or (5) commits an offence.

(7) For the purposes of this Part, "**relevant institution**" has the same meaning as in the Terrorist Asset Freezing Law.

Power to require information.

15. (1) The Committee may require any person in or resident in the Bailiwick to provide such information as the Committee may reasonably require for any of the following purposes -

(a) monitoring implementation of, compliance with, or enforcement of -

(i) any sanctions measures that have been implemented within the Bailiwick or any part of the Bailiwick, whether by regulations made under this Law or by any other enactment, or

(ii) the measures in Part II of this Law,

(b) establishing -

(i) the nature and amount or quantity of any funds or economic resources owned, held or controlled by or on behalf of a person designated under any measures within paragraph (a),

- (ii) the nature and amount or quantity of any funds, economic resources or financial services made available directly or indirectly to, or for the benefit of, a person designated under any measures within paragraph (a),
 - (iii) the nature of any financial transactions entered into by a person designated under any measures within paragraph (a),
- (c) the prevention, detection or investigation of possible breaches of any measures within paragraph (a), including for the avoidance of doubt obtaining evidence of the commission of an offence under this Law,
- (d) discharging the Committee's functions as the competent authority for issuing licences or any other form of authorisation or permission under -
 - (i) regulations made under this Law,
 - (ii) any Ordinance or other enactment implementing sanctions measures within the Bailiwick or any part of the Bailiwick,
 - (iii) the Terrorist Asset Freezing Law or
 - (iv) Part II of this Law,

- (e) assisting any person or body within the Bailiwick or within another country or territory whose functions include -
 - (i) the implementation of, compliance with or enforcement of sanctions measures,
 - (ii) the implementation of, compliance with or enforcement of, measures under the Terrorist Asset Freezing Law or measures under Part II of this Law,
 - (iii) the implementation of, compliance with or enforcement of measures under the law of another jurisdiction that correspond to measures under the Terrorist Asset Freezing Law or measures under Part II of this Law,
 - (iv) the prevention, detection or investigation of breaches of sanctions measures,
 - (v) the prevention, detection or investigation of breaches of measures under the Terrorist Asset Freezing Law or measures under Part II of this Law, or
 - (vi) the prevention, detection or investigation of breaches of measures under the law of

another jurisdiction that correspond to measures under the Terrorist Asset Freezing Law or measures under Part II of this Law,

- (f) making recommendations to the European Union or the United Nations (whether directly or via the United Kingdom) for the purposes of designations under sanctions measures adopted by the European Union or the United Nations, as the case may be,
- (g) making requests to the European Union or the United Nations (whether directly or via the United Kingdom) in respect of the removal of designations from sanctions measures adopted by the European Union or the United Nations, as the case may be,
- (h) making recommendations to the United Kingdom for the purposes of designations under UK sanctions measures,
- (i) making requests to the United Kingdom in respect of the removal of designations from UK sanctions measures or from the Terrorist Asset-Freezing etc. Act 2010^e, and
- (j) identifying, assessing and understanding the levels, types and other features of business or other activity

^e An Act of Parliament (2010 c.38).

within or linked to the Bailiwick, for the purposes of considering the context in which, and extent to which, the Bailiwick may be -

- (i) exposed to the risk of breach of, or likely otherwise to be affected by, any or all of the measures under paragraph (d), or
- (ii) exposed to the risk of, or likely otherwise to be affected by, financial or other crime that may be relevant to any or all of the measures under paragraph (d), including but not limited to money laundering, bribery and corruption, the financing of terrorism and the financing of the proliferation of weapons of mass destruction.

(2) The Committee may specify the manner in which, and the period within which, information required under subsection (1) is to be provided.

(3) If no such period is specified, the information so required to be provided must be provided within a reasonable time.

(4) A requirement under this section may impose a continuing obligation to keep the Committee informed –

- (a) as circumstances change, or
- (b) on such regular basis as the Committee may specify.

Production of documents.

16. (1) A requirement under section 15 may include a requirement to produce specified documents or documents of a specified description.

(2) Where the Committee requires under section 15 that one or more documents be produced, the Committee may -

- (a) take copies of or extracts from any document so produced,
- (b) require any person so producing a document to give an explanation of the document, and
- (c) where a person so producing a document is a partnership, association or body corporate, require a person who is -
 - (i) in the case of a partnership, a present or past partner or employee of the partnership,
 - (ii) in any other case, a present or past officer or employee of the association or body corporate,

to give an explanation of the document.

(3) Where the Committee requires under section 15 that a sanctioned person, or a person acting under a licence or any other form of authorisation or permission issued by the Committee under regulations made under

section 1 or under Part II of this Law, produce one or more documents, the person must –

- (a) take reasonable steps to obtain the documents (if not already in the person's possession or control), and
- (b) keep the documents under the person's possession or control (except for the purpose of providing them to the Committee or as the Committee may otherwise permit).

(4) A statement by a person in response to a requirement imposed by virtue of this section –

- (a) may be used in evidence against that person in proceedings other than criminal proceedings, and
- (b) may not be used in evidence against that person in criminal proceedings except -
 - (i) where evidence relating to it is adduced, or a question relating to it is asked, in the proceedings by or on behalf of that person, or
 - (ii) in proceedings for –
 - (A) an offence under section 17,

- (B) some other offence where, in giving evidence, the person makes a statement inconsistent with it, but the statement is only admissible to the extent necessary to establish the inconsistency,
- (C) perjury, or
- (D) perverting the course of justice.

Failure to comply with requirement for information.

17. (1) Any person who -
- (a) without reasonable excuse, refuses or fails within the time and in the manner specified (or, if no time has been specified, within a reasonable time) to comply with a requirement under section 15,
 - (b) knowingly or recklessly gives any information, or produces any document, that is false in a material particular in response to such a requirement,
 - (c) with intent to evade the provisions of this Law or any regulations made under it, destroys, mutilates, defaces, conceals or removes a document, or
 - (d) otherwise intentionally obstructs the Committee in the exercise of its functions or powers under this Law or any regulations made under it,

commits an offence.

(2) Where a person is convicted of an offence under this section, the court may make an order requiring the person, within such period as may be specified in the order, to comply with the relevant requirement in accordance with the order, or to do such other thing relating to the requirement as the court orders.

Information and delegation: application of provisions under the Terrorist Asset Freezing Law.

18. (1) Subject to subsection (2), sections 21 to 23, and 35 of the Terrorist Asset Freezing Law apply in relation to information and the functions of the Committee respectively under this Law as they apply in relation to information and the functions of the Committee respectively under that Law.

(2) The general power to disclose information under section 21 of the Terrorist Asset Freezing Law includes, in its application to this Law, the power to disclose information to any authority within the Bailiwick with functions in respect of financial crime, for the purposes of the exercise of those functions.

PART IV
OFFENCES

Penalties.

19. (1) A person guilty of an offence under section 3, 5(3), 6(2), 7(3), 8(2), 9(3) or 12(2) is liable -

- (a) on conviction on indictment, to imprisonment for a term not exceeding seven years, to a fine, or to both,

- (b) on summary conviction, to imprisonment for a term not exceeding twelve months, to a fine not exceeding level 5 on the uniform scale, or to both.

(2) A person guilty of an offence under section 11(6) or (7) is liable-

- (a) on conviction on indictment, to imprisonment for a term not exceeding five years, to a fine, or to both,
- (b) on summary conviction, to imprisonment for a term not exceeding twelve months, to a fine not exceeding level 5 on the uniform scale, or to both.

(3) A person guilty of an offence under section 17(1)(b), (c) or (d) is liable -

- (a) on conviction on indictment, to imprisonment for a term not exceeding two years, to a fine, or to both,
- (b) on summary conviction, to imprisonment for a term not exceeding six months, to a fine not exceeding level 5 on the uniform scale, or to both.

(4) A person guilty of an offence under section 14(6) or 17 (1)(a) is liable -

- (a) on conviction on indictment, to imprisonment for a term not exceeding twelve months, to a fine, or to both,
- (b) on summary conviction, to imprisonment for a term not exceeding six months, to a fine not exceeding level 5 on the uniform scale, or to both.

Extra-territorial application of offences.

20. (1) An offence under this Law or under regulations made under this Law may be committed by conduct wholly or partly outside the Bailiwick by -

- (a) a UK national who is ordinarily resident in the Bailiwick, or
- (b) a body incorporated or constituted under the law of the Bailiwick or any part thereof.

(2) In subsection (1) "**UK national**" means -

- (a) a British citizen, a British overseas territories citizen, a British National (Overseas) or a British Overseas citizen all within the meaning of the British Nationality Act 1981^f,
- (b) a person who under that Act is a British subject, or

^f An Act of Parliament (1981 c. 61).

- (c) a British protected person within the meaning of that Act.

- (3) In this section "**conduct**" includes acts and omissions.

- (4) Nothing in this section affects any criminal liability arising otherwise than under this section.

Offences by legal persons and unincorporated bodies.

21. (1) Where a legal person is guilty of an offence under this Law or under regulations made under this Law, and the offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of -

- (a) any director, manager, secretary or other similar officer, or any foundation official, of the legal person, or

- (b) any person purporting to act in any such capacity,

that person as well as the legal person is guilty of the offence and may be proceeded against and punished accordingly.

(2) Where the affairs of a legal person are managed by its members, subsection (1) applies in relation to the acts and defaults of a member in connection with that member's functions of management as if that member were a director.

- (3) Where an offence under this Law or under regulations made

under this Law is committed by an unincorporated body and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of -

- (a) in the case of a partnership, any partner,
- (b) in the case of any other unincorporated body, any officer of that body who is bound to fulfil any duty whereof the offence is a breach or, if there is no such officer, any member of the committee or other similar governing body, or
- (c) any person purporting to act in any capacity described in paragraph (a) or (b),

that partner, officer, member or person as the case may be as well as the unincorporated body is guilty of the offence and may be proceeded against and punished accordingly.

(4) Where an offence under this Law or under regulations made under the Law is alleged to have been committed by an unincorporated body, proceedings for the offence shall be brought in the name of that body and not in the name of any of its members.

(5) A fine imposed on an unincorporated body on its conviction of an offence under this Law or under regulations made under this Law shall be paid from the funds of that body.

Jurisdiction to try offences.

22. Where an offence under this Law or under regulations made under this Law is committed outside the Bailiwick -

- (a) proceedings for the offence may be taken in Guernsey, and
- (b) the offence may for all incidental purposes be treated as having been committed in Guernsey.

Certain provisions of Customs and Excise Law applicable.

23. (1) Subject to subsection (2), where the Chief Officer of Customs and Excise investigates or proposes to investigate any matter with a view to determining -

- (a) whether there are grounds for believing that an offence under section 3 of this Law has been committed, or
- (b) whether a person should be prosecuted for such an offence,

the matter shall be treated as an assigned matter for the purposes of the 1972 Law.

(2) Section 55 of the 1972 Law applies to the detention of a person for an offence under section 3 as it applies to the detention of a person for an offence under the customs Laws or excise Laws.

(3) Sections 62 to 65 and section 69A of the 1972 Law apply in relation to offences, fines, penalties and proceedings for offences under this Law as

they apply to offences, fines, penalties and proceedings for offences under the customs Laws or excise Laws.

PART V
MISCELLANEOUS

Appeals against decisions of the Committee.

24. (1) A person aggrieved by a decision of the Committee made under this Law may appeal to the Ordinary Court ("**the Court**") against that decision on the grounds that -

- (a) the decision was ultra vires or there was some other error of law,
- (b) the decision was unreasonable,
- (c) the decision was made in bad faith,
- (d) there was a lack of proportionality, or
- (e) there was a material error as to the facts or as to the procedure.

(2) An appeal under this section shall be instituted -

- (a) within a period of 28 days immediately following the date on which notice in writing of the decision was served by the Committee on the person to whom the decision relates (or such other period as the Court may

in any particular case direct), and

- (b) by summons served on the President of the Committee stating the grounds and material facts on which the appellant relies.

(3) The President of the Committee may, where an appeal under this section has been instituted, apply to the Court, by summons served on the appellant, for an order that the appeal shall be dismissed for want of prosecution; and, on hearing the application, the Court may -

- (a) dismiss the appeal or dismiss the President of the Committee's application (in either case on such terms and conditions as the Court may direct), or
- (b) make such other order as the Court considers just,

and the provisions of this subsection are without prejudice to the inherent powers of the Court or to the provisions of rule 52(3) of the Royal Court Civil Rules, 2007⁸.

(4) On an appeal under this section the Court may -

- (a) set the decision of the Committee aside and, if the Court considers it appropriate to do so, remit the matter to the Committee with such directions as the Court thinks fit, or

⁸ O.R.C. No. IV of 2007; amended by No. II of 2008; No. IV of 2009.

(b) confirm the decision, in whole or in part.

(5) On an appeal under this section the Court may, upon the application of the appellant, and on such terms as the Court thinks just, suspend or modify the operation of the decision in question, pending the determination of the appeal.

(6) An appeal from a decision of the Court made on an appeal under this section lies, with leave of the Court or the Court of Appeal, to the Court of Appeal on a question of law.

(7) Section 21 of the Court of Appeal (Guernsey) Law, 1961^h ("powers of a single judge") applies to the powers of the Court of Appeal to give leave to appeal under subsection (6) as it applies to the powers of the Court of Appeal to give leave to appeal under Part II of that Law.

(8) The making of an appeal under this section does not suspend the effect of the decision to which the appeal relates.

Interpretation.

25. In this Law, unless the context otherwise requires -

"**the 1972 Law**" means the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law, 1972ⁱ,

^h Ordres en Conseil Vol. XVIII, p. 315. There are amendments not relevant to this provision.

ⁱ Ordres en Conseil Vol. XXIII, p. 573; amended by Ordres en Conseil Vol. XXIV, p. 87; Vol. XXXI, p. 278; Vol. XXXIII, p. 217; Order in Council No. X of 2004;

"Chief Officer of Customs and Excise" has the same meaning as in the 1972 Law,

"committee" of the States of Guernsey, States of Alderney or Chief Pleas of Sark means any committee, council, department, authority, board or like body thereof, however called,

"the Committee" means the States of Guernsey Policy & Resources Committee,

"contravention" includes failure to comply, and cognate expressions shall be construed accordingly,

"Court of Appeal" means the court established by the Court of Appeal (Guernsey) Law, 1961,

"customs Laws" and **"excise Laws"** mean those provisions of the 1972 Law and any other enactment for the time being in force relating to customs or, as the case may be, excise,

"designated person": see section 4,

"economic resources" has the same meaning as in the Terrorist Asset

No. II of 2010; No. XIV of 2007; No. XV of 2012; Ordinance No. XXXIII of 2003; No. XXIX of 2004; No. XLVIII of 2007; No. XXXV of 2007; No. VII of 2008; No. XLIII of 2013; No. XL of 2014; No. IX of 2016; No. XXXI of 2017; G.S.I. No. 56 of 2008; G.S.I. No. 76 of 2009; G.S.I. No. 97 of 2010; G.S.I. No. 42 of 2011; G.S.I. No. 54 of 2012; G.S.I. No. 53 of 2013; G.S.I. No. 61 of 2014; G.S.I. No. 70 of 2015; G.S.I. No. 46 of 2016; and G.S.I. No. 81 of 2017.

Freezing Law,

"**EU financial sanctions Regulation**" has the same meaning as in the Policing and Crime Act 2017,

"**EU sanctions measure**": see section 1,

"**financial services**" has the same meaning as in the Terrorist Asset Freezing Law,

"**foundation official**" has the same meaning as in the Foundations (Guernsey) Law, 2012^j,

"**funds**" has the same meaning as in the Terrorist Asset Freezing Law,

"**Ordinary Court**" means the Royal Court of Guernsey sitting as an Ordinary Court which, for the purposes of this Law, is validly constituted by the Bailiff sitting alone,

"**sanctioned person**" means –

- (a) any person listed, designated or otherwise identified by the European Union, the United Nations or by the appropriate minister as the case may be, for the purposes of any restrictions under any sanctions measures that have been implemented in the Bailiwick

^j Order in Council No. I of 2013; amended by No. VI of 2017; Ordinance No. IX of 2016.

by regulations made under section 2, by an Ordinance listed in Schedule 1 (including by virtue of a UK temporary listing) or by any other enactment, and

- (b) any designated person for the purposes of Part II of this Law,

"sanctions measure": see section 1,

"the Terrorist Asset Freezing Law" means the Terrorist Asset Freezing (Bailiwick of Guernsey) Law, 2011^k,

"temporary listing": see section 13,

"UK temporary regulations": see section 4,

"UN financial sanctions Resolution" has the same meaning as in the Policing and Crime Act 2017,

"uniform scale" means the uniform scale of fines for the time being in force under the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989^l,

"UK sanctions measure": see section 1, and

^k Order in Council No. XI of 2011; amended by Ordinance No. IX of 2016.

^l Ordres en Conseil Vol. XXXI, p. 278; amended by Order in Council No. XVIII of 2009; No. IV of 2018; Recueil d'Ordonnances Tome XXV, p. 344; Ordinance No. XXIX of 2006; No. XXIX of 2013.

"UN sanctions measure": see section 1,

and references to the Sanctions and Anti-Money Laundering Act 2018 are references to that Act as amended, re-enacted (with or without modification), extended or applied.

Power to amend by Ordinance and regulation.

26. (1) The States may by Ordinance amend this Law where it appears to them to be necessary or expedient to do so for the purpose of –

- (a) the implementation of, compliance with or enforcement of sanctions measures within the Bailiwick,
- (b) the prevention, detection or investigation of breaches of sanctions measures that have been given effect within the Bailiwick,
- (c) the enabling of any person or body within the Bailiwick, whose functions include any of the matters set out at paragraphs (a) and (b), to carry out those functions,
- (d) enhancing or protecting the reputation or economic interests of the Bailiwick or any part thereof, or
- (e) discharging any international obligation to which the Bailiwick is subject,

and to make such other provision as they think fit for the purposes of carrying this Law into effect.

(2) The Committee may by regulation amend –

- (a) Schedule 1, and
- (b) any enactment in which reference is made to an Ordinance listed in Schedule 3 where the Ordinance has been repealed and the effect of the Ordinance replaced with regulations under section 2, so as to substitute a reference to those regulations for the reference to the Ordinance in that enactment.

(3) The provisions of subsection (1) and (2) are without prejudice to any other provision of this Law conferring power to enact Ordinances or regulations.

General provisions as to subordinate legislation.

27. (1) Any Ordinance or regulation under this Law –

- (a) may be amended or repealed by a subsequent Ordinance or regulation, as the case may be, hereunder,
- (b) may contain such consequential, incidental, supplementary and transitional provision as may appear to be necessary or expedient, and

- (c) may contain provision -
 - (i) subject to subsection (2), as to the creation of new liabilities, obligations, penalties and offences,
 - (ii) making consequential amendments to this Law and any other enactment, and
 - (iii) repealing, replacing, amending, extending, adapting, modifying or disapplying any rule of customary or common law.

(2) Without prejudice to section 4(6), the power conferred by subsection (3)(c)(i) to create new liabilities, obligations, penalties and offences does not include power -

- (a) to provide for offences to be triable only on indictment,
- (b) to authorise the imposition, on summary conviction of an offence, of a term of imprisonment or a fine exceeding the limits of jurisdiction for the time being imposed on the Magistrates' Court by section 9 of the Magistrate's Court (Guernsey) Law, 2008^m, or

^m Order in Council No. XVIII of 2009; amended by Ordinance No. XXII of 2009 and No. IX of 2016.

- (c) to authorise the imposition, on conviction on indictment of any offence, of a term of imprisonment exceeding two years.

(3) Any power conferred by this Law to make any Ordinance or regulation may be exercised -

- (a) in relation to all cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or classes of cases,
- (b) so as to make, as respects the cases in relation to which it is exercised -
 - (i) the full provision to which the power extends, or any lesser provision (whether by way of exception or otherwise),
 - (ii) the same provision for all cases, or different provision for different cases or classes of cases, or different provision for the same case or class of case for different purposes,
 - (iii) any such provision either unconditionally or subject to any prescribed conditions.

(4) Before a committee of the States of Guernsey recommends that the States of Deliberation agrees to make an Ordinance under this Law having effect in Alderney or Sark, the committee must consult –

- (a) in the case of an Ordinance having effect in Alderney, the Policy & Finance Committee of the States of Alderney, or such other committee of the States of Alderney as the States of Alderney may appoint by Ordinance for the purposes of this Law, and
- (b) in the case of an Ordinance having effect in Sark, the Policy and Performance Committee of the Chief Pleas of Sark, or such other committee of the Chief Pleas as the Chief Pleas may appoint by Ordinance for the purposes of this Law,

in relation to the terms of the proposed Ordinance; but a failure to comply with this subsection does not invalidate any Ordinance made under this Law.

(5) Regulations under this Law must be laid before a meeting of the States as soon as possible after being made; and if, at that or their next meeting, the States resolve to annul the regulations, they shall cease to have effect, but without prejudice to anything done under them or to the making of new regulations.

(6) Regulations under this Law shall cease to have effect -

- (a) in Alderney, if within the period of four months immediately following the making of the

regulations, the States of Alderney resolve to disapprove their application to Alderney, or

- (b) in Sark, if at the first or second meeting of the Chief Pleas of Sark following the making of the regulations, the Chief Pleas resolve to disapprove their application to Sark.

(7) A resolution by the States of Alderney or the Chief Pleas of Sark in accordance with subsection (5) to disapprove the application of regulations to Alderney or Sark, as the case may be, is without prejudice to anything done under those regulations or to the making of new regulations.

Amendment of Terrorist Asset Freezing Law.

28. (1) Schedule 2 (Amendment of Terrorist Asset Freezing Law) has effect.

(2) Without prejudice to the amendments in Schedule 2, the States may by Ordinance amend the Terrorist Asset Freezing Law insofar as it appears to them to be necessary for the purposes of ensuring consistency between the provisions of that Law and the provisions of -

- (a) the Sanctions and Anti-Money Laundering Act 2018 as they may apply to any UK sanctions measures relating to the freezing of terrorist assets, or
- (b) any UK sanctions measures of the kind referred to in subsection (2)(a).

(3) The provisions of subsection (2) are without prejudice to any other provision of this Law or of any other enactment conferring the power to enact Ordinances.

Repeal of sanctions Ordinances by regulation.

29. The Committee may repeal the Ordinances set out in Schedule 3 by regulation.

Guidance.

30. (1) The Committee may issue such guidance as it considers necessary for the purposes of this Law and any other enactment making provision in respect of the implementation of sanctions measures within the Bailiwick.

(2) The Committee may revise the whole or any part of guidance issued under this Law and issue that revised guidance.

Citation and commencement.

31. (1) This Law may be cited as the Sanctions (Bailiwick of Guernsey) Law, 2018.

(2) This Law shall come into force on the date appointed by regulations made by the Committee, and regulations made under this section may appoint different days for different provisions of this Law and for different purposes.

SCHEDULE 1

Section 13

TEMPORARY LISTINGS

UN financial sanctions Resolution	Related EU financial sanctions Regulation	Corresponding Bailiwick legislation
United Nations Security Council Resolution 2255 (2015)	Council Regulation (EU) No. 753/2011 ⁿ	<p>The Afghanistan (Restrictive Measures) (Guernsey) Ordinance, 2011^o</p> <p>The Afghanistan (Restrictive Measures) (Alderney) Ordinance, 2011^p</p> <p>The Afghanistan (Restrictive Measures) (Sark) Ordinance, 2011^q</p>
United Nations Security Council Resolution 2253 (2015)	Council Regulation (EC) No. 881/2002 ^r	The Al-Qaida (Restrictive Measures) (Guernsey) Ordinance, 2013 ^s

ⁿ OJ L 199 2.8.2011, p. 1.

^o Ordinance No. XXXV of 2011; amended by Ordinance No. XXXIV of 2014; No. IX of 2016.

^p Alderney Ordinance No. XVI of 2011; amended by No. XXI of 2014; No. VIII of 2016.

^q Ordinance made by the General Purposes and Advisory Committee on 3rd October, 2011; as amended by Sark Ordinances No. XXV of 2014; No. III of 2016.

^r OJ L 139 29.5.2002 p. 9.

^s Ordinance No. XLIV of 2013; amended by No. VI of 2014; Nos. IX and XLIII of 2016.

		<p>The Al-Qaida (Restrictive Measures) (Alderney) Ordinance, 2013^t</p> <p>The Al-Qaida (Restrictive Measures) (Sark) Ordinance, 2013^u</p>
United Nations Security Council Resolution 2134 (2014)	Council Regulation (EU) No. 224/2014 ^v	<p>The Central African Republic (Restrictive Measures) (Guernsey) Ordinance, 2014^w</p> <p>The Central African Republic (Restrictive Measures) (Alderney) Ordinance, 2014^x</p> <p>The Central African Republic (Restrictive Measures) (Sark) Ordinance, 2014^y</p>
United Nations Security Council Resolution	Council Regulation (EU) No. 667/2010 ^z	The Eritrea (Restrictive Measures) (Guernsey)

^t Alderney Ordinance No. XVII of 2013; amended by No. VIII of 2016; No. I of 2017.

^u Sark Ordinance No. VI of 2014; amended by No. III of 2016; No. VIII of 2017.

^v OJ L 070 11.3.2014, p. 1

^w Ordinance No. XXIII of 2014; amended by No. XXXVII of 2014; No. IX of 2016.

^x Alderney Ordinance No. X of 2014; amended by No. XXIV of 2014; No. VIII of 2016.

^y Sark Ordinance No. X of 2014; amended by No. XXII of 2014; No. III of 2016.

^z OJ L 195, 27.7.2010, p. 16.

1907 (2009)		<p>Ordinance, 2012^{aa}</p> <p>The Eritrea (Restrictive Measures) (Alderney)</p> <p>Ordinance, 2016^{bb}</p> <p>The Eritrea (Restrictive Measures) (Sark)</p> <p>Ordinance, 2012^{cc}</p>
United Nations Security Council Resolution 1970 (2011)	Council Regulation (EU) 2016/44 ^{dd}	<p>The Libya (Restrictive Measures) (Guernsey)</p> <p>Ordinance, 2016^{ee}</p> <p>The Libya (Restrictive Measures) (Alderney)</p> <p>Ordinance, 2016^{ff}</p> <p>The Libya (Restrictive Measures) (Sark) (No.2)</p> <p>Ordinance, 2016^{gg}</p>
United Nations Security Council Resolution	Council Regulation (EU) 2017/1770 ^{hh}	<p>The Mali (Restrictive Measures) (Guernsey)</p> <p>Ordinance, 2017ⁱⁱ</p>

^{aa} Ordinance No. VIII of 2012.

^{bb} Alderney Ordinance No. III of 2016.

^{cc} Ordinance made by the General Purposes and Advisory Committee on 7th February, 2012; amended by Sark Ordinance No. III of 2016.

^{dd} OJ L 012 19.1.2016, p. 1.

^{ee} Ordinance made by the Legislation Select Committee on 2nd February, 2016.

^{ff} Alderney Ordinance No. IV of 2016.

^{gg} Sark Ordinance No. V of 2016.

^{hh} OJ L 251 29.9.2017, p. 1.

2374 (2017)		<p>The Mali (Restrictive Measures) (Alderney) Ordinance, 2017^{jj}</p> <p>The Mali (Restrictive Measures) (Sark) Ordinance, 2017^{kk}</p>
United Nations Security Council Resolution 1718 (2006)	Council Regulation (EU) 2017/1509 ^{ll}	<p>North Korea (Restrictive Measures) (Guernsey) Ordinance, 2017^{mm}</p> <p>The North Korea (Restrictive Measures) (Alderney) Ordinance, 2017ⁿⁿ</p> <p>The North Korea (Restrictive Measures) (Guernsey) Ordinance, 2017^{oo}</p>
United Nations Security Council Resolution 1844 (2008)	Council Regulation (EU) No. 356/2010 ^{pp}	The Somalia (Restrictive Measures) (Guernsey) Ordinance, 2012 ^{qq}

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- ii Ordinance No. XLIII of 2017.
- jj Alderney Ordinance No. IX of 2017.
- kk Sark Ordinance No. XVII of 2017.
- ll OJ L 224 31.8.2017, p. 1.
- mm Ordinance No. XXX of 2017.
- nn Alderney Ordinance No. VIII of 2017.
- oo Sark Ordinance No. XIV of 2017.
- pp OJ L 105 27.4.2010, p. 1.
- qq Ordinance No. X of 2012.

		<p>The Somalia (Restrictive Measures) (Alderney) Ordinance, 2016^{rr}</p> <p>The Somalia (Restrictive Measures) (Sark) Ordinance, 2012^{ss}</p>
United Nations Security Council Resolution 2206 (2015)	Council Regulation (EU) 2015/735 ^{tt}	<p>The South Sudan (Restrictive Measures) (Guernsey) Ordinance, 2015^{uu}</p> <p>The South Sudan (Restrictive Measures) (Alderney) Ordinance, 2016^{vv}</p> <p>The South Sudan (Restrictive Measures) (Sark) Ordinance, 2015^{ww}</p>
United Nations Security Council Resolution 1591 (2005)	Council Regulation (EU) No. 747/2 ^{xx}	<p>The Sudan (Restrictive Measures) (Guernsey) Ordinance, 2014^{yy}</p> <p>The Sudan (Restrictive</p>

^{rr} Alderney Ordinance No. VI of 2016.

^{ss} Ordinance made by the General Purposes and Advisory Committee on 7th February, 2012; amended by Sark Ordinance No. III of 2016.

^{tt} OJ L 117 8.5.2015, p. 13.

^{uu} Ordinance No. XXX of 2015.

^{vv} Alderney Ordinance No. VII of 2016.

^{ww} Sark Ordinance No. VII of 2015; amended by Sark Ordinance No. III of 2016.

^{xx} OJ L 203 11.7.2014, p. 1.

^{yy} Ordinance No. XXXVIII of 2014.

		Measures) (Alderney) Ordinance, 2014 ^{zz} The Sudan (Restrictive Measures) (Sark) Ordinance, 2014 ^{aaa}
United Nations Security Council Resolution 2140 (2014)	Council Regulation (EU) No. 1352/2014 ^{bbb}	The Yemen (Restrictive Measures) (Guernsey) Ordinance, 2014 ^{ccc} The Yemen (Restrictive Measures) (Alderney) Ordinance, 2015 ^{ddd} The Yemen (Restrictive Measures) (Sark) Ordinance, 2015 ^{eee}

^{zz} Alderney Ordinance No. XIX of 2014.

^{aaa} Sark Ordinance No. XVIII of 2014.

^{bbb} OJ L 365 19.12.2014, p. 60

^{ccc} Ordinance No. XIV of 2015.

^{ddd} Alderney Ordinance No. II of 2015; amended by Alderney Ordinance No. VIII of 2016.

^{eee} Sark Ordinance No. IV of 2015; amended by No. III of 2016.

SCHEDULE 2

Section 28

AMENDMENTS TO TERRORIST ASSET FREEZING LAW

1. The Terrorist Asset Freezing Law is amended as follows.
2. For section 9(2), substitute the following –

"(2) In subsection (1) -

(a) "**deal with**" means –

(i) in relation to funds –

(A) use, alter, move, allow access to, or transfer, the funds,

(B) deal with the funds in any other way that would result in any change in their volume, amount, location, ownership, possession, character or destination, or

(C) make any other change that would enable the use of the funds, including by way of, or

in the course of, portfolio
management, or

(ii) in relation to economic resources,
exchange, or use in exchange, for
funds, goods or services, and

(b) funds or economic resources are owned, held
or controlled by a designated person if they
are -

(i) owned, held or controlled by a
designated person directly or
indirectly,

(ii) wholly or jointly owned, held or
controlled by a designated person, or

(iii) owned, held or controlled by a person
acting on behalf of, or controlled by, a
designated person.

(3) A person who contravenes subsection (1) commits an
offence."

3. For section 17, substitute –

"Reporting obligations of relevant institutions.

17. (1) A relevant institution must inform the Policy and Resources Committee as soon as practicable if –

- (a) it knows, or has reasonable cause to suspect, that a person -
 - (i) is a designated person,
 - (ii) is linked to a designated person, or
 - (iii) has committed an offence under this Law, and
 - (iv) the information or other matter on which the knowledge or reasonable cause for suspicion is based came to it in the course of carrying on its business.

(2) A person is linked to a designated person for the purposes of subsection (1) if that person is -

- (a) wholly or jointly owned, held or controlled by a designated person, whether directly or indirectly, or
- (b) acting on behalf of, or at the direction of, a designated person.

(3) Where a relevant institution informs the Committee under subsection (1) it must state -

- (a) the information or other matter on which the institution's knowledge or reasonable cause for suspicion is based, and
- (b) any information that the institution holds about the person by which the person can be identified.

(4) Subsection (5) applies if -

- (a) a relevant institution informs the Committee under subsection (1) that it knows, or has reasonable cause to suspect, that a person is a designated person, is linked to a designated person or has committed an offence under this Law, as the case may be, and
- (b) that person is a customer of the institution.

(5) Where this subsection applies, the relevant institution must also state the nature and amount or quantity of any funds or economic resources held by it for the customer at the time when it first had the knowledge or suspicion.

(6) A relevant institution that fails to comply with subsection (1) or (5) commits an offence."

4. In section 21, after paragraph (f) insert –

"(fa) to any other authority within the Bailiwick with functions in respect of financial crime, for the purposes of the exercise of those functions."

5. In section 24, for subsections (2) to (7), substitute –

"(2) A person aggrieved by a decision to which this section applies may appeal to the Royal Court ("**the Court**") against that decision on the grounds that –

- (a) the decision was ultra vires or there was some other error of law,
- (b) the decision was unreasonable,
- (c) the decision was made in bad faith,
- (d) there was a lack of proportionality, or
- (e) there was a material error as to the facts or as to the procedure.

- (3) An appeal under this section shall be instituted –

- (a) within a period of 28 days immediately

following the date on which notice in writing of the decision was served by the Committee on the person to whom the decision relates (or such other period as the Court may in any particular case direct), and

- (b) by summons served on the President of the Committee stating the grounds and material facts on which the appellant relies.

(4) The President of the Committee may, where an appeal under this section has been instituted, apply to the Court, by summons served on the appellant, for an order that the appeal shall be dismissed for want of prosecution; and, on hearing the application, the Court may –

- (a) dismiss the appeal or dismiss the President of the Committee's application (in either case on such terms and conditions as the Court may direct), or
- (b) make such other order as the Court considers just,

and the provisions of this subsection are without prejudice to the inherent powers of the Court or to the provisions of rule 52(3) of the Royal Court Civil Rules, 2007.^{fff}

^{fff}

O.R.C. No. IV of 2007; amended by No. II of 2008.

(5) On an appeal under this section the Court may –

(a) set the decision of the Committee aside and, if the Court considers it appropriate to do so, remit the matter to the Committee with such directions as the Court thinks fit, or

(b) confirm the decision, in whole or in part.

(6) On an appeal under this section the Court may, upon the application of the appellant, and on such terms as the Court thinks just, suspend or modify the operation of the decision in question, pending the determination of the appeal.

(7) An appeal from a decision of the Court made on an appeal under this section lies, with leave of the Court or the Court of Appeal, to the Court of Appeal on a question of law.

(8) Section 21 of the Court of Appeal (Guernsey) Law, 1961 ("powers of a single judge") applies to the powers of the Court of Appeal to give leave to appeal under subsection (7) as it applies to the powers of the Court of Appeal to give leave to appeal under Part II of that Law.

(9) The making of an appeal under this section does not suspend the effect of the decision to which the appeal relates."

6. In section 25(1)(a), after "this Law" insert "or the Sanctions (Bailiwick of Guernsey) Law, 2018".

7. In section 26(1)(b), for "level 4" substitute "level 5".

8. In section 26(2)(a), for "two years" substitute "five years".

9. For section 26(3), substitute –

"(3) A person guilty of an offence under section 20(1) (b),
(c) or (d) is liable –

(a) on conviction on indictment, to imprisonment
for a term not exceeding two years, to a fine, or
to both, or

(b) on summary conviction, to imprisonment for a
term not exceeding six months, to a fine not
exceeding level 5 on the uniform scale, or to
both.

(4) A person guilty of an offence under section 17(5) or
20(1)(a) is liable –

(a) on conviction on indictment, to imprisonment
for a term not exceeding twelve months, to a
fine, or to both, or

(b) on summary conviction, to imprisonment for a
term not exceeding six months, to a fine not

exceeding level 4 on the uniform scale, or to both.".

10. In section 28, after "manager," insert "foundation official, partner,".

11. In section 32 -

(a) in subsections (1)(a) and (b), after "financial services business" insert ", relevant business or eGambling business",

(b) in subsection (2) -

(i) for ""**financial services business**" has", substitute ""**financial services business**" and "**relevant business**" have", and

(ii) after "Criminal Justice (Proceeds of Crime)(Bailiwick of Guernsey) Law, 1999" insert "and "**eGambling business**" means the type of business carried out by an eGambling licensee or certificate holder within the meaning of the Alderney eGambling Ordinance, 2009".

12. In section 33 (Interpretation) -

(a) in the definition of Bailiff, after " Lieutenant Bailiff" insert ", a Juge-Délégué", and

(b) in the appropriate places insert –

""**contravention**" includes failure to comply, and cognate expressions shall be construed accordingly,"

""**foundation official**" has the same meaning as it does under the Foundations (Guernsey) Law, 2012," and

""**Judge of the Royal Court**" means the office of that name established by section 1 of the Royal Court (Reform) (Guernsey) Law, 2008,".

SCHEDULE 3

Section 29

SANCTIONS ORDINANCES SUBJECT TO REPEAL BY REGULATION

The Afghanistan (Restrictive Measures) (Guernsey) Ordinance, 2011.

The Afghanistan (Restrictive Measures) (Alderney) Ordinance, 2011

The Afghanistan (Restrictive Measures) (Sark) Ordinance, 2011

The Al-Qaida (Restrictive Measures) (Guernsey) Ordinance, 2013

The Al-Qaida (Restrictive Measures) (Alderney) Ordinance, 2013

The Al-Qaida (Restrictive Measures) (Sark) Ordinance, 2013

The Belarus (Freezing of Funds) (Guernsey) Ordinance, 2006^{ggg}

The Belarus (Freezing of Funds) (Alderney) Ordinance, 2006^{hhh}

The Belarus (Freezing of Funds) (Sark) Ordinance, 2006ⁱⁱⁱ

The Burundi (Restrictive Measures) (Guernsey) Ordinance, 2015^{jjj}

The Burundi (Restrictive Measures) (Alderney) Ordinance, 2016^{kkk}

^{ggg} Ordinance No. XXXI of 2006; amended by No. ** of 2011; No. XXXIV of 2012; No. IX of 2016.

^{hhh} Alderney Ordinance No. IX of 2006; amended by Nos. XVII and XXIV of 2011; No. VIII of 2016.

ⁱⁱⁱ Ordinance made by the General Purposes and Finance Committee on 31st May, 2006; amended by Sark Ordinances Nos. 201 and 206; No. III of 2016.

^{jjj} Ordinance No. LV of 2015.

^{kkk} Alderney Ordinance No. I of 2016; amended by No. VIII of 2016.

- The Burundi (Restrictive Measures) (Sark) Ordinance, 2015^{III}
- The Central African Republic (Restrictive Measures) (Guernsey) Ordinance, 2014
- The Central African Republic (Restrictive Measures) (Alderney) Ordinance, 2014
- The Central African Republic (Restrictive Measures) (Sark) Ordinance, 2014
- The Chemical Weapons (Restrictive Measures) (Guernsey) Ordinance, 2018^{mmm}
- The Chemical Weapons (Restrictive Measures) (Sark) Ordinance, 2018ⁿⁿⁿ
- The Côte d'Ivoire (Restrictive Measures) (Alderney) Ordinance, 2015^{ooo}
- The Crimea and Sevastopol (Restrictive Measures) (Guernsey) Ordinance, 2014^{PPP}
- The Crimea and Sevastopol (Restrictive Measures) (Alderney) Ordinance, 2014^{qqq}
- The Crimea and Sevastopol (Restrictive Measures) (Sark) Ordinance, 2014^{rrr}
- The Egypt (Freezing of Funds) (Guernsey) Ordinance, 2011^{sss}
- The Egypt (Freezing of Funds) (Alderney) Ordinance, 2011^{ttt}

^{III} Sark Ordinance No. I of 2016; amended by No. III of 2016.

^{mmm} Ordinance made by the Policy & Resources Committee on 30th October 2018.

ⁿⁿⁿ Ordinance made by the Policy & Finance Committee on 8th October 2018.

^{ooo} Alderney Ordinance No. IV of 2015; amended by No. VIII of 2016.

^{PPP} Ordinance No. XXXIII of 2014; amended by Ordinance No. IX of 2016.

^{qqq} Alderney Ordinance No. XVIII of 2014; amended by No. III of 2015; No. VIII of 2016.

^{rrr} Sark Ordinance No. XX of 2014; amended by No. III of 2015; No. III of 2016.

^{sss} Ordinance No. XIII of 2011; amended by No. XII of 2013; No. IX of 2016.

The Egypt (Freezing of Funds) (Sark) Ordinance, 2011^{uuu}

The Eritrea (Restrictive Measures) (Guernsey) Ordinance, 2012

The Eritrea (Restrictive Measures) (Alderney) Ordinance, 2016

The Eritrea (Restrictive Measures) (Sark) Ordinance, 2012

The Federal Republic of Yugoslavia (Freezing of Funds and Prohibition on Investment) (Alderney) Ordinance, 1999^{vvv}

The Federal Republic of Yugoslavia (Freezing of Funds and Prohibition on Investment) (No. 2) (Sark) Ordinance, 1999^{www}

The Federal Republic of Yugoslavia (Freezing of Funds) Ordinance, 2001^{xxx}

The Federal Republic of Yugoslavia (Prohibition of Flights) (Guernsey) Ordinance, 1999^{yyy}

The Federal Republic of Yugoslavia (Supply, Sale and Export of Petroleum and Petroleum Products) (Penalties and Licences) (Guernsey) (No. 2) Ordinance, 1999^{zzz}

The Federal Republic of Yugoslavia (Supply, Sale and Export of Petroleum and Petroleum Products) (Penalties and Licences) (Alderney) (No. 2) Ordinance, 1999^{aaaa}

^{ttt} Alderney Ordinance No. VI of 2011; amended by No. IV of 2013; No. VIII of 2016.

^{uuu} Ordinance made by the General Purposes and Advisory Committee on 5th April, 2011; amended by Sark Ordinance No. 228; No. III of 2016.

^{vvv} Alderney Ordinance No. IX of 1999.

^{www} Ordinance made by Chief Pleas on 6th October, 1999; amended by Sark Ordinances Nos. 125 and 179; No. II of 2015.

^{xxx} Ordinance No. VII of 2001.

^{yyy} Ordinance No. XI of 1999.

^{zzz} Ordinance No. XXIX of 1999; amended by No. XXXIII of 2003.

^{aaaa} Alderney Ordinance No. XI of 1999.

The Federal Republic of Yugoslavia (Supply, Sale and Export of Petroleum and Petroleum Products) (Penalties and Licences) (Sark) Ordinance, 1999^{bbbb}

The International Criminal Tribunal for the Former Yugoslavia (Freezing of funds and Economic Resources of Indictées) Ordinance, 2005^{cccc}

The International Criminal Tribunal for the Former Yugoslavia (Freezing of funds and Economic Resources of Indictées) (Alderney) Ordinance, 2005^{dddd}

The International Criminal Tribunal for the Former Yugoslavia (Freezing of funds and Economic Resources of Indictées) (Sark) Ordinance, 2005^{eeee}

The Iran (Freezing of Funds) (Guernsey) Ordinance, 2011^{ffff}

The Iran (Freezing of Funds) (Alderney) Ordinance, 2011^{gggg}

The Iran (Freezing of Funds) (Sark) Ordinance, 2011^{hhhh}

The Iran (Restrictive Measures) (Guernsey) Ordinance, 2012ⁱⁱⁱⁱ

The Iran (Restrictive Measures) (Alderney) Ordinance, 2012^{jjjj}

bbbb Ordinance made by Chief Pleas on 24th November, 1999; amended by Ordinance No XXXIII of 2003.

cccc Ordinance No. IV of 2005.

dddd Alderney Ordinance No. V of 2005.

eeee Ordinance made by the General Purposes and Finance Committee on 1st January, 2005.

ffff Ordinance No. XX of 2011.

gggg Alderney Ordinance No. XII of 2011.

hhhh Ordinance made by the General Purposes and Advisory Committee on 31st May, 2011; amended by Ordinance No. III of 2016.

iiii Ordinance No. XXIII of 2012; amended by Ordinance No. IX of 2016.

jjjj Alderney Ordinance No. IV of 2012.

The Iran (Restrictive Measures) (Sark) Ordinance, 2012^{kkkk}

The Lebanon (Restrictive Measures) (Guernsey) Ordinance, 2006^{llll}

The Lebanon (Restrictive Measures) (Alderney) Ordinance, 2006^{mmmm}

The Lebanon (Restrictive Measures) (Sark) Ordinance, 2006ⁿⁿⁿⁿ

The Libya (Restrictive Measures) (Guernsey) Ordinance, 2016

The Libya (Restrictive Measures) (Alderney) Ordinance, 2016

The Libya (Restrictive Measures) (Sark) (No. 2) Ordinance, 2016

The Mali (Restrictive Measures) (Guernsey) Ordinance, 2017

The Mali (Restrictive Measures) (Alderney) Ordinance, 2017

The Mali (Restrictive Measures) (Sark) Ordinance, 2017

The Myanmar/Burma (Restrictive Measures) (Guernsey) Ordinance, 2013^{oooo}

The Myanmar/Burma (Restrictive Measures) (Alderney) Ordinance, 2013^{pppp}

The Myanmar/Burma (Restrictive Measures) (Sark) Ordinance, 2013^{qqqq}

kkkk Ordinance made by the General Purposes and Advisory Committee on 11th April, 2011; amended by Sark Ordinance No. III of 2016.

llll Ordinance No. LVII of 2006.

mmmm Alderney Ordinance No. XV of 2006; amended by No. VIII of 2016.

nnnn Ordinance made by the General Purposes and Finance Committee on 18th October, 2006; amended by Sark Ordinance No. III of 2016.

oooo Ordinance No. XXII of 2013.

pppp Alderney Ordinance No. X of 2013; amended by No. VIII of 2016.

qqqq Ordinance made by the General Purposes and Advisory Committee on 4th June, 2013; amended by Sark Ordinance No. III of 2016.

The North Korea (Restrictive Measures) (Guernsey) Ordinance, 2017

The North Korea (Restrictive Measures) (Alderney) Ordinance, 2017

The North Korea (Restrictive Measures) (Sark) Ordinance, 2017

The Republic of Guinea-Bissau (Restrictive Measures) (Guernsey) Ordinance, 2012^{rrrr}

The Republic of Guinea-Bissau (Restrictive Measures) (Alderney) Ordinance, 2012^{ssss}

The Republic of Guinea-Bissau (Restrictive Measures) (Sark) Ordinance, 2012^{tttt}

The Republic of Guinea (Restrictive Measures) (Guernsey) Ordinance, 2012^{uuuu}

The Republic of Guinea (Restrictive Measures) (Alderney) Ordinance, 2016^{vvvv}

The Republic of Guinea (Restrictive Measures) (Sark) Ordinance, 2012^{wwww}

The Republic of Maldives (Restrictive Measures) (Guernsey) Ordinance, 2018^{xxxx}

The Republic of Maldives (Restrictive Measures) (Sark) Ordinance, 2018^{yyyy}

The Russian Federation (Restrictive Measures) (Guernsey) Ordinance, 2014^{zzzz}

^{rrrr} Ordinance No. XXXIII of 2012.

^{ssss} Alderney Ordinance No. IX of 2012; amended by No. VIII of 2016.

^{tttt} Ordinance made by the General Purposes and Advisory Committee on 3rd August, 2012; amended by Sark Ordinance No. III of 2016.

^{uuuu} Ordinance No. IX of 2012.

^{vvvv} Alderney Ordinance No. V of 2016

^{wwww} Ordinance made by the General Purposes and Advisory Committee on 7th February, 2012; amended by Sark Ordinance No. III of 2016.

^{xxxx} Ordinance No. XXVIII of 2018.

^{yyyy} Sark Ordinance No. XII of 2018

The Russian Federation (Restrictive Measures) (Alderney) Ordinance, 2014^{aaaaa}

The Russian Federation (Restrictive Measures) (Sark) Ordinance, 2014^{bbbb}

The Somalia (Restrictive Measures) (Guernsey) Ordinance, 2012

The Somalia (Restrictive Measures) (Alderney) Ordinance, 2016

The Somalia (Restrictive Measures) (Sark) Ordinance, 2012

The South Sudan (Restrictive Measures) (Guernsey) Ordinance, 2015

The South Sudan (Restrictive Measures) (Alderney) Ordinance, 2016

The South Sudan (Restrictive Measures) (Sark) Ordinance, 2015

The Sudan (Restrictive Measures) (Guernsey) Ordinance, 2014

The Sudan (Restrictive Measures) (Alderney) Ordinance, 2014

The Sudan (Restrictive Measures) (Sark) Ordinance, 2014

The Syria (Restrictive Measures) (Guernsey) Ordinance, 2012^{ccccc}

The Syria (Restrictive Measures) (Alderney) Ordinance, 2012^{dddd}

The Syria (Restrictive Measures) (Sark) Ordinance, 2012^{eeee}

^{zzzz} Ordinance No. XLIV of 2014.

^{aaaa} Alderney Ordinance No. XVII of 2014; amended by No. VIII of 2016.

^{bbbb} Sark Ordinance No. XXIV of 2014; amended by No. III of 2016.

^{cccc} Ordinance No. XXII of 2012; amended by No. II of 2014.

^{dddd} Alderney Ordinance No. III of 2012; amended by No. VIII of 2014; No. VIII of 2016.

^{eeee} Ordinance made by the General Purposes and Advisory Committee on 7th February, 2011; amended by Sark Ordinance No. XI of 2014; No. III of 2016.

The Territorial Integrity etc. of Ukraine (Restrictive Measures) (Guernsey) Ordinance, 2014^{ffff}

The Territorial Integrity etc. of Ukraine (Restrictive Measures) (Alderney) Ordinance, 2014^{gggg}

The Territorial Integrity etc. of Ukraine (Restrictive Measures) (Sark) Ordinance, 2014^{hhhh}

The Tunisia (Freezing of Funds) (Guernsey) Ordinance, 2011ⁱⁱⁱⁱ

The Tunisia (Freezing of Funds) (Alderney) Ordinance, 2011^{jjjj}

The Tunisia (Freezing of Funds) (Sark) Ordinance, 2011^{kkkk}

The Ukraine (Restrictive Measures) (Guernsey) Ordinance, 2014^{llll}

The Ukraine (Restrictive Measures) (Alderney) Ordinance, 2014^{mmmm}

The Ukraine (Restrictive Measures) (Sark) Ordinance, 2014ⁿⁿⁿⁿ

^{ffff} Ordinance No. XXII of 2014; amended by No. XXXVI of 2014; No. IX of 2016.

^{gggg} Alderney Ordinance No. XII of 2014; amended by No. XXIII of 2014; No. VIII of 2016.

^{hhhh} Sark Ordinance No. IX of 2014; amended by No. XXIII of 2014; No. III of 2016.

ⁱⁱⁱⁱ Ordinance No. XI of 2011; amended by No. XIV of 2013; No. IX of 2016.

^{jjjj} Alderney Ordinance No. VII of 2011; amended by No. V of 2013; No. VIII of 2016.

^{kkkk} Ordinance made by the General Purposes and Advisory Committee on 1st March, 2011; amended by Sark Ordinance No. 229; No. III of 2016.

^{llll} Ordinance No. XXI of 2014; amended by No. XXXV of 2014; No. IX of 2016.

^{mmmm} Alderney Ordinance No. XI of 2014; amended by No. XXII of 2014; No. VIII of 2016.

ⁿⁿⁿⁿ Sark Ordinance No. VIII of 2014; amended by No. XXI of 2014; No. III of 2016.

The Union of Comoros (Freezing of Funds) (Guernsey) Ordinance, 2008^{ooooo}

The Union of Comoros (Freezing of Funds) (Alderney) Ordinance, 2008^{PPPPP}

The Union of Comoros (Freezing of Funds) (Sark) Ordinance, 2008^{qqqqq}

The Venezuela (Restrictive Measures) (Guernsey) Ordinance, 2017^{rrrrr}

The Venezuela (Restrictive Measures) (Alderney) Ordinance, 2018^{sssss}

The Venezuela (Restrictive Measures) (Sark) Ordinance, 2018^{ttttt}

The Yemen (Restrictive Measures) (Guernsey) Ordinance, 2014

The Yemen (Restrictive Measures) (Alderney) Ordinance, 2015

The Yemen (Restrictive Measures) (Sark) Ordinance, 2015

The Zimbabwe (Freezing of Funds and Economic Resources) (Guernsey) Ordinance, 2004^{uuuuu}

The Zimbabwe (Freezing of Funds and Economic Resources) (Alderney) Ordinance, 2004^{vvvvv}

The Zimbabwe (Freezing of Funds and Economic Resources) (Sark) Ordinance, 2004^{wwwww}

^{ooooo} Ordinance No. XXII of 2008.

^{PPPPP} Alderney Ordinance No. IX of 2008.

^{qqqqq} Ordinance made by the General Purposes and Advisory Committee on 3rd June, 2011.

^{rrrrr} Ordinance No. VII of 2018

^{sssss} Alderney Ordinance No. IX of 2018

^{ttttt} Sark Ordinance No. VI of 2018

^{uuuuu} Ordinance No. XXX of 2004; amended by No. IX of 2016.

^{vvvvv} Alderney Ordinance No. XI of 2004; amended by No. VIII of 2016.

The Zimbabwe (Sale, Supply, Export, Financing & Financial Assistance & Shipment of Equipment) (Penalties & Licences) (Guernsey) Ordinance, 2004^{xxxxx}

The Zimbabwe (Sale, Supply, Export, Financing & Financial Assistance & Shipment of Equipment) (Penalties & Licences) (Alderney) Ordinance, 2004^{yyyyy}

The Zimbabwe (Sale, Supply, Export, Financing & Financial Assistance & Shipment of Equipment) (Penalties & Licences) (Sark) Ordinance, 2004^{zzzzz}

^{wwwww} Ordinance made by the General Purposes and Finance Committee on 17th May, 2004; amended by No. III of 2016.

^{xxxxx} Ordinance No. XXIX of 2004; amended by No. IX of 2016.

^{yyyyy} Alderney Ordinance No. X of 2004; amended by No. VIII of 2016.

^{zzzzz} Ordinance made by the General Purposes and Finance Committee on 17th May, 2004; amended by Sark Ordinance No. III of 2016.

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