

GUERNSEY STATUTORY INSTRUMENT

2007 No.34

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

[CONSOLIDATED TEXT]

NOTE

This consolidated version of the enactment incorporates all amendments listed in the footnote below. However, while it is believed to be accurate and up to date, it is not authoritative and has no legal effect, having been prepared in-house for the assistance of the Law Officers. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.

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^a

Amended by G.S.I. No. 50 of 2010 (The Disclosure (Bailiwick of Guernsey) (Amendment) Regulations, 2010) and G.S. I. No. 22 of 2011 (The Disclosure (Bailiwick of Guernsey) (Amendment) Regulations, 2011).

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<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^b and all other powers enabling it in that behalf, hereby makes the following Regulations:-

Form and manner of disclosure.

1. (1) Save when paragraph (2) applies, a person shall make a disclosure to a prescribed police officer under section 1, 2 or 3 of the Disclosure (Bailiwick of Guernsey) Law, 2007 (the "**Law of 2007**") by using the online reporting facility available on the website of the Financial Investigation Unit.

(2) Subject to the consent of an authorised officer, a person may make a disclosure to a prescribed police officer under section 1, 2 or 3 of the Law of 2007 -

(a) by using the form set out in the Schedule to these Regulations ("**the Form**"), and

^b Approved by the States of Deliberation on 30 May 2007.

Consolidated text

- (b) in compliance with the requirements indicated upon the Form.

(3) 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.

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

Request for additional information.

2. (1) A prescribed 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 prescribed 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 prescribed 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

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(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 -

"**authorised officer**" means the head of the Financial Investigation Unit or other member of the Financial Investigation Unit of the rank of Senior Investigation Officer or above,

"**Financial Intelligence Service**" means the division of the Financial Investigation Unit, comprising those police officers and other persons assigned to the division for the purpose of the receipt, analysis and dissemination within the Bailiwick, and elsewhere, of disclosures under Part I of the Law of 2007, which are more commonly known or referred to as suspicious transaction reports or suspicious activity reports,

"**Financial Investigation Unit**" means that branch of the Customs and Immigration Service responsible for the investigation of financial and economic crime,

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

Regulations,

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

"**prescribed police officer**" means a police officer who is a member of the Financial Intelligence Service,

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

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

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

(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.

^c

Ordres en Conseil Vol. XIII, p. 355.

SCHEDULE

Regulations 1 and 5

FORM OF DISCLOSURE

DISCLOSURE FORM

STRICTLY PRIVATE AND CONFIDENTIAL

Please forward with covering letter to:

The Guernsey Border Agency, Financial Investigation Unit:
Financial Intelligence Service,
Ozanne Hall,
Mignot Plateau,
Cornet Street,
St Peter Port,
GY1 1LF

Tel: 714081 Fax: 710466 E-mail: fiu@gba.gov.gg (not secure)

Your reference		
FIS reference		
Date		Consent request? Yes/No

1. MAIN DISCLOSURE SUBJECT

Person

Title	
Full name <i>(please include former and other names)</i>	
Is the subject a Politically Exposed Person? <i>(please give details)</i>	
Gender	
Date of birth / estimated age	
Place of birth	
Nationality	
Occupation	
Employer	
Address(es) including postal codes	

Consolidated text

Contact details, e.g. telephone, fax, email	
Passport number(s) and dates	
Passport issuing country(ies)	
Other identification numbers and dates, e.g. national identity card, driving licence etc. <i>(please specify type)</i>	
Any other relevant information	

and/or Organisation

Name <i>(please include former and other names)</i>	
Type of Organisation i.e. company, trust, non-profit organisation or other	
Legal registration / identification number	
Country registered / established	
Date registered / established	
Purpose / objects of the organisation	
Address(es) including postal codes	
Contact details, e.g. telephone, fax, email	
Any other relevant information	

2. ASSOCIATED SUBJECTS (including organisation officials)

For associated subjects, please copy the formats used above.

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3. RELEVANT ACCOUNTS

Name in which account held	
Account / product type, e.g. investment, company etc.	

Consolidated text

Account number and sort code	
Date account opened	
Date account closed	
Account balance / value	
Balance / value date	

For additional accounts or products, please copy the format used above.

4. RELEVANT TRANSACTIONS

Transaction date	
Transaction amount	
Transaction type / method	
Transaction parties (<i>please use person / organisation format as above where more detailed information is available</i>)	
Was the transaction carried out?	

For additional transactions, please copy the format used above.

5. CLIENT RELATIONSHIP

Current status of relationship	
Date relationship commenced	
Date relationship ended	

6. REASONS FOR SUSPICION

Please give full account of circumstances and grounds for suspicion

This disclosure is made under the (<i>please delete as appropriate</i>)	Terrorism and Crime (Bailiwick of Guernsey) Law, 2002
	Disclosure (Bailiwick of Guernsey) Law, 2007

7. DETAILS OF ANY REQUEST FOR CONSENT

Please specify the act or transaction for which consent is sought

8. ADDITIONAL INFORMATION (including explanation of any attachments)

NB - Please supply a covering letter with contact information. Please also provide as much information and documentation as possible to demonstrate why suspicion has been raised and to enable the FIS to fully understand the purpose and intended nature of the business relationship, e.g. copy identification and account opening documents, account statements, contract notes, minutes, correspondence, structure charts, transcripts, 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.

Consolidated text

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.