



ADDENDUM

Late Items for the MIDSUMMER MEETING of CHIEF PLEAS to be held on 3rd JULY 2024 at 5.00pm in the ASSEMBLY ROOM

Under the Provisions of Rule 13 of the Rules of Procedure of the Chief Pleas of Sark, the Speaker of Chief Pleas has received the following items to be added to the Agenda.

Item 20. MATTERS ARISING from the Extraordinary Meeting held on 25th April 2024.

Item 21. To CONSIDER a Report with a Projet de Loi and Proposition from the POLICY and FINANCE COMMITTEE entitled “**Prescribed Businesses (Bailiwick of Guernsey) (Amendment) Law, 2024**”

Item 22. To CONSIDER a Report with Propositions from the POLICY and FINANCE COMMITTEE entitled “**Visit of King Charles III & Queen Camilla**”

P M Armorgie
Speaker of Chief Pleas

21st June 2024

Note:

The Speaker will propose to integrate these items individually into the primary Agenda that was published on 12th June 2024.

POLICY & FINANCE COMMITTEE

Report with Proposition to Midsummer Chief Pleas, 3rd July 2024

**PRESCRIBED BUSINESSES (BAILIWICK OF GUERNSEY)
(AMENDMENT) LAW, 2024**

Earlier this year the Policy & Finance Committee was consulted on a draft policy letter prepared by the Guernsey Policy & Resources Committee proposing changes to the supervisory framework surrounding businesses and individuals registered under the **Prescribed Businesses (Bailiwick of Guernsey) Law, 2008** (the “PB Law”) and Schedule 5 (“Schedule 5”) to the **Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) Law, 1999** (the “POC Law”).

In simple terms this includes individuals and businesses providing legal, accountancy, and estate agency services, and individuals who act as director to not more than six companies which are not exempt from registering with the Guernsey Financial Services Commission (the “Commission”) (“Prescribed Businesses”).

The proposed changes seek to enhance the effectiveness of the Bailiwick of Guernsey’s (the “Bailiwick”) supervisory framework for Prescribed Businesses by expanding the scope of the Financial Services Commission’s supervisory powers and ensuring the sanctions available to it are sufficiently dissuasive.

These changes also constitute part of the preparations for the Bailiwick’s evaluation by the Council of Europe Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (“MONEYVAL”).

At its meeting held on 27 February 2024 the Policy and Finance Committee noted the proposals and advised the Guernsey authorities that it had no objections.

The legislation was subsequently presented to, and approved by, the States of Deliberation at its meeting held on 24 April 2024. The Bailiff has since sent through the attached Projet de Loi for approval by Chief Pleas.

Proposition –

That Chief Pleas approves the attached Projet de Loi, entitled the ‘Prescribed Businesses (Bailiwick of Guernsey) (Amendment) Law, 2024’.

Conseiller John Guille
Chairman, Policy & Finance Committee

The Prescribed Businesses (Bailiwick of Guernsey) (Amendment) Law, 2024

THE STATES, in pursuance of their Resolutions of the * April, 2024^a have approved the following provisions which, subject to the Sanction of His Most Excellent Majesty in Council, shall have force of law in the Bailiwick of Guernsey.

Amendment of the Prescribed Businesses Law.

1. (1) Section 13 of the Prescribed Businesses (Bailiwick of Guernsey) Law, 2008^b (power to issue discretionary financial penalties) is amended as follows.

(2) In subsection (1), for "£200,000" to the end, substitute " the relevant sum calculated in accordance with subsection (1A) (or such other sum as the States may specify by Ordinance) as it considers appropriate."

(3) After subsection (1), insert -

"(1A) The relevant sum is -

(a) in the case of a registered prescribed business or a former registered prescribed business (other than a prescribed business of the type described in paragraph 6 of Schedule 2 in respect of which paragraph (b) applies),

^a Article * of Billet d'État No. ** of 2024.

^b Order in Council No. XII of 2009; this enactment has been amended.

£4,000,000, provided that any penalty of more than £300,000 shall not exceed 10% of the turnover of the registered prescribed business or former registered prescribed business in question, or

- (b) in the case of a person who, when the contravention or non-fulfilment in question took place, was a director, controller, partner, senior officer or beneficial owner of a registered prescribed business or a prescribed business of the type described in paragraph 6 of Schedule 2, an amount not exceeding £400,000.

(1B) The Policy & Resources Committee may, after consultation with the Commission, the Policy and Finance Committee of the States of Alderney and the Policy and Finance Committee of the Chief Pleas of Sark, by regulation make such provision as it thinks fit for the purpose of carrying this section into effect including, without limitation, provision in respect of -

- (a) the meaning of the expressions "turnover" and "emoluments" for the purposes of this section, including without limitation the determination and basis of calculation thereof, and
- (b) the banding of penalties under this section within the relevant sum calculated in accordance with subsection (1A) and the

criteria subject to which each band is to be applied, taking into consideration the factors set out in paragraphs (a) to (h) of subsection (2).".

(4) In subsection (2) -

(a) at the end of paragraph (e) delete "and",

(b) at the end of paragraph (f), for "." substitute ",", and

(c) after paragraph (f) insert -

"(g) in the case of a director, controller, partner, or senior officer, or a business of the type described in paragraph 6 of Schedule 2, the emoluments arising from the position concerned, and

(h) any other factor the Commission considers relevant.".

(5) After subsection (3), insert -

"(4) In this section, references to "**paragraph 6 of Schedule 2**" are references to paragraph 6 of Schedule 2 to the Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) Law, 1999.".

Extent.

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

Citation.

3. This Law may be cited as the Prescribed Businesses (Bailiwick of Guernsey) (Amendment) Law, 2024.

POLICY & FINANCE COMMITTEE

Report with Propositions to Midsummer Chief Pleas, 3rd July 2024

VISIT OF KING CHARLES III & QUEEN CAMILLA

The Policy & Finance Committee is seeking Chief Pleas approval to create an extra public holiday in July 2023 to celebrate the visit to the Bailiwick of Guernsey of King Charles III and Queen Camilla.

As the Island of Sark determines dates for its own public holidays, Chief Pleas needs to decide whether to allow an extra public holiday for the Royal Visit as has been done in Jersey and Guernsey.

With this in mind, the Committee has resolved to recommend to Chief Pleas that an additional public holiday be held on the 16th July 2024.

Proposition 1 –

That Chief Pleas approve an additional public holiday on Tuesday 16th July 2024.

Proposition 2 –

That Chief Pleas approve the Ordinance “Public Holidays (Visit of His Majesty King Charles III and Her Majesty Queen Camilla to Guernsey) (Sark) Ordinance, 2024”

**Conseiller John Guille
Chairman, Policy and Finance Committee**

The Public Holidays (Visit of His Majesty King Charles III and Her Majesty Queen Camilla to Guernsey) (Sark) Ordinance, 2024

THE CHIEF PLEAS OF SARK, in pursuance of their Resolution of the 3rd July 2024, and in exercise of the powers conferred on them by section 1(1) of the Bills of Exchange (Guernsey) Law, 1958^a, hereby order:-

Public holiday to mark the visit of His Majesty King Charles III and Her Majesty Queen Camilla.

1. Without prejudice to the provisions of section 1 of the Public Holidays (Sark) Ordinance, 2017^b, 16th July, 2024 shall be a public holiday.

Citation.

2. This Ordinance may be cited as the Public Holidays (Visit of His Majesty King Charles III and Her Majesty Queen Camilla to Guernsey) (Sark) Ordinance, 2024.

^a Ordres en Conseil Vol. XVII, p.384; this enactment has been amended.

^b Sark Ordinance No. XIII of 2017.