

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

THE DISCLOSURE (BAILIWICK OF GUERNSEY) (AMENDMENT) ORDINANCE, 2021

The States are asked to decide:-

Whether they are of the opinion to approve the draft Ordinance entitled "The Disclosure (Bailiwick of Guernsey) (Amendment) Ordinance, 2021", and to direct that the same shall have effect as an Ordinance of the States.

This proposition has been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications in accordance with Rule 4(1) of the Rules of Procedure of the States of Deliberation and their Committees.

EXPLANATORY MEMORANDUM

This Ordinance amends the Disclosure (Bailiwick of Guernsey) Law, 2007 by modifying the powers of the Director of the Revenue Service and other specified persons to disclose information to police and customs officers for the purposes of civil forfeiture and to take account of recent amendments to the Forfeiture of Money, etc in Civil Proceedings (Bailiwick of Guernsey) Law, 2007.

The Disclosure (Bailiwick of Guernsey) (Amendment) Ordinance, 2021

THE STATES, in pursuance of their Resolution of the 18th April, 2018^a, and in exercise of the powers conferred on them by sections 14 and 16 of the Disclosure (Bailiwick of Guernsey) Law, 2007^b, and all other powers enabling them in that behalf, hereby order:-

Amendment of Disclosure Law.

1. The Disclosure (Bailiwick of Guernsey) Law, 2007 is further amended as follows.

2. For section 6(1)(f)^c substitute the following paragraphs -

“(f) any proceedings under that Law or under legislation in force in a country designated under section 53 of that Law relating to the forfeiture of money or other property by a court in non-conviction based proceedings (expressions used in this paragraph being construed in accordance with section 56(1) of that Law),

^a Article 3 of Billet d'État No. XI of 2018.

^b Order in Council No. XVI of 2007; there are amendments not material to this enactment.

^c Paragraph (f) of section 6(1) was inserted by the Disclosure (Bailiwick of Guernsey) (Amendment) Ordinance, 2014.

- (g) the initiation or bringing to an end of any such investigation or proceedings, or
- (h) facilitating a determination of whether any such investigation or proceedings should be initiated or brought to an end.”.

3. For section 8(2)(da)(ii)^d substitute the following subparagraph -

“(ii) any proceedings under that Law or under legislation in force in a country designated under section 53 of that Law relating to the forfeiture of money or other property by a court in non-conviction based proceedings (expressions used in this subparagraph being construed in accordance with section 56(1) of that Law),”.

4. After section 8(2)(da) insert the following paragraphs -

- “(db) the initiation or bringing to an end of any such investigation or proceedings,
- (dc) facilitating a determination of whether any such investigation or proceedings should be initiated or brought to an end, or”.

^d Paragraph (da) of section 8(2) was inserted by the Disclosure (Bailiwick of Guernsey) (Amendment) Ordinance, 2014.

Citation.

5. This Ordinance may be cited as the Disclosure (Bailiwick of Guernsey) (Amendment) Ordinance, 2021.

Commencement.

6. This Ordinance shall come into force on the 1st March, 2021.