

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

THE SANCTIONS (BAILIWICK OF GUERNSEY) (AMENDMENT) ORDINANCE, 2022

The States are asked to decide:-

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

EXPLANATORY MEMORANDUM

This Law amends the Sanctions (Bailiwick of Guernsey) Law, 2018 ("the Sanctions Law") in three ways.

Section 1 contains amendments to remove provisions that are now obsolete as they relate to the pre-Brexit practice of implementing sanctions measures enacted by the European Union. This includes provisions permitting temporary implementation of United Nations sanctions pending their implementation by the European Union.

Section 1 also contains an amendment to clarify that the prohibition on breaching sanctions measures extends to any breaches of any directions or other instruments issued under sanctions measures.

In addition, an amendment made by section 1 clarifies that the provisions relating to production of documents and offences for providing false or misleading information apply to information provided voluntarily in the same way as to information obtained through the exercise of information gathering powers under the Sanctions Law.

Sections 2, 3 and 4 deal respectively with extent, citation and commencement.

The Sanctions (Bailiwick of Guernsey) (Amendment) Ordinance, 2022

THE STATES, in pursuance of their Resolution of the 15th October, 2021^a, and in exercise of the powers conferred on them by sections 1 and 26 of the Sanctions (Bailiwick of Guernsey) Law, 2018^b, and all other powers enabling them in that behalf, hereby order:-

Amendment of the Sanctions Law.

1. (1) The Sanctions (Bailiwick of Guernsey) Law, 2018 is amended as follows.

(2) The following provisions are deleted –

- (a) in section 1, subsections (1)(a), (2), (3), (4) and (5),
- (b) in section 2(2)(c), the words "(including on a temporary basis pending the subsequent adoption or implementation of a sanctions measure that is related to the sanctions measure implemented by the regulations)",
- (c) in section 2(2)(e), the words "an EU sanctions measure

^a Article VI of Billet d'État No. XX of 2021.

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

by the Court of Justice of the European Union or of",

(d) in section 2(2)(g), the words "were a member state of the European Union, or" and ", as the case may be,"

(e) in section 2(3), the words "(including Part II of this Law)",

(f) Part II,

(g) in section 15(1 -

(i) in paragraph (a) -

(A), the word "or" at the end of subparagraph (i),

(B) subparagraph (ii),

(ii) in paragraph (d), subparagraph (iv),

(iii) in paragraph (e), the words "or measures under Part II of this Law", wherever they appear, and

(iv) in paragraphs (f) and (g), the words "the European Union or", and the words "as the case may be", wherever they appear,

(h) in section 19(1), ", 5(3), 6(2), 7(3), 8(2), 9(3) or 12(2)",

- (i) section 19(2), and
- (j) in section 25, the definitions of the following terms -
 - (i) "EU sanctions measure",
 - (ii) "temporary listing",
 - (iii) "UK temporary regulations", and
 - (iv) "UN financial sanctions Resolution".

(3) In section 3, after the words "regulations made under section 2", insert "(including for the avoidance of doubt any prohibitions or requirements in any licence, authorisation, permission, direction or instruction (however described) issued under any such sanctions measures)".

- (4) In section 15(1)(d) -
- (a) at the end of subparagraph (i), insert "or", and
 - (b) at the end of subparagraph (iii), for "or" substitute ".".

(5) After section 17, insert –

"17A. (1) Where information has been provided to the Committee other than in response to a request made by the Committee in the exercise of its powers under section 15, the provisions governing the

production of documents at sections 16(2) and 16(4) and the offences at sections 17(1(b) to (d) apply in the same way as if the information had been requested by the Committee in the exercise of those powers.

(2) For the avoidance of doubt, section 17(2) and section 19(3) apply to an offence committed under section 17 by virtue of the application of this section."

(6) In section 25, for the definition of "sanctioned person", substitute –

""**sanctioned person**" means any person listed, designated or otherwise identified by the United Nations or the appropriate minister, as the case may be, for the purposes of any restrictions under any sanctions measures that have been implemented in the Bailiwick by regulations under section 2 or by any other enactment,".

Extent.

2. This Ordinance has effect throughout the Bailiwick of Guernsey.

Citation.

3. This Ordinance may be cited as the Sanctions (Bailiwick of Guernsey) (Amendment) Ordinance, 2022.

Commencement.

4. This Ordinance shall come into force on the day on which it is made.