

GUERNSEY STATUTORY INSTRUMENT

2007 No.

**The Disclosure (Bailiwick of Guernsey)
Regulations, 2007**

| | |
|-------------------------------|---------------------------------------|
| <i>Made</i> | <i>17th December, 2007</i> |
| <i>Coming into operation</i> | <i>17th December, 2007</i> |
| <i>Laid before the States</i> | <i>, 2008</i> |

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

Form and manner of disclosure.

1. (1) A person shall make a disclosure to a police officer under section 1, 2 or 3 of the Disclosure (Bailiwick of Guernsey) Law, 2007 (the "**Law of 2007**") -

- (a) by using the form set out in the Schedule to these Regulations ("**the Form**"), and
- (b) in compliance with the requirements indicated upon the Form.

^a

Approved by the States of Deliberation on 30 May 2007.

(2) A completed Form, together with any accompanying information shall be -

- (a) delivered by post, or hand, to the addressee,
- (b) transmitted by electronic mail to the electronic address,
or
- (c) sent by facsimile transmission to the telephone number,

indicated upon the Form.

(3) Any information entered upon, or accompanying, the Form shall appear, or be supplied, in a legible format.

Request for additional information.

2. (1) A police officer may, by notice in writing served upon any person who has made a disclosure under section 1, 2 or 3 of the Law of 2007 ("**the initial disclosure**"), require that person to provide the officer (or any other specified officer) with such additional information relating to the initial disclosure as may be specified -

- (a) within such period which, subject to paragraph (3), shall not be less than 7 days, and
- (b) in such form and manner,

as may be specified.

(2) A police officer may by written notice extend the period specified under paragraph (1)(a) for such period of time as he may specify in writing.

(3) Where a relevant officer is satisfied that the provision of additional information is reasonably required as a matter of urgency he may, for the purposes of paragraph (1)(a) -

- (a) specify, or
- (b) authorise any other police officer to specify,

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

(4) For the purposes of paragraph (3), "**a relevant officer**" means

-

- (a) a member of the salaried police force of the Island of Guernsey who holds the rank of inspector or above,
- (b) a member of any police force which may be established by the States of Alderney who holds the rank of inspector or above, or
- (c) a customs officer of the grade of senior investigation officer or above.

Offence of failure to provide additional information.

3. (1) Subject to regulation 4, a person who fails to provide additional information which he is required to provide under a notice given under regulation 2 -

- (a) within the period specified, and

- (b) in the form and manner specified,

is guilty of an offence.

- (2) A person guilty of an offence under paragraph (1) is liable -
 - (a) on summary conviction, to imprisonment for a term not exceeding 6 months or to a fine not exceeding level 5 on the uniform scale or to both, or
 - (b) on conviction or indictment, to imprisonment for a term not exceeding five years or to a fine or to both.

Defence.

- 4. (1) A person does not commit an offence under regulation 3 if -
 - (a) he has a reasonable excuse for not disclosing the additional information or other matter, or
 - (b) he is a professional legal adviser and the additional information came to him in privileged circumstances.
- (2) Information comes to a professional legal adviser in privileged circumstances if it is communicated or given to him -
 - (a) by (or by a representative of) a client of his in connection with the giving by the adviser of legal advice to the client,
 - (b) by (or by a representative of) a person seeking legal advice from the adviser, or

(c) by a person in connection with legal proceedings or contemplated legal proceedings.

(3) But paragraph (2) does not apply to information which is communicated or given with a view to furthering a criminal purpose.

Interpretation.

5. (1) In these Regulations, unless the context requires otherwise -

"**Financial Intelligence Service**" means the service, known by that title, comprising those police officers and customs officers assigned to the service for the purpose of the receipt, analysis and dissemination within the Bailiwick, and elsewhere, of disclosures which are more commonly known, or referred to, as suspicious transaction reports,

"**the Form**" means the form set out in the Schedule to these Regulations,

"**Law of 2007**" means the Disclosure (Bailiwick of Guernsey) Law, 2007,

"**specified**" means specified in writing,

and other expressions have the same meanings as in the Law of 2007.

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

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

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

Citation and commencement.

6. These Regulations may be cited as the Disclosure (Bailiwick of Guernsey) Regulations, 2007 and shall come into force on the 17th December, 2007.

SCHEDULE

Regulations 1 and 5

FORM OF DISCLOSURE

DISCLOSURE

| | | |
|--|----------|-------|
| STRICTLY PRIVATE AND CONFIDENTIAL | | |
| Your ref: | Our ref: | Date: |

The Financial Intelligence Service, Hospital Lane, St Peter Port, Guernsey, GY1 2QN
 Tel: 714081 Fax: 710466 E-mail: director@guernseyfis.org

Legislation under which this disclosure is made (*please tick one of the following*):

- Terrorism and Crime (Bailiwick of Guernsey) Law, 2002
- Disclosure (Bailiwick of Guernsey) Law, 2007

| | | | |
|--|-------|-------------------|---------|
| Subject's full name(s) | | | |
| Gender | | | |
| Date(s) of birth | | Place(s) of birth | |
| Passport or ID number(s) | | | |
| Nationality(ies) | | | |
| Address(es) | | | |
| Telephone | Home: | Work: | Mobile: |
| Occupation/employer | | | |
| Associated company: <i>e.g. company registration number, date and place of incorporation, etc.</i> | | | |
| Account name | | | |
| Account/product number | | | |
| Date account/product opened | | | |
| Details of any intermediary | | | |

| | |
|--|--|
| Other relevant information: <i>e.g. additional details of identification and/or references taken, associated parties, addresses, telephone numbers, etc.</i> | |
|--|--|

DISCLOSURE (CONTINUED)

| |
|------------------------|
| Reasons for suspicion: |
|------------------------|

| |
|--|
| Current status of business relationship: |
|--|

| |
|--|
| |
|--|

When submitting this report, please provide a covering letter which includes contact information and append any additional material that you may consider relevant and which may be of assistance to the recipient, i.e. bank statements, vouchers, international transfers, inter-account transfers, telegraphic transfers, details of associated accounts and products, etc.

Dated this 17th day of December, 2007

DEPUTY G H MAHY

Minister of the States Home Department

For and on behalf of the Department

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the form and manner in which a disclosure under the Disclosure (Bailiwick of Guernsey) Law, 2007 must be made. Regulation 2 provides for the circumstances in which a police officer may require a person to provide additional information relating to a disclosure. Regulation 3 makes it an offence to fail to provide any additional information, which has been requested under the regulations, within the period and in the form specified by a police officer. Regulation 4 provides that no offence is committed where a person has a reasonable excuse for not disclosing the information or the person is a professional legal adviser and the information came to him in privileged circumstances.

These Regulations come into force on 17th December 2007.