

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

**THE CRIMINAL JUSTICE (PROCEEDS OF CRIME) (ACCESS TO BENEFICIAL OWNERSHIP
INFORMATION) (AMENDMENT) ORDINANCE, 2025**

The States are asked to decide:-

Whether they are of the opinion to approve the draft Ordinance entitled "The Criminal Justice (Proceeds of Crime) (Access to Beneficial Ownership Information) (Amendment) Ordinance, 2025" and to direct that the same shall have effect as an Ordinance of the States.

EXPLANATORY MEMORANDUM

This Ordinance amends the Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) Law, 1999 ("the 1999 Law") by inserting a new schedule (Schedule 13) to the 1999 Law. Schedule 13 sets out a procedure under which the Guernsey Registrar of Beneficial Ownership ("the Registrar") may provide information on the Guernsey Register of Beneficial Ownership ("the Register"). Information may be provided to Bailiwick obliged entities, that is, persons in the Bailiwick who are subject to customer due diligence obligations. There is a power for the Policy & Resources Committee to make provision for exemption from this process by regulation. Schedule 13 also contains restrictions on the use of the information by Bailiwick obliged entities which are subject to criminal penalties for breach, as well as a requirement for Bailiwick obliged entities that are aware of discrepancies in information on the Register to report that fact to the Registrar. In addition, Schedule 13 specifies that the Registrar may issue guidance on the process, and that compliance with Schedule 13 by Bailiwick obliged entities is subject to the supervision of the Guernsey Financial Services Commission or the Alderney Gambling Control Commission, as the case may be. Finally, the Ordinance makes some consequential amendments to the Beneficial Ownership of Legal Persons (Guernsey) Law, 2017, to cross-refer to the process under Schedule 13 and to update some definitions.

The Ordinance comes into force on being made, subject to the fact that no application for information may be made until three months after the Ordinance has come into force.

The Criminal Justice (Proceeds of Crime) (Access to Beneficial Ownership Information) (Amendment) Ordinance, 2025

THE STATES, in pursuance of their Resolution of the ** April, 2025^a, and in exercise of the powers conferred on them by sections 53A and 54 of the Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) Law, 1999^b, section 39 of the Beneficial Ownership of Legal Persons (Guernsey) Law, 2017^c, sections 9 and 20 of the Interpretation and Standard Provisions (Bailiwick of Guernsey) Law, 2016^d and all other powers enabling them in that behalf, hereby order:-

Amendment of the Proceeds of Crime Law.

1. (1) The Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) Law, 1999 is amended as follows.

(2) In section 49AA, after subsection (3C), insert -

"(3D) Schedule 13 (Access to Beneficial Ownership Information by Bailiwick Obligated Entities) has effect."

^a Article [] of Billet d'État No. [] of 2025.

^b Ordres en Conseil Vol. XXXIX, p. 137; this enactment has been amended.

^c Order in Council No. VI of 2017; there are amendments not material to this Ordinance.

^d Order in Council No. V of 2018; this enactment has been amended.

(3) In section 52, in the appropriate alphabetical order, insert -

"**accessible information**": see Schedule 13,"

"**authorised official**": see Schedule 13,"

"**Bailiwick obliged entity**": see Schedule 13,"

"**eGambling business**": see Schedule 13,"

"**eGambling Ordinance**": see Schedule 13,"

"**Guernsey Beneficial Ownership Law**": see Schedule 13,"

"**Guernsey Register of Beneficial Ownership**": see Schedule 13,"

and

"**relevant legal person**": see Schedule 13,".

(4) After Schedule 12, insert Schedule 13 set out in the Schedule to this Ordinance.

Amendment of Beneficial Ownership Law

2. (1) The Beneficial Ownership of Legal Persons (Guernsey) Law, 2017 is amended as follows.

(2) In section 41 -

(a) for subsection (2)(a), substitute -

- "(a) holds or is deemed to hold a licence, authorisation or registration from the Commission under any of the supervisory Laws, or",
 - (b) at the end of subsection (2)(b), delete ", or" and replace it with a full stop, and
 - (c) delete subsection (2)(c).
- (3) In Schedule 2, after paragraph 2(1)(ii), insert –
- "(iia) made under, and for the purposes of, Schedule 13 (Access to Beneficial Ownership Information by Bailiwick Obligated Entities) to the Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) Law, 1999,".

Citation and commencement.

3. (1) This Ordinance may be cited as the Criminal Justice (Proceeds of Crime (Access to Beneficial Ownership Information) (Amendment) Ordinance, 2025 and, subject to subsection (2), shall come into force on being made.

(2) No notification may be made by an obliged entity under, and within the meaning of, the amendments made by this Ordinance until the expiry of the period of three months after this Ordinance comes into force.

SCHEDULE

Section 1(4)

"SCHEDULE 13

Section 49AA (3D)

ACCESS TO BENEFICIAL OWNERSHIP INFORMATION BY BAILIWICK
OBLIGED ENTITIES

Notification by Bailiwick obliged entities.

1. (1) Where a Bailiwick obliged entity wishes to obtain information from the Guernsey Register of Beneficial Ownership in relation to the beneficial ownership of a relevant legal person for a lawful purpose within the meaning of subparagraph (3), an authorised official may notify the Registrar of Beneficial Ownership of that fact on behalf of the Bailiwick obliged entity.

(2) A notification under subparagraph (1) shall be -

(a) accompanied by payment of any administration fee as the Registrar of Beneficial Ownership may specify, and

(b) made in such form and manner as the Registrar of Beneficial Ownership may specify.

(3) A notification under subparagraph (1) is made for a lawful purpose if it is made to assist the Bailiwick obliged entity to carry out its obligations in relation to a person who is a customer or a prospective customer under Part II of Schedule 3 to this Law or, as the case may be, under Part II of Schedule 4 to the eGambling Ordinance.

- (4) For the purposes of subparagraph (3), a person ("P") is -
- (a) a customer of a Bailiwick obliged entity -
 - (i) in the case of a Bailiwick obliged entity that is a specified business, if the Bailiwick obliged entity has an existing business relationship with P or has carried out an occasional transaction for or on behalf of P, and
 - (ii) in the case of a Bailiwick obliged entity that carries out eGambling business, if P is a registered customer of the Bailiwick obliged entity within the meaning of the eGambling Ordinance, and
 - (b) a prospective customer of a Bailiwick obliged entity -
 - (i) in the case of a Bailiwick obliged entity that is a specified business, if P has made an application to enter into a business relationship with the Bailiwick obliged entity or an application for the Bailiwick obliged entity to carry out an occasional transaction for or on behalf of P, and
 - (ii) in the case of a Bailiwick obliged entity that carries out eGambling business, if P has made an application to the Bailiwick obliged entity for registration within the meaning of the

eGambling Ordinance.

(5) For the avoidance of doubt, the obtaining of information by a Bailiwick obliged entity under this Schedule is without prejudice to, and (subject to any applicable rules or guidance that may be issued by the Commission or the Alderney Gambling Control Commission) does not fulfil or replace, the obligations referred to at subparagraph (3).

Disclosure of information by the Registrar of Beneficial Ownership.

2. (1) Subject to paragraph 3 and any regulations made under paragraph 4 –

(a) where the circumstances in subparagraph (2) apply, the Registrar of Beneficial Ownership shall disclose the information within subparagraphs (3) or (4) ("**accessible information**"), as the case may be, in relation to that relevant legal person to the authorised official who made the notification, by the end of the business day following the business day on which the notification was received, and

(b) where the circumstances in subparagraph (2) do not apply, the Registrar of Beneficial Ownership shall inform the authorised official who made the notification of that fact within the time specified in subparagraph (a).

(2) The circumstances in this subparagraph apply where there is information on the Guernsey Register of Beneficial Ownership about the beneficial

ownership of a relevant legal person specified in the notification.

(3) Accessible information in respect of a beneficial owner who is an individual is -

(a) the individual's -

(i) name,

(ii) date of birth,

(iii) jurisdiction of residence, and

(iv) nationality, and

(b) the grounds on which the individual is considered to be a beneficial owner.

(4) Accessible information in respect of a beneficial owner who is not an individual is the beneficial owner's -

(a) name,

(b) date of incorporation, and

(c) place of incorporation.

(5) Information shall be disclosed under this paragraph in such form and manner as the Registrar of Beneficial Ownership sees fit.

Invalid notifications.

3. (1) Where the Registrar of Beneficial Ownership receives an invalid notification within the meaning of subparagraph (2), the Registrar of Beneficial Ownership may refuse to disclose any accessible information in relation to that notification.

(2) A notification is invalid if -

- (a) for any reason the Registrar of Beneficial Ownership has grounds to believe that the notification does not come within paragraph 1(1),
- (b) the notification is not accompanied by payment of an administration fee specified by the Registrar of Beneficial Ownership under paragraph 1(2) (a), or
- (c) the notification has not been made in the form and manner specified by the Registrar of Beneficial Ownership under paragraph 1(2) (b).

(3) Where the Registrar of Beneficial Ownership refuses to disclose information under subparagraph (1), the Registrar of Beneficial Ownership shall inform the Bailiwick obliged entity of that fact, and the reason for it, by the end of the business day following the business day on which the notification was received.

(4) Where -

- (a) the Registrar of Beneficial Ownership has refused to

disclose information under subparagraph (1), and

- (b) subsequently is satisfied that the notification is not, or is no longer, invalid,

the Registrar of Beneficial Ownership shall, by the end of the business day following the business day on which the Registrar of Beneficial Ownership became so satisfied, disclose accessible information in respect of the relevant legal person referred to in the notification to the authorised official who made the notification.

(5) Information shall be disclosed under this paragraph in such form and manner as the Registrar of Beneficial Ownership sees fit.

Regulations as to exemptions from disclosure.

4. The Committee may by regulation provide for such exemptions from disclosure of information under paragraphs 2 and 3, and related matters, as it sees fit.

Restrictions on use or further disclosure of information.

5. (1) Information provided by the Registrar of Beneficial Ownership to an authorised official under this Schedule may not be -

- (a) used by any person for any purpose other than to carry out the obligations referred to in paragraph 1, or
- (b) subject to subparagraph (4), disclosed to another person.

(2) A person who contravenes, or causes or permits any contravention of, the provisions of subparagraph (1) is guilty of an offence and shall

be liable -

- (a) on summary conviction, to a fine not exceeding level 5 on the uniform scale, imprisonment for term not exceeding 3 months, or both, and
- (b) on conviction on indictment, to a fine, imprisonment for a term not exceeding 2 years, or both.

(3) In deciding whether a person is guilty of an offence under this paragraph, the court must consider whether that person followed any relevant guidance issued by the Registrar of Beneficial Ownership under paragraph 7, or any relevant rules or guidance issued by the Commission or the Alderney Gambling Control Commission, as the case may be.

(4) Subparagraph (1)(b) does not apply to disclosure of information by a person where –

- (a) at the time of disclosure, the information is or has already been made public (other than through an unlawful act or omission of the person making the disclosure),
- (b) the disclosure is made to an officer or employee of the Bailiwick obliged entity concerned whose functions include compliance with the obligations referred to at paragraph 1 (3) (or to any other person who carries out those functions on behalf of the Bailiwick obliged entity, provided that this is done in accordance with

any applicable rules or guidance issued by the Commission or the Alderney Gambling Control Commission), in connection with or for the purposes of those functions,

(c) the disclosure –

(i) is made by a specified business to another specified business within the same group, and

(ii) is made for the purpose of forestalling and preventing money laundering and for related purposes, within the meaning of this Law, or

(d) the disclosure is made -

(i) with the consent of the person to whom the information relates,

(ii) to comply with an order of a court,

(iii) to any of the relevant authorities,

(iv) for the purposes of seeking advice from a qualified person on any matter requiring the exercise of professional skills in relation to a purpose mentioned in subparagraphs (ii) or (iii), or

- (v) for such other purpose as may be specified in regulations made by the Committee.

Notification of discrepancies.

6. (1) Where a Bailiwick obliged entity has received accessible information from the Registrar of Beneficial Ownership and believes that the accessible information or any part of it is incorrect or incomplete -

- (a) the Bailiwick obliged entity must report that fact to the Registrar of Beneficial Ownership in the form and manner specified by the Registrar of Beneficial Ownership, and
- (b) the report must be made as soon as reasonably possible after the Bailiwick obliged entity has the necessary belief.

Guidance.

7. (1) The Registrar of Beneficial Ownership may publish such guidance as he or she thinks necessary for the purposes of this Schedule.

(2) For the avoidance of doubt, the Registrar of Beneficial Ownership may, from time to time, publish revisions to guidance under this paragraph, or revised guidance.

Information.

8. (1) The Registrar of Beneficial Ownership may exercise, for the purposes of this Schedule, the powers conferred on the Registrar of Beneficial Ownership by paragraphs 4, 4A, 4B and 4D of Schedule 2 to the Guernsey Beneficial

Ownership Law.

(2) Subsections (5) to (8) of section 49B and section 49C shall apply, *mutatis mutandis*, to the exercise of powers by the Registrar of Beneficial Ownership under subsection (1) in the same way as those provisions apply to the exercise by the Commission of its powers under section 49B.

(3) Where a person claims a lien on a document, its production under this paragraph is without prejudice to that person's lien.

Supervisory authorities.

9. The Commission or, as the case may be, the Alderney Gambling Commission, shall supervise and enforce compliance with this Schedule by specified businesses, or persons carrying on eGambling business; and the functions, powers and duties of –

- (a) the Commission, under this Law or any other enactment, and
- (b) the Alderney Gambling Control Commission, under the eGambling Ordinance or any other enactment,

shall apply, *mutatis mutandis*, to that supervision and enforcement by the Commission or, as the case may be, the Alderney Gambling Commission.

Interpretation.

10. (1) In this Schedule -

"accessible information": see paragraph 2,

"authorised official" means –

(a) in relation to a Bailiwick obliged entity that is a specified business (other than one within subparagraph (b)), an individual who -

(i) subject to subparagraph (d), occupies a vetted supervised role (other than solely as a controller), within the meaning, and for the purposes, of any of supervisory Laws, or

(ii) in the case of a prescribed business, is a person involved in estate agency, a person involved in accountancy, a specified legal services person or a managing Advocate, as the case may be,

and has been approved by the board of the Bailiwick obliged entity for the purposes of making a notification under this Schedule; and for this purpose, **"the board of the obliged entity"** shall be construed in accordance with the definition of the "board" of a specified business in paragraph 21(2) of Schedule 3,

(b) in relation to a Bailiwick obliged entity that is a specified business comprising no more than one individual, that individual,

(c) in relation to a Bailiwick obliged entity that carries on eGambling business, an individual who -

- (i) holds a current key individual certificate within the meaning of the eGambling Ordinance in relation to the Bailiwick obliged entity, and
 - (ii) has been approved by the board of the Bailiwick obliged entity for the purposes of making a notification under this Schedule; and for this purpose, "**the board of the obliged entity**" shall be construed in accordance with the definition of the "board" of a relevant person in paragraph 15(7) of Schedule 4 to the eGambling Ordinance, and

- (d) in the case of a specified business that is subject to the provisions of the Regulation of Fiduciaries, Administration Businesses and Company Directors, etc. (Bailiwick of Guernsey) Law, 2020 or the Lending, Credit and Finance (Bailiwick of Guernsey) Law, 2022, an individual who -
 - (i) occupies an approved supervised role (other than solely as a controller), within the meaning, and for the purposes, of the Law in question, and
 - (ii) has been approved by the board of the Bailiwick obliged entity for the purposes of making a notification under this Schedule; and for this

purpose, "**the board of the obliged entity**" shall be construed in accordance with the definition of the "board" of a specified business in paragraph 21(2) of Schedule 3,

"**Bailiwick obliged entity**" means a person (whether or not an individual) that is –

- (a) a specified business, or
- (b) an eGambling licensee or certificate holder within the meaning of the eGambling Ordinance,

and "**Bailiwick obliged entities**" shall be construed accordingly,

"**eGambling business**" means the type of business carried out by an eGambling licensee or certificate holder within the meaning of the eGambling Ordinance,

"**eGambling Ordinance**" means the Alderney eGambling Ordinance, 2009,

"**Guernsey Beneficial Ownership Law**" means the Beneficial Ownership of Legal Persons (Guernsey) Law, 2017,

"**Guernsey Register of Beneficial Ownership**" means the Register established under the Guernsey Beneficial Ownership Law,

"**relevant authorities**" has the meaning given in paragraph 21(1) of

Schedule 3,

"**relevant legal person**" has the same meaning as in the Guernsey Beneficial Ownership Law, and

"**specified business**" has the meaning given in paragraph 1(1) of Schedule 3.

(2) The Committee may amend this paragraph by regulation."