



BILLET D'ÉTAT

WEDNESDAY, 26th JANUARY, 2022

I
2022

ELECTIONS AND APPOINTMENTS

1. Committee for Home Affairs - Police Complaints Commission - Appointment of Two Members, P.2021/136

LEGISLATIVE BUSINESS

Legislation laid before the States

The Parochial Elections (St Peter Port) Regulations, 2021
The Offences (Fixed Penalties) (Guernsey) Order, 2021
The European Union (Sea Fisheries, etc) (Brexit) (Bailiwick of Guernsey) (Amendment) (No. 3) Regulations, 2021

Legislation for Approval

2. Committee for Home Affairs - The Economic and Financial Crime Bureau and Financial Intelligence Unit (Bailiwick of Guernsey) Law, 2022, P.2021/139
3. Development & Planning Authority - The Land Planning and Development (Visitor Accommodation) (Amendment) Ordinance, 2022, P.2021/140
4. States' Trading Supervisory Board - The Pilotage (Amendment) Ordinance, 2022, P.2021/141

CONTINUED OVERLEAF

OTHER BUSINESS

5. Committee *for* Economic Development - Guernsey Electricity Limited - Licence Exclusivity in the Conveyance and Supply Areas of the Electricity Market, P.2021/138
6. Committee *for* Home Affairs - A New Guernsey Anti Money Laundering/Combating the Financing of Terrorism Forum, P.2021/137
7. Policy & Resources Committee - Schedule for Future States' Business, P.2021/142

BILLET D'ÉTAT

TO THE MEMBERS OF THE STATES OF THE ISLAND OF GUERNSEY

I hereby give notice that a Meeting of the States of Deliberation will be held at **THE ROYAL COURT HOUSE**, on **WEDNESDAY the 26th JANUARY, 2022** at **9.30 a.m.**, to consider the items listed in this Billet d'État which have been submitted for debate.

R. J. McMAHON
Bailiff and Presiding Officer

The Royal Court House
Guernsey

17th December, 2021

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

COMMITTEE *FOR* HOME AFFAIRS

POLICE COMPLAINTS COMMISSION - APPOINTMENT OF TWO MEMBERS

The States are asked to decide:-

Whether, after consideration of the Policy Letter entitled “Police Complaints Commission – Appointment of Two Members”, dated 25th October 2021, they are of the opinion:-

1. To appoint Miss Rebekah Johnston as an ordinary member of the Police Complaints Commission for a period of 4 years with immediate effect; and
2. To appoint Mr Steven Melbourne as an ordinary member of the Police Complaints Commission for a period of 4 years with immediate effect.

The above Propositions have 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.

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

COMMITTEE *FOR* HOME AFFAIRS

POLICE COMPLAINTS COMMISSION - APPOINTMENT OF TWO MEMBERS

The Presiding Officer
States of Guernsey
Royal Court House
St Peter Port

25th October 2021

Dear Sir

1 Executive Summary

- 1.1 The purpose of this Policy Letter is to formally appoint two members of the Police Complaints Commission (“the Commission”).

2 Background

- 2.1 The Commission was established by the Police Complaints (Guernsey) Law, 2008¹ (“The Law”) and came into effect on 1st July 2011. The Commission is an independent panel which maintains oversight of how complaints against the police are handled.
- 2.2 The Schedule to the Law sets out the composition of, and appointment process to, the Commission, and establishes that: -
- the Commission shall consist of a Chairman and five ordinary members;
 - the Chairman and ordinary members shall be appointed for a term of four years by the States of Deliberation upon the recommendation of the Committee *for* Home Affairs.

3 Appointment of two new Ordinary Members – 4-year term

- 3.1 There are currently two vacancies on the Commission.
- 3.2 Following an open recruitment process that took place earlier this year two candidates have been selected for appointment. Whilst no formal qualifications

¹ [Police Complaints \(Guernsey\) Law, 2008](#)

are required for the role, it is necessary for individuals to be fair, objective and non-judgemental and they must have the ability to read and understand complex matters.

- 3.3 The Committee *for* Home Affairs is pleased to nominate Miss Rebekah Johnston and Mr Steven Melbourne to be ordinary members of the Commission for a term of four years with immediate effect.
- 3.4 The Chairman of the Commission recommended these appointments and considers that both candidates have the necessary experience and qualities to play a positive role on the Commission and further complement the group's dynamics.
- 3.5 Miss Rebekah Johnston moved to Guernsey four years ago following completing her A-Levels, she is employed as paralegal at Carey Olsen and is currently studying towards a law degree via the Open University. Ms Johnston enjoys sea swimming and keeping fit and volunteers her time to work with the Youth Commission where she provides one -to-one support to young people aiming to boost their confidence and self-esteem. Miss Johnston has applied for this role as she is keen to give back to the community doing something technical but in the background. Miss Johnston was confident in interview. She answered the set questions thoroughly, giving examples and demonstrating that she had the skills required and was able to process complex information and listen to and consider other people's arguments.
- 3.6 Mr Steven Melbourne moved to Guernsey eight years ago and since that time he has become an active member of the community involving himself in Guernsey Rugby development, amongst other things – Mr Melbourne is also a member of the Child & Youth Community Tribunal demonstrating his integrity and commitment to supporting young people who present with challenging behaviours. Prior to moving to Guernsey Mr Melbourne was in the armed forces and worked in the area of media and communications. In interview, Mr Melbourne had a good understanding of what would be expected of him in the role and was able to articulate how he made decisions and was comfortable to be challenged. Mr Melbourne demonstrated his ability to consider and interpret complex information, follow procedures and in making decisions, to have due regard to all who may be impacted.
- 3.7 In interview both candidates communicated well and presented their views confidently, neither were afraid to ask questions. They were both able to identify the challenges faced by the local police force and it was felt that they would both contribute fairly and objectively to discussions and provide unbiased independent oversight of police complaints.

4 Compliance with Rule 4

- 4.1 Rule 4 of the Rules of Procedure of the States of Deliberation and their Committees sets out the information which must be included in, or appended to, motions laid before the States.
- 4.2 In accordance with Rule 4(1)(a), the Propositions contribute to the States' objectives in that the effective operation of the Commission is necessary to ensure that the public has confidence in the systems in place within the justice system.
- 4.3 In accordance with Rule 4(1)(c), the Propositions have been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications.
- 4.4 In accordance with Rule 4(2)(a), the Propositions relate to the duties of the Committee to advise the States and to develop and implement policies on matters relating to its purpose including law enforcement, including policing and customs.
- 4.5 In accordance with Rule 4(2)(b), it is confirmed that the Propositions above were supported unanimously by the Committee Members.

Yours faithfully

R G Prow
President

S P J Vermeulen
Vice-President

S E Aldwell
M P Leadbeater
A W Taylor

P A Harwood
Non-States Member

STATUTORY INSTRUMENTS LAID BEFORE THE STATES

The States of Deliberation have the power to annul the Statutory Instruments detailed below.

No. 146 of 2021

THE PAROCHIAL ELECTIONS (ST PETER PORT) REGULATIONS, 2021

In pursuance of the powers conferred on it by Articles 54(4) and 77C of the Reform (Guernsey) Law, 1948 and all other powers enabling it in that behalf, "The Parochial Elections (St Peter Port) Regulations, 2021" made by the States' Assembly & Constitution Committee on 9th November, 2021, are laid before the States.

EXPLANATORY NOTE

These Regulations prescribe the date for elections to the offices of Constable and Douzenier in the Parish of St Peter Port on the 8th December, 2021.

These Regulations came into force on the 9th November, 2021.

No. 149 of 2021

THE OFFENCES (FIXED PENALTIES) (GUERNSEY) ORDER, 2021

In pursuance of sections 5(1)(b), 7(3)(a) and 7(4)(b)(ii) of the Offences (Fixed Penalties) (Guernsey) Law, 2009, The Offences (Fixed Penalties) (Guernsey) Order, 2021, made by the Committee for Home Affairs on 22nd November 2021, is laid before the States.

EXPLANATORY NOTE

This Order specifies the manner in which, and the place at which, a fixed penalty is to be paid. This Order provides for payment by using telephone number (01481) 223002 instead of (01481) 717003.

The equivalent Order made in 2017 is revoked.

This Order comes into force on the 22nd day of November, 2021.

No. 151 of 2021

THE EUROPEAN UNION (SEA FISHERIES, ETC.) (BREXIT) (BAILIWICK OF GUERNSEY) (AMENDMENT) (NO. 3) REGULATIONS, 2021

In pursuance of sections 5(1) and 11 of the European Union (Brexit) (Bailiwick of Guernsey) Law, 2018, "The European Union (Sea Fisheries, etc.) (Brexit) (Bailiwick of Guernsey) (Amendment) (No. 3) Regulations, 2021" made by the Policy & Resources Committee on 23rd November, 2021, are laid before the States.

EXPLANATORY MEMORANDUM

These Regulations are made in consequence of the withdrawal of the United Kingdom from the European Union.

These Regulations permit the States of Guernsey Committee for Economic Development to license EU fishing boats by inserting a Part IAA in the Sea Fish Licensing (Bailiwick of Guernsey) Law, 2012. This Part sets out a comprehensive licensing regime which will have effect from 1st February 2022; however, the previous interim authorisations continue to be in force until that same date. These Regulations also make consequential changes on the basis of the temporary retention of the interim authorisation regime and its subsequent replacement.

These Regulations (other than regulations 3(b)(iii), 4, 5, 8 and 11(a)(iii)) will come into force on 23rd November 2021. Regulations 3(b)(iii), 4, 5, 8 and 11(a)(iii) will come into force on 1st February 2022.

The full text of the legislation can be found at: <http://www.guernseylegalresources.gg>

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

PROJET DE LOI

Entitled

**THE ECONOMIC AND FINANCIAL CRIME BUREAU AND FINANCIAL INTELLIGENCE UNIT
(BAILIWICK OF GUERNSEY) LAW, 2022**

The States are asked to decide:-

Whether they are of the opinion to approve the draft Projet de Loi entitled "The Economic and Financial Crime Bureau and Financial Intelligence Unit (Bailiwick of Guernsey) Law, 2022", and to authorise the Bailiff to present a most humble petition to Her Majesty praying for Her Royal Sanction thereto.

EXPLANATORY MEMORANDUM

This Law creates the office of the Director of the Economic and Financial Crime Bureau, who will be appointed by the Committee for Home Affairs.

The Law sets out the functions of the office holder, which are to investigate money laundering, terrorist financing, sanctions breaches and all other forms of economic and financial crime, to identify and trace the proceeds of crime, to assist the Law Officers with their economic and financial crime functions when requested, , and to exercise the powers available to police officers and customs officers under various enactments that are relevant to economic and financial crime.

In addition, the Law makes provision for the composition, functions, funding and oversight of the Financial Intelligence Unit. This includes the power of the Director of the Economic and Financial Crime Bureau to appoint the Head of the Financial Intelligence Unit, to set the budget available to that person and to provide that person with guidance about the strategic direction of the Financial Intelligence Unit. The Law also includes a requirement for consultation with the Committee for Home Affairs in these areas and a process whereby the Committee for Home Affairs may set the budget of the Financial Intelligence Unit or give a direction about its resources more widely in the event of any disagreement between the Director of the Economic and Financial Crime Bureau and the Head of the Financial Intelligence Unit on these matters.

The Law also makes a number of consequential amendments to other enactments which insert references to the Director of the Economic and Financial Crime Bureau and the Head of the Financial Intelligence Unit as well as cross-references back to the

Law for the purposes of defining the Financial Intelligence Unit.

PROJET DE LOI

ENTITLED

The Economic and Financial Crime Bureau and Financial Intelligence Unit (Bailiwick of Guernsey) Law, 2022

ARRANGEMENT OF SECTIONS

PART I OFFICE OF THE DIRECTOR

1. Establishment of Office of the Director.

PART II FUNCTIONS OF THE DIRECTOR

2. Functions of the Director.
3. Meaning of "economic and financial crime".

PART III THE FINANCIAL INTELLIGENCE UNIT

4. The Financial Intelligence Unit.
5. Ringfencing.
6. Guidance from the Director.

PART IV MISCELLANEOUS AND FINAL

Statutory references to police officers, disclosure of information and consequential amendments

7. References in PPACE to police officers.

8. References in Schedule 2 enactments to police officers etc. and disclosure of information.
9. Consequential amendment to the Regulation of Investigatory Powers Law.
10. Consequential amendment to the Data Protection Law.
11. Consequential amendments relating to the FIU.
12. Consequential amendment relating to the rehabilitation of offenders.
13. Power to make other consequential provision by Ordinance.

Final provisions

14. Exclusion of liability.
15. Power to amend by Ordinance for specified purposes.
16. General provision as to subordinate legislation.
17. Extent.
18. Citation.
19. Commencement.

SCHEDULE 1: Office of the Director.

SCHEDULE 2: Relevant enactments.

PROJET DE LOI

ENTITLED

The Economic and Financial Crime Bureau and Financial Intelligence Unit (Bailiwick of Guernsey) Law, 2022

THE STATES, in pursuance of their Resolution of the 24th November, 2021^a, 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

OFFICE OF THE DIRECTOR

Establishment of Office of the Director.

1. (1) There is hereby established an office to be known as the Office of the Director of the Economic and Financial Crime Bureau.

(2) The holder of that office shall be known as the Director of the Economic and Financial Crime Bureau ("**the Director**").

(3) Subject to subsection (9), the Director shall be appointed by the States Committee for Home Affairs ("**the Committee**").

^a Article III of Billet d'État No. XXIII of 2021.

(4) The Office of the Director is not a committee of the States, the States of Alderney or the Chief Pleas of Sark and, except to the extent provided otherwise in this Law or any other enactment –

(a) is not subject to any rule of law relating to committees of the States, the States of Alderney or the Chief Pleas of Sark, and

(b) does not have any of the rights or privileges vested in such committees.

(5) The Director shall, subject to the terms and conditions of his or her appointment, exercise the functions assigned or transferred to him or her under this Law or any other enactment.

(6) The Director may do anything that appears to him or her to be necessary, conducive or expedient to or for the carrying out of the Director's functions or incidental to their proper discharge.

(7) For the purposes of the Public Functions (Transfer and Performance) (Bailiwick of Guernsey) Law, 1991^b -

(a) the Office of the Director is a public office, and

(b) the Director is an office holder.

^b Ordres en Conseil Vol. XXXIII, p. 478. This enactment has been amended.

(8) The provisions of Schedule 1 have effect in respect of the Office of the Director.

(9) The appointment of the Director may be varied or terminated at any time, but without prejudice to anything done pursuant to the appointment or to the making of a new appointment.

PART II FUNCTIONS OF THE DIRECTOR

Functions of the Director.

2. (1) The functions of the Director are –
 - (a) to prevent, detect and investigate the commission of economic and financial crime (including, for the avoidance of doubt, working collaboratively with investigatory bodies in or outside the Bailiwick, whether as part of a joint investigation team or otherwise),
 - (b) to assist Her Majesty's Procureur (as and when requested by Her Majesty's Procureur) with –
 - (i) the prosecution of offences of economic and financial crime,
 - (ii) the discharge of his or her functions as central authority for mutual legal assistance, and

- (iii) the freezing, restraint, forfeiture and/or confiscation of the proceeds of criminal conduct and/or the proceeds of unlawful conduct, whether in response to a request for mutual legal assistance or otherwise,
- (c) to identify and trace the proceeds of criminal conduct and/or the proceeds of unlawful conduct,
- (d) to exercise the powers conferred on police officers and customs officers under the enactments set out in Part IV and Schedule 2,
- (e) to put in place the measures required of the Director under Part III, and
- (f) to carry out such other functions as may be assigned or transferred to the Director –
 - (i) under this Law and any other enactment, and
 - (ii) by Ordinance of the States made under and for the purposes of this section.

(2) Save that the functions under subsection (1)(e) may only be exercised by the Director or a Deputy Director appointed under Schedule 1, the functions of the Director conferred under subsection (1) may be exercised by persons designated by the Director for that purpose ("**designated persons**"; and references to "**a designated person**" shall be construed accordingly).

(3) For the avoidance of doubt, designated persons exercising powers under section 2(1)(d) who are not police or customs officers shall not be treated as police or customs officers for disciplinary or other employment-related purposes.

(4) For the avoidance of doubt, the provisions of this section (including subsection (3) as it applies to members of the FIU under section 4(10)) are without prejudice to any powers of police officers and customs officers under any enactment, or customary law.

(5) The Director shall provide to the Committee annually -

(a) a report on -

(i) the activities (including the effectiveness of those activities) undertaken in the preceding year by the Director and those acting on behalf of the Director to discharge the functions in subsection (1), and

(ii) such other matters relevant to the discharge of the Director's functions as the Director may think fit,

(b) a financial statement setting out details of the expenditure of the Director in the previous year in the discharge of the functions in subsection (1), and

(c) a copy of the annual report from the Head of the FIU

for the relevant year that has been provided to the Director under section 4(7)(b)(i).

(6) In this section –

- (a) "**proceeds of criminal conduct**" has the meaning it has for the purposes of the Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) Law, 1999^c, under and in accordance with section 4 of that Law, and
- (b) "**proceeds of unlawful conduct**" is to be construed in accordance with section 59 of the Forfeiture of Money, etc in Civil Proceedings (Bailiwick of Guernsey) Law, 2007^d.

(7) The Committee may amend Schedule 2 by regulations.

Meaning of "economic and financial crime".

3. In this Law, "**economic and financial crime**" means –

- (a) any offence committed within the Bailiwick that generates, or is intended to generate, a financial or economic benefit, resource or loss for any person, including (but not limited to) –

^c Ordres en Conseil Vol. XXXIX, p. 137. This enactment has been amended.

^d Order in Council No. XVII of 2008. This enactment has been amended.

- (i) money laundering (within the meaning of section 17 of the Disclosure (Bailiwick of Guernsey) Law, 2007^e),
 - (ii) terrorist financing (within the meaning of section 79 of the Terrorism and Crime (Bailiwick of Guernsey) Law, 2002^f), and
 - (iii) a breach of any sanctions measure within the meaning of the Sanctions (Bailiwick of Guernsey) Law, 2018^g (including but not limited to breach of any enactment implementing a sanctions measure), and
- (b) conduct ancillary to an offence falling within paragraph (a).

PART III

THE FINANCIAL INTELLIGENCE UNIT

The Financial Intelligence Unit.

4. (1) The Director shall, in consultation with the Committee, maintain, or arrange for the maintenance of, the unit known as the Financial

^e Order in Council No. XVI of 2007. This enactment has been amended.

^f Order in Council No. XVI of 2002. This enactment has been amended.

^g Order in Council No. VII of 2019. This enactment has been amended.

Intelligence Unit ("**FIU**") which -

(a) comprises persons responsible for the receipt, analysis and dissemination within the Bailiwick and elsewhere, of -

(i) disclosures made under Part I of the Disclosure (Bailiwick of Guernsey) Law, 2007 and Part III of the Terrorism and Crime (Bailiwick of Guernsey) Law, 2002 which are more commonly known as or referred to as suspicious transaction reports or suspicious activity reports, and

(ii) other information relevant to economic and financial crime, and

(b) is operationally independent in the discharge of its functions.

(2) Subject to subsection (4), the Director shall -

(a) appoint a person ("**the Head of the FIU**") to exercise the functions listed at subsection (7),

(b) ensure that the Head of the FIU has the necessary authority and financial, human, technical and other resources to enable the FIU to discharge its functions effectively, including, without limitation -

(i) control of an annual budget to be determined in accordance with subsections (5) and (6), and

(ii) the authority to employ senior managers and other staff members or to engage third parties to provide specific services, as necessary to meet the operational needs of the FIU, and

(c) take such other steps as the Director may think fit to ensure that the FIU remains operationally independent and autonomous.

(3) The appointment of the Head of the FIU may be varied or terminated at any time, but without prejudice to anything done pursuant to the appointment or to the making of a new appointment.

(4) The appointment of the Head of the FIU (including, for the avoidance of doubt, the variation or termination of such an appointment) shall be made in consultation with the Committee.

(5) The annual budget of the FIU shall -

(a) include specific provision for the costs of training and travel for its members,

(b) subject to subsection (6), be agreed between the Director and the Head of the FIU in the year preceding that to which it relates, and

- (c) not preclude the Head of the FIU from making a request to the Director or any appropriate third party for resources in addition to those in the annual budget if the Head of the FIU considers this necessary.

(6) Where –

- (a) agreement under subsection (5)(b) is not possible, or
- (b) in the event of any other disagreement about resources between the Director and the Head of the FIU,

the Director or the Head of the FIU may refer the matter to the Committee, who will then, as the case may be, determine the budget of the FIU for the relevant year or give a direction to the Director and the Head of the FIU in relation to the disagreement about resources.

(7) The functions of the Head of the FIU are -

- (a) to take such steps as the Head of the FIU may think fit to ensure that the FIU -
 - (i) is staffed by persons who -
 - (A) maintain high professional standards, including standards concerning confidentiality,

- (B) are of high integrity and appropriately skilled and trained, and
 - (C) have the appropriate security clearance levels for handling and disseminating sensitive and confidential information, and
- (ii) discharges its functions effectively and in a way that takes into account, and is proportionate to, the risks to the Bailiwick from criminal conduct and unlawful conduct within the meaning of section 2, and is in accordance with -
 - (A) relevant international standards, and
 - (B) the principles and guidance issued by the Egmont Group of Financial Intelligence Units, and
- (b) to provide to the Director and to the Committee annually -
 - (i) a report on the activities and effectiveness of the FIU in the preceding year, and on such other matters relevant to the discharge of the functions of the FIU as the Head of the FIU may think fit, and

- (ii) a financial statement setting out details of the expenditure of the FIU in the preceding year.
- (8) For the purposes of this section -
 - (a) **"relevant international standards"** means -
 - (i) the International standards on Combating Money Laundering and the Financing of Terrorism and Proliferation issued by the Financial Action Task Force as revised or reissued from time to time,
 - (ii) the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances 1988,
 - (iii) the United Nations Convention for the Suppression of the Financing of Terrorism 1999,
 - (iv) the United Nations Convention against Transnational Organised Crime 2000, and
 - (v) the United Nations Convention against Corruption 2003, and
 - (b) the functions of the FIU are the activities referred to in subsection (1)(a) and such other functions as may be

assigned or transferred to the FIU under any enactment.

(9) The Committee may amend the definition of relevant international standards in subsection (8) by regulations.

(10) Members of the FIU may exercise the powers referred to in section 2(1)(f).

(11) Section 2(3) applies to members of the FIU as it applies to designated persons.

Ringfencing.

5. (1) The Head of the FIU may not be required by the Director or any other person to do anything in the course of his or her employment that would not fall within the functions listed at section 4(7) or be ancillary thereto.

(2) Subject to subsection (3), the financial, technical, human and other resources of the FIU may not be used, deployed or otherwise drawn upon by the Director or any other person outside the FIU.

(3) Subsection (2) does not prevent the Head of the FIU, or any other member of the FIU with the consent of the Head of the FIU, from -

- (a) working with another domestic or international authority or organisation, or
- (b) working for another domestic or international authority or organisation on secondment.

Guidance from the Director.

6. (1) The Director may, after consulting the Head of the FIU, give to the Head of the FIU in a manner deemed appropriate by the Director guidance of a general character concerning the strategic direction of the FIU.

(2) Subsection (1) is without prejudice to -

- (a) the operational autonomy and independence of the FIU in the discharge of its functions,
- (b) the exercise by the Head of the FIU of the functions listed at section 4(7), or
- (c) the provisions of section 5.

PART IV

MISCELLANEOUS AND FINAL

Statutory references to police officers, disclosure of information and consequential amendments

References in PPACE to police officers.

7. (1) With the exception of the provisions listed in subsection (2), any reference in the Police Powers and Criminal Evidence (Bailiwick of Guernsey) Law, 2003^h to a police officer includes a reference to the Director and a designated person.

^h Ordres en Conseil Vol. XLIII(2), p. 617. This enactment has been amended.

(2) The provisions referred to in subsection 1 are –

(a) section 5,

(b) section 31,

(c) Part IV, and

(d) sections 67 to 72.

(3) The Committee may by regulations amend the list of provisions at subsection (2).

References in Schedule 2 enactments to police officers etc. and disclosure of information.

8. (1) Unless the contrary intention appears, and subject to any regulations made subsection (3,) any reference to a police officer in the enactments listed in Schedule 2 includes a reference to the Director and designated persons and to members of the FIU.

(2) Unless the contrary intention appears, and subject to any regulations made under subsection (3), any power in an enactment to disclose information to a police officer or customs officer for a specified purpose includes a power to disclose that information to the Director and designated persons and to members of the FIU for the purpose of carrying out their functions.

(3) The Committee may, by regulations, specify –

(a) references to police officers in the enactments listed in

Schedule 2, and

- (b) powers in an enactment to disclose information to a police officer or customs officer for a specified purpose,

which do not include references to the Director or designated persons or members of the FIU, or powers to disclose that information to the Director or designated persons or members of the FIU for the purpose of the carrying out by the Director of his or her functions (as the case may be).

(4) For the avoidance of doubt, subject to any power to disclose information conferred under any enactment, information obtained by the Director, designated persons and members of the FIU in the discharge of their functions shall be treated as confidential.

Consequential amendment to the Regulation of Investigatory Powers Law.

9. (1) The Regulation of Investigatory Powers (Bailiwick of Guernsey) Law, 2003ⁱ is amended as follows.

- (2) In section 6(1), after paragraph (b) insert –

"(ba) the Director of the Economic and Financial Crime Bureau,".

- (3) After section 14(3)(c) insert –

"(ca) the Director of the Economic and Financial

ⁱ Order in Council No. XXX of 2003. This enactment has been amended.

Crime Bureau and designated persons within the meaning of the Economic and Financial Crime Bureau and Financial Intelligence Unit (Bailiwick of Guernsey) Law, 2022,".

(4) In section 20(1), in the table, after row (b) insert a row (ba) with the words "the Director of the Economic and Financial Crime Bureau" in the "*Designated Person*" column, and the words "Economic and Financial Crime Bureau" in the "*Relevant Public Authority*" column.

(5) In section 26(6), at the end of paragraph (a) delete "and", at the end of paragraph (b) for "." substitute ";", and at the end insert –

"(c) the Director of the Economic and Financial Crime Bureau."

(6) In section 29(6), at the end of paragraph (b) delete "or" and after that paragraph insert –

"(ba) the Director of the Economic and Financial Crime Bureau, or",

and in paragraph (c), for "(a) or (b)" substitute "(a), (b) or (c)".

(7) In section 40(4), after paragraph (b) insert –

"(ba) the Director of the Economic and Financial Crime Bureau,".

(8) In section 41(2), after paragraph (b) insert –

"(ba) the Director of the Economic and Financial Crime Bureau, or".

(9) In section 50(3)(a) and (b), in both places after "a customs officer" insert ", the Director of the Economic and Financial Crime Bureau, a designated person within the meaning of the Economic and Financial Crime Bureau and Financial Intelligence Unit (Bailiwick of Guernsey) Law, 2022,".

(10) In section 51, after paragraph (d) insert -

"(da) the Director of the Economic and Financial Crime Bureau,".

(11) In Schedule 1, after paragraph 14 insert –

"14A. The Director of the Economic and Financial Crime Bureau.".

Consequential amendment to the Data Protection Law.

10. (1) The Data Protection (Bailiwick of Guernsey) Law, 2017^j is amended as follows.

(2) In Schedule 1 (Application to the Crown, Public Committees and the Police), after paragraph 2 insert –

"2A. **Application to the Director of the Economic and Financial Crime**

^j Order in Council No. VI of 2018. This enactment has been amended.

Bureau.

- (1) This Law applies to the Director of the Economic and Financial Crime Bureau (in this paragraph, "**the Director**") and his or her servants.
- (2) For the purposes of this Law, persons designated by the under and for the purpose of section 2(2) of the Economic and Financial Crime Bureau and Financial Intelligence Unit (Bailiwick of Guernsey) Law, 2022 are the Director's servants."

Consequential amendments relating to the FIU.

11. (1) Subject to subsection (2), in the provisions set out in subsection (3), the definition of the Financial Intelligence Service is deleted and replaced with the following –

""**Financial Intelligence Unit**" has the meaning given in Part III of the Economic and Financial Crime Bureau and Financial Intelligence Unit (Bailiwick of Guernsey) Law, 2022," "

(2) Subsection (1) also applies in respect of any provision set out in subsection (3) in which, on commencement of this Law, references to the Financial Intelligence Service have been amended to references to the Financial Intelligence Unit, and shall be construed accordingly.

(3) The provisions in this subsection are –

- (a) section 17 of the Disclosure (Bailiwick of Guernsey) Law, 2007,

- (b) section 79 of the Terrorism and Crime (Bailiwick of Guernsey) Law, 2002,
- (c) paragraph 21 of Schedule 3 to the Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) Law, 1999,
- (d) section 51 of the Charities etc. (Guernsey and Alderney) Ordinance, 2021^k,
- (e) section 13 of, and article 3 of the First Schedule to, the Transfer of Funds (Guernsey) Ordinance, 2017^l,
- (f) section 13 of, and article 3 of the First Schedule to, the Transfer of Funds (Alderney) Ordinance, 2017^m,
- (g) section 13 of, and article 3 of the First Schedule to, the Transfer of Funds (Sark) Ordinance, 2017ⁿ,
- (h) paragraph 15 of Schedule 4 to the Alderney eGambling Ordinance, 2009^o, and
- (i) regulation 7 of the Sanctions (Implementation of UK Regimes) (Bailiwick of Guernsey) (Brexit) Regulations, 2020^p.

k Ordinance No. XXIV of 2021.

l No. XXVII of 2017.

m Alderney Ordinance No. III of 2017.

n Sark Ordinance No. X of 2017.

o Alderney Ordinance No. X of 2009. This enactment has been amended.

p G.S.I. No. 162 of 2020.

Consequential amendment relating to the rehabilitation of offenders.

12. (1) The Rehabilitation of Offenders (Bailiwick of Guernsey) Law, 2002 (Commencement, Exclusions and Exceptions) Ordinance, 2006^q is amended as follows.

(2) In Schedule 1, Part II (Offices and Employments), after paragraph 5 insert –

"5A. The Director of the Economic and Financial Crime Bureau and the Head of the Financial Intelligence Unit within the meaning of the Economic and Financial Crime Bureau and Financial Intelligence Unit (Bailiwick of Guernsey) Law, 2022, or any employment in the Economic and Financial Crime Bureau or the Financial Intelligence Unit."

Power to make other consequential provision by Ordinance.

13. (1) The States may by Ordinance make such consequential, incidental and supplemental provision as they think fit in connection with the commencement of any provision of this Law.

(2) Without limiting subsection (1), an Ordinance under that subsection may make any amendment to an enactment consequential upon the coming into force of any provision of this Law that the States think fit.

Final provisions

Exclusion of liability.

^q Recueil d'Ordonnances Tome XXXI, p. 386. This enactment has been amended.

14. (1) Subject to subsection (2), no liability shall be incurred by –
- (a) the States, the States of Alderney or the Chief Pleas of Sark, or any committee thereof,
 - (b) the Director or any person –
 - (i) to whom the Director has, under paragraph 3 of Schedule 1, delegated any function, or
 - (ii) appointed as Deputy Director under paragraph 4 of Schedule 1,
 - (c) designated persons,
 - (d) the Head of the FIU or any of its members, or
 - (e) any officer, servant or member of the States, the States of Alderney or the Chief Pleas of Sark or officer or servant of the Director,

in respect of anything done or omitted to be done after the commencement of this Law in the discharge or purported discharge of their functions, unless the thing was done or omitted to be done in bad faith.

(2) Subsection (1) does not apply so as to prevent an award of damages in respect of the act or omission on the ground that it was unlawful under

section 6(1) of the Human Rights (Bailiwick of Guernsey) Law, 2000^r.

Power to amend by Ordinance for specified purposes.

15. (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 enabling of any person or body within the Bailiwick with functions under this Law to carry out those functions,
- (b) enhancing or protecting the reputation or economic interests of the Bailiwick or any part thereof, or
- (c) 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.

General provision as to subordinate legislation.

16. (1) The Committee (and any other committee of the States) shall, before recommending the States to agree to make an Ordinance under this Law, consult the Policy and Finance Committee of the Chief Pleas of Sark and the Policy and Finance Committee of the States of Alderney in relation to the terms of the proposed Ordinance; but a failure to comply with this subsection shall not invalidate any Ordinance so made.

^r Ordres en Conseil Vol. XL p. 396. This enactment has been amended.

(2) The Committee shall consult the Policy and Finance Committee of the States of Alderney and the Policy and Finance Committee of the Chief Pleas of Sark before making regulations under this Law; but a failure to comply with this subsection shall not invalidate any regulations so made.

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

Extent.

17. This Law extends throughout the Bailiwick.

Citation.

18. This Law may be cited as the Economic and Financial Crime Bureau and Financial Intelligence Unit (Bailiwick of Guernsey) Law, 2022.

Commencement.

19. This Law shall come into force on the day appointed by Ordinance of the States; and different dates may be appointed for different provisions and for different purposes.

SCHEDULE 1

Section 1(8)

OFFICE OF THE DIRECTOR

Salary or fees of Director.

1. The Director shall be paid such salary or fees, emoluments and other allowances as the Committee, following consultation with the States Policy & Resources Committee, may determine.

Appointment of staff.

2. Without prejudice to the requirement to appoint a person as Head of the FIU under section (4), the Director may –

- (a) appoint such officers and servants, and
- (b) appoint and instruct such other persons,

upon such terms and conditions (whether as to remuneration, expenses, pensions or otherwise) as he or she thinks necessary for the exercise of his or her functions, subject to the approval of the Committee as to the maximum number of officers and servants that may, from time to time, be engaged by him or her.

Delegation of functions.

3. (1) Subject to section 2(2), the Director may, by an instrument in writing, either generally or otherwise as specified in the instrument, arrange for any of his or her functions to be exercised in his or her name by any person named or described in the instrument, other than this power of delegation.

(2) A function exercised by a delegate pursuant to an arrangement made under this paragraph is for all purposes exercised by the Director; and every decision taken or other thing done by a delegate pursuant to such an arrangement has the same effect as if taken or done by the Director.

(3) An arrangement made under this paragraph for the exercise of a function by a delegate -

(a) may be varied or terminated at any time by the Director, but without prejudice to anything done pursuant to the arrangement or to the making of a new arrangement,

(b) does not prevent the exercise of the function by the Director while the arrangement subsists.

(4) The provisions of this paragraph and of paragraph 3 are without prejudice to the provisions of the Public Functions (Transfer and Performance) (Bailiwick of Guernsey) Law, 1991.

Appointment of Deputy Director.

4. (1) Without prejudice to the generality of paragraph 2, the Committee may, in consultation with the Director and subject to such terms and conditions as it thinks fit, appoint any person as Deputy Director with authority to exercise the Director's functions during any period during which the Director is unavailable.

(2) A function exercised by a Deputy Director pursuant to an appointment under this paragraph is for all purposes exercised by the Director; and

every decision taken or other thing done by a Deputy Director pursuant to such an appointment has the same effect as if taken or done by the Director.

- (3) An appointment under this paragraph of a Deputy Director -
 - (a) may be varied or terminated at any time by the Committee in consultation with the Director, but without prejudice to anything done pursuant to the appointment or to the making of a new appointment,
 - (b) does not prevent the exercise of the function by the Director while the appointment subsists.

Proof of documents.

5. (1) In any legal proceedings the provisions of subparagraph (2) shall apply in relation to any document purporting to be –

- (a) issued by or on behalf of the Director or the Deputy Director appointed under paragraph 4, or
 - (b) signed by the Director, by any of the Director's officers or servants, by the Deputy Director appointed under paragraph 4 or by any person to whom, pursuant to paragraph 3, he or she has delegated authority to sign documents of that description.
- (2) The document –
- (a) shall be received in evidence,

- (b) shall, unless the contrary is proved, be deemed –
 - (i) to be the document which it purports to be, and
 - (ii) to have been issued by or on behalf of the Director or Deputy Director or, as the case may be, to have been signed by the person by whom it purports to have been signed, without proof of his identity, signature or official capacity, and
- (c) shall be evidence of the matters stated therein.

Legal proceedings relating to the FIU.

6. (1) Subject to subparagraph (2), legal proceedings concerning the activities of the FIU may be brought by or against the Director.

(2) Subparagraph (1) does not apply to any proceedings brought by the members of the FIU (including, for the avoidance of doubt, the Head of the FIU) in relation to their employment.

SCHEDULE 2

Section 2(1)(f)

RELEVANT ENACTMENTS

1. Each of the following enactments:

Offences against Police Officers (Bailiwick of Guernsey) Law, 1963^s

False Documents and Domicile, etc. (Bailiwick of Guernsey) Law, 1998^t

Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) Law, 1999

Drug Trafficking (Bailiwick of Guernsey) Law, 2000^u

Criminal Justice (International Cooperation) (Bailiwick of Guernsey) Law, 2001^v

Terrorism and Crime (Bailiwick of Guernsey) Law, 2002

Bail (Bailiwick of Guernsey) Law, 2003^w

Forgery and Counterfeiting (Bailiwick of Guernsey) Law, 2006^x

Criminal Justice (Miscellaneous Provisions) (Bailiwick of Guernsey) Law, 2006^y

Disclosure (Bailiwick of Guernsey) Law, 2007

Sanctions (Bailiwick of Guernsey) Law, 2018

Computer Misuse (Bailiwick of Guernsey) Law, 1991^z

^s Ordres en Conseil Vol. XIX, p. 125. This enactment has been amended.

^t Ordres en Conseil Vol. XXXVIII, p. 174. This enactment has been amended.

^u Order in Council No. VII of 2000. This enactment has been amended.

^v Order in Council No. VII of 2001. This enactment has been amended.

^w Ordres en Conseil Vol. XLIII, p. 485). This enactment has been amended.

^x Order in Council No. II of 2010. This enactment has been amended.

^y Order in Council No. XIII of 2006. This enactment has been amended.

^z Ordres en Conseil Vol. XXXIII, p. 140.

Forfeiture of Money, etc in Civil Proceedings (Bailiwick of Guernsey) Law, 2007

Criminal Justice (Fraud Investigation) (Bailiwick of Guernsey) Law, 1991^{aa}

Prevention of Corruption (Bailiwick of Guernsey) Law, 2003^{bb}

Theft (Bailiwick of Guernsey) Law, 1983^{cc}

Protection of Investors (Bailiwick of Guernsey) Law, 2020^{dd}

Terrorist Asset-Freezing (Bailiwick of Guernsey) Law, 2011^{ee}

Police Property and Forfeiture (Bailiwick of Guernsey) Law, 2006^{ff}

2. Any subordinate legislation made under an enactment listed in paragraph 1.

^{aa} Ordres en Conseil, Vol. XXXIII, p. 81. This enactment has been amended.

^{bb} Order in Council No. I of 2004. This enactment has been amended.

^{cc} Ordres en Conseil Vol. XXVIII, p. 5. This enactment has been amended.

^{dd} Order in Council No. XVIII of 2020.

^{ee} Order in Council No. XI of 2011. This enactment has been amended.

^{ff} Order in Council No. XXII of 2007. This enactment has been amended.

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

COMMITTEE FOR ECONOMIC DEVELOPMENT

**GUERNSEY ELECTRICITY LIMITED – LICENCE EXCLUSIVITY IN THE CONVEYANCE AND
SUPPLY AREAS OF THE ELECTRICITY MARKET**

The States are asked to decide:-

Whether, after consideration of the policy letter entitled ‘Guernsey Electricity Limited – Licence Exclusivity in the Conveyance and Supply Areas of the Electricity Market’ dated 29th November 2021 they are of the opinion: -

1. To direct the Committee *for* Economic Development to issue a direction to the Guernsey Competition and Regulatory Authority as set out in paragraph 3.8 of the policy letter, requiring the Guernsey Competition and Regulatory Authority to maintain GEL’s existing licence exclusivity in the supply and conveyance markets until such time as the States has considered and agreed both an updated Electricity Strategy and a new licensing framework for the energy sector to support the development of on-island renewables.

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

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

COMMITTEE FOR ECONOMIC DEVELOPMENT

**GUERNSEY ELECTRICITY LIMITED – LICENCE EXCLUSIVITY IN THE CONVEYANCE AND
SUPPLY AREAS OF THE ELECTRICITY MARKET**

The Presiding Officer
States of Guernsey
Royal Court House
St Peter Port
Guernsey

29th November 2021

Dear Sir,

1 Executive summary

- 1.1 At their meeting on 10 September 2021, the States of Deliberation approved the policy letter from the Committee *for* Economic Development, the Policy & Resources Committee and the States' Trading Supervisory Board on tariff regulation in respect of Guernsey Electricity Limited; and also an amendment proposed by Deputy de Sausmarez and seconded by Deputy Haskins in relation to licence exclusivity.
- 1.2 The Committee *for* Economic Development has now consulted with the Guernsey Competition and Regulatory Authority (GCRA) on a draft direction to meet the States' Resolutions. The Authority has confirmed its agreement with the draft direction, set out in paragraph 3.8.
- 1.3 The Committee *for* Economic Development has also consulted with the States of Alderney and the Chief Pleas of Sark. Both have confirmed their agreement with this approach.

2 Background – the regulation of the electricity market

- 2.1 The electricity market in Guernsey is regulated by the Guernsey Competition and Regulatory Authority (GCRA) in three distinct areas: generation; conveyance; and, supply. A licence is required in each area unless the scope of the activity concerned falls within the terms of a licence exemption established by the GCRA. Guernsey Electricity Limited (GEL) is licensed in each area and, in the case of the supply and conveyance markets, has protected licence exclusivity under Direction from the States at least until 31st January 2022 (albeit that exemptions from the requirement to hold a supply licence are available to other operators who hold a generation licence).

- 2.2 Under the terms of the Electricity (Guernsey) Law, 2001, the term “conveyance” covers the transportation of electricity from the generating station to the final substation. This is closely aligned to GEL’s high voltage (HV) network. The term “supply” encompasses Guernsey Electricity’s low voltage (LV) cabling that is provided between the final substation and the property receiving the electricity. In a small number of cases, supply activities can also encompass elements of the HV network, as some customers are supplied with HV directly. The breakdown of GEL’s current network is approximately one third HV and two thirds LV. It should be stressed that, under the legislation, supply activities extend beyond simply the retail arrangements GEL has in place for the sale of electricity to its customers, but also involves the provision and maintenance of the substantial proportion of the Island’s electricity network.
- 2.3 GEL does not have exclusivity in the generation sector of the market and it is open to other operators to apply to the GCRA for licences in this area.

3 The requirement to provide direction to the regulator

- 3.1 Under the provisions of the Regulation of Utilities Law, 2001¹, the States has the authority to give directions, *inter alia*, on any special or exclusive rights to be awarded to any licensee. Such directions can only be made upon the recommendation of the Committee *for* Economic Development, which in turn can only be made after statutory consultation with the GCRA. It was this process that was used to put in place the existing exclusivity arrangements for GEL.
- 3.2 The States of Deliberation has previously issued² States Directions to the Authority to issue Guernsey Electricity (GEL) exclusive licences in the conveyance and supply areas of the electricity market. These Directions are subject to any exemptions granted by the Authority under section 1(2) of the Electricity Law, 2001, and are for the period ending 31st January, 2022.
- 3.3 In 2020, the States considered and accepted a policy letter from the Committee *for the* Environment & Infrastructure on a new Energy Policy. Whilst this policy sets out the broad direction for the energy transition, it identified a requirement to develop an updated Electricity Strategy. This will provide an opportunity for the States to determine the future structure of the electricity market in Guernsey and, specifically, how it should be structured to support the development of the local renewable energy sector and what changes might be made to the centralised model currently in place. The Committee *for the* Environment & Infrastructure has indicated that it intends to submit this Strategy to the States by the end of 2022.
- 3.4 One of the Energy Policy’s other conclusions was that a new licensing framework in the energy sector would be required to support the development of on-island renewables. The policy letter did not specify what that licensing framework or who the regulator should be, albeit it did stress that the licensing framework should be appropriate, proportionate and cost-effective. It acknowledged that a

¹ Regulation of Utilities (Bailiwick of Guernsey) Law, 2001 – Section 3 – States Directions

² Resolutions 11a & 11b of Article XIV of Billet d’Etat XV of 2011 – Review of Utility Regulation

review of the current market structures would be required as part of that work.

- 3.5 Having considered the policy letter, the States resolved³ to direct the Committee *for* Economic Development to undertake a technical consultation on a licensing framework for targeted competition to support establishing on-island renewables. Whilst it remains an identified priority of the new Government Work Programme, it is unlikely to be in place until the end of 2023.
- 3.6 In the interim, the Energy Policy specifically acknowledged the importance of taking steps to ensure that GEL could continue to maintain electricity supplies whilst awaiting a new licensing framework. Therefore, at their meeting on 10th September, 2021, and following their acceptance of an amendment to the proposals on the regulation of GEL's tariffs, the States resolved⁴ *inter alia* to instruct the Committee *for* Economic Development to take the necessary steps to recommend to the States by December 2021 that a direction be given to the Authority which provides for the exclusive licences issued to GEL covering conveyance and supply activities to continue, subject to any exemptions previously granted, until both the aforementioned Electricity Strategy and the review of licencing is completed. In the event that those pieces of work are not completed in 2024, the Committee *for* Economic Development has been directed to report back to the States with a review of the position by the December meeting of the States that year.
- 3.7 The explanatory note to the amendment referenced in 3.6 made it clear that its purpose was to provide for continuity within the electricity marketplace pending the completion of the aforementioned workstreams. It noted that there was a requirement to provide stability in the marketplace in the interim to ensure that GEL could continue to maintain continuity of existing electricity production arrangements. The amendment was also intended to guard against unintended consequences that might result from the expiry of GEL's exclusivity in the conveyance and supply markets before the States agreed a new Electricity Strategy. One such unintended consequence could be the creation of so called "micro grids" which, once in place, would be difficult to remove once the Electricity Strategy had been agreed, even though they might run counter to one of the pillars of the Energy Policy to "...facilitate a competitive energy supply market using shared critical infrastructure as appropriate".
- 3.8 The Committee *for* Economic Development has consulted with the GCRA before placing the propositions before the States. The GCRA has confirmed it is in agreement with the following:

That a Direction should be issued to the GCRA pursuant to section 3(1) of the Regulation of Utilities (Bailiwick of Guernsey) Law, 2001 requiring it to maintain GEL's existing licence exclusivity in the supply and conveyance markets for the duration of GEL's licence until such time as the States has considered and

³ Resolution 6 of Article 8 of Billet d'Etat XI of 2020

⁴ Resolution 2(a) of Article V of Billet d'Etat XVII of 2021

agreed both an updated Electricity Strategy and a new licensing framework for the energy sector to support the development of on-island renewables.

- 3.9 The Committee *for* Economic Development has also consulted with the States of Alderney and the Chief Pleas of Sark. Both have confirmed their agreement with this approach.

4 Compliance with Rule 4

Rule 4 of the Rules of Procedure of the States of Deliberation and their Committees sets out the information which must be included in, or appended to, motions laid before the States.

In accordance with Rule 4(1), the Propositions have been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications.

In accordance with Rule 4(4) of the Rules of Procedure of the States of Deliberation and their Committees, it is confirmed that the proposition above has the unanimous support of the Committee for Economic Development.

In accordance with Rule 4(5), the Propositions relate to the duties of the Committee *for* Economic Development to advise the States on regulation in the economy.

In accordance with Rule 4(5), the Committee *for* Economic Development consulted with the Guernsey Competition & Regulatory Authority, the States of Alderney and the Chief Pleas of Sark.

Yours faithfully,

N R Inder
President

S J Falla
Vice-President

N G Moakes
A Kazantseva-Miller
S P J Vermeulen

A Niles
A Mancini
Non-States Members

Deputy Ferbrache
President
Policy & Resources Committee
Sir Charles Frossard House
La Charroterie
St Peter Port
Guernsey

PO Box 451
Level 4
Market Building
Fountain Street
St Peter Port
Guernsey
GY1 3GX

+ 44 (0) 1481 222801

E-mail: economicdevelopment@gov.gg

www.gov.gg

By E-mail: pandrmeetings@gov.gg

29th November 2021

Dear Deputy Ferbrache,

Rule 4(2) Request: Preferred date for consideration by the States of Deliberation

In accordance with Rule 4(2) of the Rules of Procedure of the States of Deliberation and their Committees, the Committee for Economic Development requests that the proposition entitled "*Guernsey Electricity Limited – Licence Exclusivity in the Conveyance and Supply Areas of the Electricity Market*" be considered at the next available States of Deliberation meeting to be held on 26th January 2022.

Guernsey Electricity Limited (GEL) currently has protected licence exclusivity until 31st January 2022 in the conveyance and supply areas of the electricity markets under a previous direction of the States of Deliberation. Consideration of this Policy letter by the States of Deliberation at the States of Deliberation's meeting on 26th January 2022 would mean that, if the proposition is agreed by the States, there would be no gap in Guernsey Electricity's licence exclusivity in these areas of the electricity market. It should be noted that GEL does not have exclusivity in the generation sector of the market and it is open to other operators to apply to the GCRA for a licence in this area.

I would therefore be grateful if the Policy & Resources Committee would consider the Committee for Economic Development's request for this item to be debated at the States of Deliberation's meeting on 26th January 2022.

Yours sincerely



N R Inder
President

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

**THE LAND PLANNING AND DEVELOPMENT (VISITOR ACCOMMODATION)
(AMENDMENT) ORDINANCE, 2022**

The States are asked to decide:-

Whether they are of the opinion to approve the draft Ordinance entitled "The Land Planning and Development (Visitor Accommodation) (Amendment) Ordinance, 2022", and to direct that the same shall have effect as an Ordinance of the States.

EXPLANATORY MEMORANDUM

This Ordinance amends the temporary exemption from the requirement to obtain planning permission for a change of use of visitor accommodation to certain residential uses, in Class 9A of the Schedule to the Land Planning and Development (Exemptions) Ordinance, 2007. The exemption was inserted earlier in 2021 to reduce planning restrictions on such changes of use in response to the impact on the visitor accommodation sector of travel restrictions imposed as a result of the coronavirus pandemic.

The amendments extend the current dates in the exemption by a year so that it applies to a relevant change of use up until 31st December, 2022 or such later date as the Development & Planning Authority may prescribe by Regulations. A consequential amendment is also made to the date by which visitor accommodation premises must revert back to their former visitor accommodation use from 31st January, 2022 to 31st January, 2023 or such later date as the Development & Planning Authority may prescribe by Regulations. The Regulation making powers are given to the Development & Planning Authority to further extend the dates owing to the uncertainty as to the further impact of coronavirus.

A consequential amendment is also made to section 3(2) of the Land Planning and Development (Visitor Accommodation) (Amendment etc.) Ordinance, 2021 which disregards the period during which the temporary exemption is available for the purpose of calculating the period within which a planning compliance notice may be issued when a change of use has originally occurred in reliance upon the exemption.

The Land Planning and Development (Visitor Accommodation) (Amendment) Ordinance, 2022

THE STATES, in pursuance of their Resolutions of the ** December, 2021^a, and in exercise of the powers conferred on them by sections 28, 48(5), 81 and 89 of the Land Planning and Development (Guernsey) Law, 2005^b, and all other powers enabling them in that behalf, hereby order:-

Amendment of the Exemptions Ordinance.

1. (1) The Land Planning and Development (Exemptions) Ordinance, 2007^c is amended as follows.

(2) In the Schedule (exempt development), in Class 9A (temporary visitor accommodation change of use) –

- (a) in paragraph 1(1)(a), for "31st December, 2021", substitute "31st December, 2022 or such later date as the Authority may by Regulations prescribe", and
- (b) in paragraph 1(1)(b), for "31st January, 2022" substitute "31st January, 2023 or such later date as the Authority may by Regulations prescribe".

^a Article VIII of Billet d'État No. XXV of 2021.

^b Order in Council No. XVI of 2005. This enactment has been amended.

^c Ordinance No. XXIII of 2007. This enactment has been amended.

Amendment of the 2021 Visitor Accommodation Ordinance.

2. (1) The Land Planning and Development (Visitor Accommodation) (Amendment etc.) Ordinance, 2021^d is amended as follows.

(2) In section 3(2) (further modification of section 48(4) of the Law in relation to certain changes of use from a visitor economy use to certain residential uses), for "31st January, 2022" substitute "31st January, 2023 or such later date as the Authority may prescribe under paragraph 1(1)(b) of Class 9A of the Schedule to the Exemptions Ordinance".

Citation.

3. This Ordinance may be cited as the Land Planning and Development (Visitor Accommodation) (Amendment) Ordinance, 2022.

Commencement.

4. This Ordinance shall come into force on the 27th January, 2022.

^d Ordinance No. XII of 2021.

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

THE PILOTAGE (AMENDMENT) ORDINANCE, 2022

The States are asked to decide:-

Whether they are of the opinion to approve the draft Ordinance entitled "The Pilotage (Amendment) Ordinance, 2022", and to direct that the same shall have effect as an Ordinance of the States.

EXPLANATORY MEMORANDUM

This Ordinance repeals section 3(b) of the Pilotage Ordinance, 1967. The effect of this is to reduce by two the number of ordinary members required to constitute the Pilotage Board and to remove the requirement for one of those members to be a member of the STSB. The requirement for the President of the Pilotage Board to be a member of the STSB, in section 3(a) of the 1967 Ordinance, is retained.

The Pilotage (Amendment) Ordinance, 2022

THE STATES, in pursuance of their Resolutions of the 16th June, 2021^a, and in exercise of the powers conferred on them by section 1 of the Pilotage (Guernsey) Law, 1966^b and all other powers enabling them in that behalf, hereby order:-

Amendment of the Pilotage Ordinance.

1. (1) The Pilotage Ordinance, 1967^c is amended as follows.
- (2) Paragraph (b) of section 3 is repealed.

Citation.

2. This Ordinance may be cited as the Pilotage (Amendment) Ordinance, 2022.

Commencement.

3. This Ordinance shall come into force on the 27th January, 2022.

^a Article XI of Billet d'État No. XIII of 2021.

^b Ordres en Conseil Vol. XX, p. 206. This enactment has been amended.

^c Recueil d'Ordonnances Tome XV, p. 50. This enactment has been amended.

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

COMMITTEE *FOR* HOME AFFAIRS

A NEW GUERNSEY ANTI MONEY LAUNDERING/COMBATING THE FINANCING OF
TERRORISM FORUM

The States are asked to decide:-

Whether, after consideration of the Policy Letter 'A New Guernsey Anti Money Laundering / Combating the Financing of Terrorism Forum' dated 22nd November 2021 of the Committee *for* Home Affairs, they are of the opinion –

1. To endorse the policy approaches set out in the Policy Letter;
2. To agree to amend the Terrorism and Crime (Bailiwick of Guernsey) Law, 2002 and the Disclosure (Bailiwick of Guernsey) Law, 2007 (and to make such consequential and incidental legislative provision as may be necessary) to:
 - (a) enable information to be shared between the Financial Intelligence Unit and third parties in line with the information-sharing provisions in the Crime and Courts Act, 2013,
 - (b) introduce confidentiality provisions applicable to any information shared under the provisions referred to above, and
 - (c) introduce a power for the Committee *for* Home Affairs to make regulations to introduce a process whereby reports made by the private sector to their head offices or other linked organisations in other jurisdiction are notified to the Financial Intelligence Unit; and
3. To agree to amend the Rehabilitation of Offenders (Bailiwick of Guernsey) Law, 2002 (Commencement, Exclusions and Exceptions) Ordinance, 2006 (and to make such consequential and incidental legislative provision as may be necessary) to:
 - (a) extend the exemptions from the provisions in the Rehabilitation of Offenders (Bailiwick of Guernsey) Law, 2002 to questions asked in relation to assessing the suitability of any person for the purposes of
 - i. participation in the proposed Guernsey Integrated Money Laundering and Terrorist Financing Intelligence Task Force,
 - ii. the granting by the Alderney Gambling Control Commission of an eGambling licence or certificate, and
 - iii. employment within the Alderney eGambling sector, and

(b) add to the list at Part II of Schedule 1 all authorities within the Bailiwick of Guernsey whose functions include handling sensitive information linked to financial crime.

4. To direct the preparation of such legislation as may be necessary to give effect to the above decision.

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

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

COMMITTEE FOR HOME AFFAIRS

A NEW GUERNSEY ANTI MONEY LAUNDERING/COMBATING THE FINANCING OF
TERRORISM FORUM

The Presiding Officer
States of Guernsey
Royal Court House
St Peter Port

22nd November, 2021

Dear Sir

1 Executive Summary

- 1.1 It is becoming increasingly accepted internationally that jurisdictions which have close cooperation between the Anti-Money Laundering / Countering the Financing of Terrorism (AML/CFT) authorities (i.e. the public sector) and the private sector in partnership arrangements are more effective in efforts to counter-act the adverse effects of money laundering and terrorist financing, than those which do not have such arrangements in place. These Public and Private Partnerships (PPPs) are voluntary arrangements in which the coordinating authority for the PPP asks if the private sector members have information relevant to a particular case or cases and, if any of them do, it is a matter for the member(s) whether they provide information to the authority. Such PPPs do not replace the traditional mechanisms for obtaining confidential information but add to them.
- 1.2 The Joint Money Laundering Intelligence Taskforce (JMLIT), a PPP arrangement in the UK, has received particular attention in light of its effectiveness since it commenced operations in 2015. As at January 2021, JMLIT had completed 860 cases, secured £58 million in asset restraint and contributed to 250 arrests. In addition, over 6,800 suspected customer accounts linked to money laundering activity had been identified by JMLIT members, over 4,600 Suspicious Activity Reports (SARs) filed as a result of JMLIT cases, 4,000 customer accounts closed and 58 'Alerts' (typology strategic intelligence products) had been issued to the private sector.
- 1.3 Following the success of the UK model and the increasing traction of such structures internationally, with at least 20 national and 3 trans-national financial

information-sharing partnerships currently in operation, it is proposed that the Bailiwick's Financial Intelligence Unit (FIU) should establish a similar task force in the Bailiwick of Guernsey. It is expected that this PPP, the Guernsey Integrated Money Laundering and Terrorist Financing Intelligence Task Force (GIMLIT), will be established in 2022. In order for this to be achieved, Guernsey's legislation requires amendment to allow members of GIMLIT to provide information voluntarily to the FIU and to enable voluntary disclosures to be made within the regulated sector, under certain conditions, and to ensure that all members of GIMLIT can be properly security vetted. In particular, this would mean amendments to the Disclosure (Bailiwick of Guernsey) Law, 2007 ("the Disclosure Law") and the Terrorism and Crime (Bailiwick of Guernsey) Law, 2002 ("the Terrorism Law") are needed in order to provide aspects of the legal framework for the new PPP to be effective.

- 1.4 In considering the best model for Guernsey, the FIU has liaised with JMLIT and with the equivalent PPPs in Hong Kong and Singapore. These and other PPPs are confident that they have generated considerable value in addressing serious crime.

2 Guernsey Integrated Money Laundering and Terrorist Financing Intelligence Task Force

- 2.1 The Guernsey task force would be similar to that in the UK and other models. The key point made by PPPs elsewhere is to ensure that there is trust between the public and private sectors (and between different firms in the private sector) and that this takes time to build.
- 2.2 GIMLIT would have an overriding objective, which is proposed to be the optimisation of the collective capabilities of the members of the task force so as to prevent, identify and disrupt financial crime, money laundering, terrorist financing and financing of weapons of mass destruction. This would be consistent with Guernsey's money laundering and financing of terrorism national risk assessment. In practice, in light of Guernsey's risk profile, GIMLIT would be almost entirely concerned with money laundering. The objective of PPPs in other jurisdictions is achieved in two main ways, first at an operational level by sharing of case-specific information by the public sector with the private sector members on the PPP and, second, at a strategic level building on common understandings of threats, risks and associated systems and controls required to mitigate risk (which includes the preparation of 'Alerts' outlining typologies, indicators and other allied material relevant to the jurisdiction). The FIU proposes to begin with the first of these two approaches.
- 2.3 However, it is important to stress that SARs will not be shared within GIMLIT. While case information might reflect the contents of one or more SARs (in the same way as any exchange of intelligence material), the GIMLIT framework would

be different to the framework for reporting of suspicion of money laundering or the financing of terrorism. It will not be possible to identify any Guernsey party as a source of information leading to a request for further information from members of GIMLIT. This will be an important element in maintaining trust between the FIU and the private sector.

- 2.4 The industry sub-sectors and firms represented as members would be selected by the FIU from among those sub-sectors subject to AML/CFT obligations; each firm would select an appropriate officer or officers at senior level to represent it (for example, the money laundering reporting officer), This would be subject to the vetting procedures referred to below. It is typical for the starting point to be the inclusion of representatives of major banks and in the Guernsey context, it is envisaged that the membership of the task force would commence in this way. Representation from other sectors could be considered in due course once there has been operational experience of GIMLIT and the implications of the extension of membership comprehensively considered. Should representation be extended, the FIU might need to put in place information barriers between representatives of the different sectors so as to avoid possible conflicts of interest and mitigate any risk and concern about the use of the information. No extension of GIMLIT beyond banks would take place without consultation with the banking sector and any other affected sector.
- 2.5 In order to seek to mitigate risk and ensure trust between members of GIMLIT all of the members would be vetted by the FIU. Public authority representation would include officers of the Economic & Financial Crime Bureau, the Revenue Service, and supervisory authorities (the Guernsey Financial Services Commission and the Alderney Gambling Control Commission). Each member of the task force would sign a Memorandum of Understanding concerning the GIMLIT information sharing arrangements; this would be modelled on that used in the UK as that precedent has worked successfully. In addition, in light of the links between groups active in both the UK and Guernsey, this should increase trust with regard to the flow of information.
- 2.6 The FIU would make requests to members of GIMLIT for information; these would originate from two sources. First, the FIU would make requests for its own purposes. Second, it would share elements of requests for assistance received from domestic and international law enforcement agencies, financial intelligence units, and other PPPs such as JMLIT, to identify financial assets or products or to provide tactical intelligence about subjects or financial activity within the Bailiwick. The aim would be for each member of GIMLIT to search its databases and then provide the FIU (and, if that member considers it appropriate, other private sector participants) with any information it holds or can obtain from elsewhere in the group to which the member belongs) which is relevant to a request. The aim of the FIU in making the request would be to receive information that will or might assist in determining any matter in connection with a suspicion that a person is or

has been engaged in financial crime, money laundering or the financing of terrorism or proliferation – or potentially other serious crime if the information points in that direction. The provision of information to the FIU through GIMLIT will be voluntary. That said, if information provided by the FIU to GIMLIT leads to a suspicion then the reporting requirements and obligations under the Disclosure and Terrorism Laws, and supporting regulations, will still be applicable.

- 2.7 In order to facilitate information sharing, including ensuring that members of GIMLIT are comfortable that they will receive a reasonable amount of information, the FIU will use a template document for its requests.
- 2.8 On receipt of information through GIMLIT, the FIU could utilise the provisions of the Disclosure Law or the Terrorism Law and supporting regulations as appropriate to formally request the information from the member. On receipt of the information, the FIU would undertake operational analysis and, if a requesting authority is involved, disseminate relevant intelligence to that authority.
- 2.9 The FIU needs no new legal powers to establish GIMLIT. However, the legislative framework on the provision of information sharing will require amendment for the effectiveness of GIMLIT to be assured, including the confidentiality provisions or other restrictions on sharing such information between the relevant authorities and the private sector.

3 Existing Powers in Relation to Provision of Information to the FIU

- 3.1 There is a range of circumstances in which Guernsey businesses subject to the AML/CFT framework can already provide information to the FIU.
- 3.2 First, businesses are required to report suspicion of money laundering and terrorist financing to the FIU under the Disclosure and Terrorism Laws. Linked with this, under the Disclosure (Bailiwick of Guernsey) Regulations, 2007, and corresponding regulations under the Terrorism Law, the FIU can require businesses to provide additional information, either after receipt of a report of suspicion, or when a business is identified in a third party's report.
- 3.3 Second, in the absence of a SAR from the private sector, the FIU can compel a business to provide information to it under the Disclosure Law and the Disclosure (Bailiwick of Guernsey) (Information) Regulations, 2019 (or, in terrorist financing cases, under the equivalent powers and supporting regulations under the Terrorism Law), in relation to a report from a domestic or foreign authority (a report for these purposes includes a request for information). For example, the FIU might receive a report which includes a request for information from an authority in another jurisdiction, and it might be appropriate to respond to that request by compelling a business in Guernsey to provide that information. Provision of both positive and negative information falls within these provisions.

By way of illustration of negative findings, if a foreign authority advises the FIU that an individual is under investigation and requests the FIU to find out whether that person has a business relationship in Guernsey for the purposes of their investigation, confirmation that the individual does not have a business relationship within this jurisdiction is just as relevant to the foreign authority's request as confirmation that the individual does have a relationship with a firm in Guernsey.

- 3.4 The FIU can also use its information gathering powers not only to make a request to a particular firm to provide information, but also to make a general request to the finance sector to establish whether a business relationship with a particular individual exists, and if so with whom within the Bailiwick. Once that has been clarified, the FIU can then use its powers under the Disclosure Law and supporting Disclosure Regulations provisions (or its equivalent powers under the Terrorism Law and supporting regulations) to obtain specific details from any entity that has a business relationship with the individual.
- 3.5 These powers are underpinned by "tipping off" provisions, which make it a criminal offence in certain circumstances to disclose information relating to SARs or to requests for information from other jurisdictions.

4 Proposed Changes

- 4.1 There are no legal barriers to prevent the FIU from cooperating with a foreign authority, including PPPs such as JMLIT. However, some amendments to the Guernsey legal framework are necessary in order to put in place a similar scheme for domestic purposes. This is because the existing information sharing gateways in the Disclosure Law, Terrorism Law and supporting regulations are not wide enough to permit the private sector to disclose confidential information to the FIU voluntarily (i.e. without the FIU using its formal powers under legislation to require information to be provided) or to enable the FIU to require information from the private sector in the absence of a domestic report of suspicion or foreign report of suspicion or request for information. In addition, there is currently no power for business participants to share information among themselves should they consider it appropriate to do so. These points can be addressed by making amendments to the Disclosure Law and the Terrorism Law by Ordinance. It is proposed that these amendments should be based on the provisions of the UK's Crime and Courts Act 2013, Proceeds of Crime Act 2002 and Terrorism Act 2000 which provide for disclosures within the UK's regulated sector subject to specified conditions. These amendments should be underpinned by regulation-making powers for the Committee *for* Home Affairs so that any practical issues about the sharing of information sharing which might arise once GIMLIT becomes operational can be easily addressed.

5 Confidentiality

- 5.1 The tipping off offences referred to above are likely to protect much of the information relevant to GIMLIT, but the possibility of cases where the criteria for those offences is not met cannot be ruled out. Therefore, while it is not envisaged that any firm within the GIMLIT environment will provide any confidential information to any external party, it would be as well to build trust by ensuring that members of the task force are aware of and acknowledge the sensitivity of the information provided to it by the FIU or other business participants and also to protect against the possibility that even inferences might be drawn as a result of a liaison within GIMLIT. In addition, foreign authorities will take comfort that information they provide will be circulated only within a secure environment, specifically via the FIU's secure online THEMIS Money Laundering Reporting Officer Portal. Accordingly, it is proposed that the Disclosure and Terrorism Laws should be amended along the lines of confidentiality provisions in the Civil Contingencies (Bailiwick of Guernsey) Law, 2012. These provide that it is an offence for any member of the Civil Contingencies Authority, or any employee of the States of Guernsey engaged in work for the Authority, to unlawfully disclose any information, document or other article to which they have access by virtue of their position.
- 5.2 In addition, as indicated in paragraph 2.5 above, the FIU proposes to follow other PPP models and would require all participants in GIMLIT to sign a Memorandum of Understanding (MOU). This document will highlight the importance of confidentiality and the purpose(s) for which information obtained by GIMLIT members can be used.
- 5.3 Related to this, it is clearly important that all members of GIMLIT are properly vetted, including with regard to any previous convictions. Under the Rehabilitation of Offenders (Bailiwick of Guernsey) Law, 2002, it is a general rule that the obligation to disclose details of previous convictions under any agreement or arrangement and the ability to ask questions about those convictions do not apply to convictions that are to be treated as spent by virtue of the passage of time. This general rule would apply to the proposed MOU underpinning participation in GIMLIT, unless it is subject to an exemption under the Rehabilitation of Offenders (Bailiwick of Guernsey) Law, 2002 (Commencement, Exclusions and Exceptions) Ordinance, 2006 ("the 2006 Ordinance"). The effect of exemption under the 2006 Ordinance is that questions may be asked about any convictions a person has, irrespective of how long ago the convictions may have occurred. The exemption currently applies to people working at senior levels in the financial services sector, but only in respect of questions asked by an employer, or by the Guernsey Financial Services Commission for the purposes of the licensing process. This means it is not wide enough to cover questions asked by the FIU for the purposes of GIMLIT. It is therefore proposed that the 2006 Ordinance be amended to enable questions to be asked by the FIU about any convictions, whenever incurred, in

relation to members of the private sector for the purposes of participation in GIMLIT.

- 5.4 In addition to an MOU the FIU propose to draft a Data Protection Impact Assessment (DPIA) which will identify and minimise the data protection risks that may need to be considered when developing GIMLIT. This DPIA will include the process that the FIU will adopt when sharing information with GIMLIT members, the legal basis for sharing information, and the controls and measures that will be put in place to reduce the risk of breaching data protection requirements.
- 5.5 There is a corresponding exemption for offices and employment listed at Part II of Schedule 1 to the 2006 Ordinance. The list includes some authorities with access to sensitive information linked to financial crime, such as the Law Officers Chambers, the Guernsey Police, the Customs and Immigration Service and the GFSC. Again, the effect of this is that for the purposes of assessing whether a person is suitable to work in those authorities, questions may be asked about any convictions the person has, irrespective of how long ago the convictions may have occurred. However, some other authorities within the Bailiwick whose functions also involve handling sensitive information linked to financial crime, such as the Revenue Service and the Registrar of Beneficial Ownership, are not on the list. It is clearly important that the legal framework on this important point is consistent in its application to all relevant authorities. It is therefore proposed that the 2006 Ordinance be amended to add to the list all authorities whose functions involve handling sensitive information linked to financial crime.
- 5.6 Finally, as indicated above, the GFSC and employers in the financial services sector are subject to an exemption in the 2006 Ordinance that enables them to ask questions about any convictions for the purposes of licensing and employment respectively. This reflects the importance of maintaining high standards in the financial services sector, given its importance to the economy and the need to continue to protect it from abuse. The same considerations apply to Alderney's eGambling sector, but there is currently no equivalent exemption applicable to the Alderney Gambling Control Commission licensing and certification process or to employers in the sector. It is therefore proposed to amend the 2006 Ordinance to introduce an exemption for these activities that corresponds to the exemption for the GFSC and employers in the financial services sector.

6 Compliance with Rule 4

- 6.1 In accordance with Rule 4(1)(a), the Propositions contribute to Priority 2 of the Government Work Plan by ensuring compliance with international agreements and standards.
- 6.2 In accordance with Rule 4(1)(b), the Committee has consulted with the following in relation to establishing the GIMLIT:

- (a) institutions in the private sector subject to AML/CFT requirements. There was a strong level of support of the establishment of GIMLIT. This policy letter takes account of the consultation responses, many of which were operational in nature.
- (b) the Law Officers Chambers, the Economic & Financial Crime Bureau, the Guernsey Financial Services Commission, the Alderney Gambling Control Commission and the Revenue Service. All of these authorities are supportive of the establishment of GIMLIT.
- (c) The Policy & Finance Committees of Alderney and Sark have been consulted on the proposals. Alderney are content with the proposals and Sark offered no comment.

- 6.3 In accordance with Rule 4(1)(c), the Propositions have been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications.
- 6.4 In accordance with Rule 4(2)(a), the Propositions relate to the duties of the Committee to advise the States and to develop and implement policies on matters relating to its purpose including law enforcement, including policing and customs.
- 6.5 In accordance with Rule 4(2)(b) the propositions were supported unanimously by the Committee.

Yours faithfully

R G Prow
President

S P J Vermeulen
Vice-President

S E Aldwell
M P Leadbeater
A W Taylor

P A Harwood
Non-States Member