

**The Registration of Non-Regulated Financial Services
Businesses (Bailiwick of Guernsey) Law, 2008
(Amendment) Ordinance, 2008**

THE STATES LEGISLATION SELECT COMMITTEE, in exercise of the power conferred on the States by section 30(1) of the Registration of Non-Regulated Financial Services Businesses (Bailiwick of Guernsey) Law, 2008 and in exercise of the powers conferred on the Committee by Article 66(3) of the Reform (Guernsey) Law, 1948^a and in pursuance of the States Resolution of the 13th December, 2007^b, hereby orders:-

Amendment of sections 18, 19, 20 and 22 of Law of 2008.

1. (1) In sections 18(10)(a), 19(7)(a), 20(4)(a) and 22(7)(a) of the Law of 2008 immediately after the words, figures and parentheses "or section 32(1)", insert "(but only in relation to a requirement imposed by or under this section)".

(2) Immediately after section 18(10) insert -

"(10A) A statement may not be used by virtue of subsection (10)(b) against a person unless -

(a) evidence relating to it is adduced, or

(b) a question relating to it is asked,

by or on behalf of that person in the proceedings arising out of the prosecution."

^a Ordres en Conseil Vol. XIII, p. 288

^b Article XVI of Billet d'État No. XXVI of 2007.

(3) Immediately after section 19(7) insert -

"(7A) A statement may not be used by virtue of subsection (7)(b) against a person unless -

(a) evidence relating to it is adduced, or

(b) a question relating to it is asked,

by or on behalf of that person in the proceedings arising out of the prosecution.".

(4) Immediately after section 20(4) insert -

"(4A) A statement may not be used by virtue of subsection (4)(b) against a person unless -

(a) evidence relating to it is adduced, or

(b) a question relating to it is asked,

by or on behalf of that person in the proceedings arising out of the prosecution.".

(5) Immediately after section 22(7) insert -

"(8) A statement may not be used by virtue of subsection (7)(b) against a person unless -

(a) evidence relating to it is adduced, or

(b) a question relating to it is asked,

by or on behalf of that person in the proceedings arising out of the prosecution."

Amendment of section 30 of Law of 2008.

2. (1) Section 30 of the Law of 2008 is amended as follows.

(2) For section 30(1) substitute -

"(1) The States may, without prejudice to any other provision of this Law conferring power to enact Ordinances, by Ordinance amend section 3, 5, 10, 15, 16 or 38 or Schedule 2, where it appears to the States to be necessary or expedient to do so for the purpose of -

- (a) enabling the Commission more effectively to carry out any of its functions,
- (b) enhancing or protecting the reputation or economic interests of the Bailiwick,
- (c) improving or enhancing the investigation, prevention or detection of crime,
- (d) facilitating the instigation of, or otherwise for the purposes of, any criminal proceedings,
- (e) facilitating the detection, seizure and forfeiture of the proceeds of crime or assets intended for use in crime,

- (f) discharging any international obligation to which the Bailiwick is subject, or
- (g) assisting, in the interests of the public or otherwise, any authority which appears to the States to exercise in a place outside the Bailiwick functions corresponding to any of the functions of the Commission."

(3) Immediately before the words "create offences" in section 30(4)(a), insert "subject to subsection (4A),".

(4) Immediately after section 30(4) insert -

"(4A) The power conferred by subsection (4)(a) to create 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 Magistrate's Court by section 9 of the Magistrate's Court (Guernsey) Law, 2008, or
- (c) to authorise the imposition, on conviction on indictment of any offence, of a term of imprisonment exceeding two years."

Interpretation.

3. (1) In this Ordinance, "**the Law of 2008**" means the Registration of Non-Regulated Financial Services Businesses (Bailiwick of Guernsey) Law, 2008.

(2) The Interpretation (Guernsey) Law, 1948^c applies to the interpretation of this Ordinance throughout the Bailiwick.

Citation.

4. This Ordinance may be cited as the Registration of Non-Regulated Financial Services Businesses (Bailiwick of Guernsey) Law, 2008 (Amendment) Ordinance, 2008.

Commencement.

5. This Ordinance shall come into force on the same day as section 30 of the Law of 2008 comes into force.

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