

STATES OF JERSEY



Jersey

DRAFT PROCEEDS OF CRIME (FINANCIAL INTELLIGENCE) (AMENDMENT) (JERSEY) REGULATIONS 202-

**Lodged au Greffe on 15th February 2022
by the Minister for External Relations and Financial Services
Earliest date for debate: 29th March 2022**

STATES GREFFE

REPORT

Introduction

1. The principal purpose of the Draft Proceeds of Crime (Financial Intelligence) (Amendment) (Jersey) Regulations 202- (“the draft Regulations”) is to clearly define the status, role, and function of Jersey’s Financial Intelligence Unit (“JFIU”) in order to demonstrate clear technical compliance with the Financial Action Task Force (“FATF”) Recommendation 29. The FATF set the international anti-money laundering and combatting the financing of terrorism and proliferation (“AML/CFT”) standards. Jersey has consistently committed, along with countries around the world to fully implement the FATF standards. Jersey will be evaluated against the FATF Standards by MONEYVAL in 2023/24.

Background

2. National Financial Intelligence Units (FIUs) collect information on suspicious or unusual financial activity and are responsible for receiving, analysing and disseminating the information received to other authorities, both domestically and overseas. FIUs exist in different forms around the world, predominantly situated in Government Ministries, Law Enforcement authorities or as stand-alone organisations. Regardless of the form taken by a FIU, the FATF set a framework of standards to which every FIU must comply.
3. The Joint Financial Crime Unit (“JFCU”) has acted as Jersey’s Financial Intelligence Unit for a significant period of time. Since its origin, the JFCU has contained two functions, an intelligence unit (broadly encompassing the functions of a FIU) and an operations unit which carried out investigations into suspected financial crime. The JFCU has always been situated inside the States of Jersey Police and has operated as an operational police department.
4. The JFCU was first prescribed in legislation as Jersey’s FIU under the [Proceeds of Crime \(Jersey\) Law 1999](#) (the “Law”) through the [Proceeds of Crime \(Financial Intelligence\) \(Jersey\) Regulations 2015](#) (the “2015 Regulations”). The 2015 Regulations specify some general purposes of the FIU (Regulation 2), however, those Regulations did not cover the full scope of FATF Recommendation 29.
5. The draft Regulations cover areas for change that will enhance the overall effectiveness of what will now become known as JFIU, splitting clearly the two functions of the previous JFCU into:
 - a. FIU (housed in JFIU).
 - b. Operations (which will remain in the States of Jersey Police).Moreover, the draft Regulations clearly provide that the JFIU have independence and autonomy which has been a recommendation for action from previous reviews.
6. There are also several provisions within the current legislative framework that have been identified as conflicting with the requirements of Recommendation 29.

Resources of the JFCU and recommendations for reform

7. Since the establishment of the JFCU and following the introduction of various pieces of legislation, the management of financial intelligence element has grown organically. The JFCU has sought over the years to develop its internal process to receive, analyse and disseminate intelligence in line with the international development of FIUs. This was supported by the JFCU being a member of the Egmont Group of Financial Intelligence Unit's, formally since 2008 but informally for many years before Egmont established as a permanent membership structure. The Egmont group seeks to develop best practice and provide collaboration between FIUs worldwide. The development of the JFCU has continued, until this stage, in line with normal practice for an operational police department.
8. The resourcing and delivery of the JFIU function within Jersey has remained under constant scrutiny and review since its creation. In 2008, the review conducted by the International Monetary Fund ("IMF") focussed on the need to apply further resourcing to the FIU and in 2010 the unit received increased resource to develop both the intelligence and investigative elements of that joint team.
9. During the MONEYVAL review of 2015 (the "MONEYVAL report"), further recommendations were made regarding the resourcing of the unit which looked to develop the overall effectiveness of the unit in delivering its core functions. 2015 also saw the initial development of legislation to make clear the identity of the JFIU in addition to increasing its powers to demand further information.
10. In 2016, further to recommendations of the MONEYVAL report, the consolidated JFCU unit split into two defined areas of work to appropriately divide the intelligence function from the investigations.
11. In response to the recommendations of the MONEYVAL report, between 2016-2019 further changes were made to the JFIU by means of a further uplift in resource which largely saw all posts, formerly held by police officers change to police staff. It was recognised that the need for all posts to be held by sworn officers was no longer necessary and no longer fitted the common model of a FIU. That position has developed further with all posts now being held by police staff except for the current Detective Sergeant who is the sole police officer now based within the JFIU. The need to retain a police officer within the JFIU is now solely driven by legislation that is demanding of a police officer being required to withhold consent decisions aligned to current Article 32 of the Law.

Revised International Standards for FIUs

12. FIUs are defined by the Financial Action Task Force (FATF) as follows –

“Countries should establish a financial intelligence unit (FIU) that serves as a national centre for the receipt and analysis of: (a) suspicious transaction reports; and (b) other information relevant to money laundering, associated predicate offences and terrorist financing, and for the dissemination of the results of that analysis. The FIU should be able to obtain additional information from reporting entities, and should have access on a timely basis to the financial, administrative and law enforcement information that it requires to undertake its functions properly.”

13. Several requirements are then set out with Recommendation 29 of the FATF standards which essentially serve as a framework to develop and implement effective FIUs. The requirements of Recommendation 29 focus on key areas such as having operational independence, being appropriately resourced and being able to freely carry out their functions, undertake strategic analysis of the intelligence received and take adequate measures to safeguard intelligence. Currently, due to a number of legislative and structural provisions, the JFIU may not be deemed in all circumstances to have operational independence to function freely. This legislation looks to correct that position in line with the international standards.
14. In its current form the Law requires that Suspicious Activity Reports (SARs), submitted to the JFIU, need to be considered by a police or customs officer who in turn need to offer or withhold “consent” to the reporting institution for it to be able to continue operating. The withholding of consent is effectively an informal freeze of the account and can be a useful investigative tool in preventing the dissipation of tainted funds. Now that the JFIU is largely staffed by neither police or customs officers, it remains vital that the JFIU has the ability to consider the position of consent in the acceptance that the JFIU now contains a much more diverse workforce which no longer requires posts to be filled uniquely by police or customs Officers.
15. Previous reviews conducted on the islands response to financial crime have largely focussed on technical compliance with the FATF Recommendations. In practice this is how closely domestic legislation and regulations align to the international standards. Jersey has historically performed well against technical compliance, however, in areas such as JFIU it has been acknowledged that improvements are required, which is partly the purpose of this legislation. Whilst technical compliance has historically been the focus of international evaluations, future assessments will seek to assess the effectiveness of a jurisdictions AML/CFT system. Therefore, the accountability and need for jurisdictions to evidence the effectiveness of their collective capabilities and developed processes, to combat financial crime, is of critical importance.
16. The National Risk Assessment of Money Laundering for Jersey published in September 2020 highlighted the JFCU as a specific area of vulnerability and concluded with the following action –

“Address the challenges currently faced by the FIU when identifying, investigating, and prosecuting ML (namely, poor quality of Intelligence available, processing challenges and resource constraints).”
17. In seeking to align both the requirements within FATF Recommendation 29, coupled with the need to evidence effectiveness, national authorities have acknowledged that development in terms of resource level, staff skills and legislative constraints are required for the JFIU.
18. The Government, along with competent authorities, as part of its national Financial Crime Work Plan have therefore developed a series of actions concerning legislative amendments, a new structure for the JFIU and increased funding for JFCU resources which was delivered through the [Government Plan 2022-2025](#).
19. The draft legislation is broadly designed to clearly set out in Jersey legislation the requirements of FATF Recommendation 29 to be able to demonstrate technical compliance with the FATF standards. It is therefore considered that the draft legislation will now fully align Jersey legislation with both the FATF standards

and The Charter of the Egmont Group of Financial Intelligence Units (the “Charter”) and Egmont Group for Information Exchange Between FIUs (the “principles”).

20. The Egmont Group is a formal international body formed uniquely for member FIUs to be able to communicate and share intelligence through a secure online portal. Membership requires that FIUs sign up to agreed principles which call on FIUs, as an example, to be able to freely share intelligence with each other.

Specific provisions in the draft Regulations and change in JFIU Structure

21. The draft Regulations will be made under Articles 41B and 42A of the [Proceeds of Crime \(Jersey\) Law 1999](#). The Regulations contain amendments to four pieces of legislation in connection with the Jersey Financial Intelligence Unit.
22. The Regulations clearly designate the Jersey Financial Intelligence Unit as the financial intelligence unit (“FIU”) in Jersey, set out the functions of the FIU, impose requirements on the FIU to protect information, and introduce provisions relating to the Director of the FIU and the creation of a FIU governance board.
23. The Regulations also provide that the disclosures relating to money laundering under Articles 32, 33, 34, 34A, 34D and 37 of the 1999 Law are to be made to the FIU rather than to a police officer, designated police officer or designated customs officer.
24. The amendments also remove the requirement for the FIU or a person who receives information from the FIU to obtain the consent of the Attorney General before disclosing information about money laundering or the financing of terrorism to certain persons. The previous provisions concerning the involvement of the Attorney General impede the independence and autonomy required of the FIU by the international standards.
25. A Regulation is also included amending the [Terrorism \(Jersey\) Law 2002](#). The purpose of this amendment is to provide an equivalent provision for the financing of terrorism that exists for money laundering, namely that the disclosures relating to terrorism and the financing of terrorism under Articles 18 to 24 and 34 of the 2002 Law are to be made to the FIU rather than to a police officer, customs officer, designated police officer or designated customs officer.
26. The Regulations also make amendments to the [Money Laundering \(Jersey\) Order 2008](#). The purpose of the amendments is to provide that the disclosures relating to money laundering under Articles 14, 21 and 23 of the 2008 Order are to be made to the FIU rather than to a designated police officer or designated customs officer.
27. The Regulations also legislates for a Governance Board (The Board) to be formed to provide strategic direction for the JFIU with a dotted reporting line to the Minister. The JFIU would retain complete autonomy in terms of its operational independence but would be accountable to the Governance Board whose membership and purpose would be clearly defined through an agreed Memorandum of Understanding.
28. Board functions include the following –
 - (a) determining the general policy and principles by reference to which the FIU is to exercise its functions;
 - (b) setting the strategic direction of the FIU;

- (c) supervising and keeping under review the FIU's performance of its functions;
- (d) considering the annual budget submitted by the Director of the FIU and recommending the FIU's annual resourcing requirements to the Minister;
- (e) keeping under review whether the FIU, in exercising its functions, is using its resources in an efficient and economic manner; and
- (f) preparing and providing reports on the FIU's performance to the Minister.

Conclusion

29. The Government, through its national Financial Crime Work Plan, has developed this proposal with all relevant competent authorities around the development of the Jersey Financial Intelligence Unit (JFIU) which includes the proposals to amend this legislation.
30. The overall intention of the draft legislation is to continue the statutory development of the JFIU in a manner whereby it is considered fit for purpose in the context of Jersey and in line with international standards and acts as a key authority in Jersey's broader architecture as a leading international finance centre which seeks to uphold its commitment to the global fight against financial crime.

Financial and resourcing implications

31. There are no financial or manpower implications as a direct result of the adoption of this legislation. Increased funding for resources in the JFIU mentioned in this Report has already been agreed by the States Assembly in the [Government Plan 2022-2025](#).

EXPLANATORY NOTE

The Proceeds of Crime (Financial Intelligence) (Amendment) (Jersey) Regulations 202- will, if adopted, amend the Proceeds of Crime (Financial Intelligence) (Jersey) Regulations 2015 (“the 2015 Regulations”) to designate the Jersey Financial Intelligence Unit as the financial intelligence unit (“FIU”) in Jersey and provide for its governance and the exercise of its functions. The Regulations will make consequential amendments to 3 other enactments.

Part 1 (Regulations 1 to 8) amends the 2015 Regulations.

It substitutes existing Regulation 2 in the 2015 Regulations with new Regulations 2 to 2E which designate the Jersey Financial Intelligence Unit as the FIU in Jersey, set out the functions of the FIU, impose requirements on the FIU to protect information, require the Minister to appoint the Director of the FIU and set out the membership and functions of the FIU governance board.

It also inserts a new Schedule 1 into the 2015 Regulations which contains provisions relating to the functions of the Director of the FIU, requirements on the Director of the FIU in respect of annual reporting and the annual budget, ringfencing, and the ability of the Director of the FIU to delegate functions.

Part 2 contains consequential amendments to 3 other enactments, and the citation and commencement provision.

Regulation 9 amends the Proceeds of Crime (Jersey) Law 1999 (“the 1999 Law”).

The purpose of the amendments is to provide that the disclosures relating to money laundering under Articles 32, 33, 34, 34A, 34D and 37 of the 1999 Law are to be made to the FIU rather than to a police officer, designated police officer or designated customs officer.

The amendments also remove the requirement for the FIU or a person who receives information from the FIU to obtain the consent of the Attorney General before disclosing information about money laundering to certain persons.

Regulation 10 amends the Terrorism (Jersey) Law 2002 (“the 2002 Law”).

The purpose of the amendments is to provide that the disclosures relating to terrorism and the financing of terrorism under Articles 18 to 24 and 34 of the 2002 Law are to be made to the FIU rather than to a police officer, customs officer, designated police officer or designated customs officer.

The amendments also remove the requirement for the FIU or a person who receives information from the FIU to obtain the consent of the Attorney General before disclosing information about terrorism or the financing of terrorism to certain persons.

Regulation 11 amends the Money Laundering (Jersey) Order 2008 (“the 2008 Order”).

The purpose of the amendments is to provide that the disclosures relating to money laundering under Articles 14, 21 and 23 of the 2008 Order are to be made to the FIU rather than to a designated police officer or designated customs officer.

Regulation 12 gives the title by which these Regulations may be cited and provides for them to come into force on such day or days as the States may by Act appoint.



Jersey

DRAFT PROCEEDS OF CRIME (FINANCIAL INTELLIGENCE) (AMENDMENT) (JERSEY) REGULATIONS 202-

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DRAFT PROCEEDS OF CRIME (FINANCIAL INTELLIGENCE) (AMENDMENT) (JERSEY) REGULATIONS 202-

Made [date to be inserted]
Coming into force [date to be inserted]

THE STATES make these Regulations under Articles 41B and 42A of the [Proceeds of Crime \(Jersey\) Law 1999](#) –

PART 1

PROCEEDS OF CRIME (FINANCIAL INTELLIGENCE) (JERSEY) REGULATIONS 2015
AMENDED

1 [Proceeds of Crime \(Financial Intelligence\) \(Jersey\) Regulations 2015](#) amended

This Part amends the [Proceeds of Crime \(Financial Intelligence\) \(Jersey\) Regulations 2015](#).

2 New Part 1 heading inserted

Before Regulation 1 there is inserted –

“PART 1
INTERPRETATION”.

3 Regulation 1 (interpretation) amended

In Regulation 1 (interpretation) –

- (a) before the definition “FIU” there is inserted –
 - “ “financial crime” means –
 - (a) money laundering;
 - (b) the financing of terrorism; and

- (c) offences related to money laundering or the financing of terrorism;”;
- (b) after the definition “FIU” there is inserted –
““Jersey competent authority” means any person (other than the FIU) that –
 - (a) exercises functions of a public nature in Jersey; and
 - (b) is concerned with the prevention, investigation, detection or prosecution of financial crime;“overseas competent authority” means an authority outside Jersey that has equivalent functions to those of a Jersey competent authority;”;
- (c) after the definition “suspicious activity report” there is inserted –
““terrorism” has the meaning given in Article 2 of the [Terrorism \(Jersey\) Law 2002](#).”.

4 Regulation 2 (Financial Intelligence Unit: designation and general purpose) substituted

For Regulation 2 (Financial Intelligence Unit: designation and general purpose) there is substituted –

“PART 2

FINANCIAL INTELLIGENCE UNIT

2 Designation of the FIU

- (1) The Jersey Financial Intelligence Unit is designated as the financial intelligence unit (“FIU”) in Jersey.
- (2) The FIU must be operationally independent and autonomous in the exercise of its functions.
- (3) The FIU must have the authority and capacity to exercise its functions freely, including the ability to take autonomous decisions to analyse, gather and disseminate specific information independently of a Jersey competent authority, a financial intelligence unit outside Jersey or an overseas competent authority.
- (4) An employee or member of the FIU must not be directed or supervised in the discharge of their duties as an employee or member by the Chief Executive Officer, the States Employment Board, a Minister or a person acting on behalf of the Officer, Board or Minister.

2A Functions of the FIU

- (1) The functions of the FIU are to –
 - (a) receive, gather, store, analyse and disseminate information about financial crime (whether in Jersey or elsewhere);

- (b) receive suspicious activity reports and other disclosures of information about financial crime; and
 - (c) assist with the prevention and detection of financial crime.
- (2) The analysis function consists primarily of –
- (a) an operational analysis which –
 - (i) focuses on individual cases and specific targets, or on particular information, and
 - (ii) seeks to identify links between those cases and targets and possible financial crime; and
 - (b) a strategic analysis addressing financial crime trends and patterns.
- (3) For the purpose of exercising its functions, the FIU may make arrangements, or enter into agreements, with –
- (a) a Jersey competent authority;
 - (b) a financial intelligence unit outside Jersey;
 - (c) an overseas competent authority; or
 - (d) any other person that the FIU considers appropriate.

2B Protection of information

- (1) The FIU must have rules in place governing the security and confidentiality of information, including procedures for access to, and the handling, storage, dissemination and protection of, information.
- (2) The FIU must ensure that its facilities, information and information technology systems are not able to be accessed by any person who is not authorised to do so.

2C Appointment and functions of the Director of the FIU

- (1) The Minister must appoint the Director of the FIU.
- (2) The Minister may vary or terminate an appointment, but without prejudice to anything done pursuant to the appointment or to the making of a new appointment.
- (3) Before making or terminating an appointment under this paragraph, the Minister must consult the FIU governance board.
- (4) Schedule 1 sets out the functions of the Director of the FIU.
- (5) The Director of the FIU must exercise the functions set out in Schedule 1 independently and autonomously.

2D FIU governance board: establishment and membership

- (1) There is established an FIU governance board.
- (2) The members of the FIU governance board are appointed by the Minister.
- (3) The Minister must appoint to the FIU governance board –

- (a) at least one representative from a Jersey competent authority; and
 - (b) at least one representative from a government department.
- (4) The FIU governance board must have an odd number of members not less than 5.

2E FIU governance board: functions

The FIU governance board is responsible for –

- (a) determining the general policy and principles by reference to which the FIU is to exercise its functions;
- (b) setting the strategic direction of the FIU;
- (c) supervising and keeping under review the FIU’s performance of its functions;
- (d) considering the annual budget submitted by the Director of the FIU and recommending the FIU’s annual resourcing requirements to the Minister;
- (e) keeping under review whether the FIU, in exercising its functions, is using its resources in an efficient and economic manner; and
- (f) preparing and providing reports on the FIU’s performance to the Minister.”.

5 New Part 3 heading inserted

Before Regulation 3 there is inserted –

“PART 3

GATHERING FINANCIAL INFORMATION”.

6 Regulation 3 (gathering financial information) amended

In Regulation 3 (gathering financial information), in paragraph (2)(f) for “combating money laundering and the financing of terrorism” there is substituted “the prevention, investigation, detection or prosecution of financial crime”.

7 New Part 4 heading inserted

Before Regulation 6 there is inserted –

**“PART 4
CLOSING”.**

8 New Schedule 1 inserted

After Regulation 6 there is inserted –

**“SCHEDULE 1
DIRECTOR OF THE FIU**

(Regulation 2C)

1 General functions

- (1) The Director of the FIU is responsible for ensuring that the FIU exercises its functions –
 - (a) effectively;
 - (b) in a way that takes account of, and is proportionate to, the risks to Jersey from financial crime; and
 - (c) in accordance with the International Standards on Combating Money Laundering and the Financing of Terrorism and Proliferation as published from time to time by the international body known as the Financial Action Task Force and the principles and guidance issued by the Egmont Group of Financial Intelligence Units.
- (2) The Director of the FIU must ensure that the employees and members of the FIU –
 - (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.

2 Annual reporting

The Director of the FIU must provide annually to the FIU governance board –

- (a) a report on the activities and effectiveness of the FIU in the preceding year and on any other matters relevant to the exercise of the functions of the FIU that the Director of the FIU considers appropriate; and
- (b) a financial statement setting out details of the expenditure of the FIU in the preceding year.

3 Annual budget

- (1) The Director of the FIU must –
 - (a) prepare an annual budget for the FIU; and
 - (b) submit the annual budget to the FIU governance board in the year preceding that to which the budget relates.
- (2) The annual budget does not preclude the Director of the FIU from making a request to the FIU governance board or an appropriate third party for resources in addition to those in the budget if the Director of the FIU considers it necessary.

4 Ringfencing

- (1) The Director of the FIU may not be required to do anything in the course of employment in that role that would fall outside the functions set out in this Schedule.
- (2) The financial, technical, human and other resources of the FIU may not be used, deployed or otherwise drawn upon by a person outside the FIU.
- (3) However, this does not prevent the Director of the FIU, or an employee or member of the FIU with the consent of the Director of the FIU, from working with, or being seconded to, another domestic authority or international organisation.

5 Delegation of functions

- (1) The Director of the FIU may arrange for any of the functions set out in this Schedule to be exercised by an employee or member of the FIU on behalf of the Director of the FIU.
- (2) A function exercised by an employee or member under this paragraph is for all purposes exercised by the Director of the FIU and every decision taken or other thing done by an employee or member under this paragraph has the same effect as if taken or done by the Director of the FIU.”.

PART 2

CONSEQUENTIAL AMENDMENTS TO OTHER ENACTMENTS, CITATION AND COMMENCEMENT

9 [Proceeds of Crime \(Jersey\) Law 1999](#) amended

- (1) This Regulation amends the [Proceeds of Crime \(Jersey\) Law 1999](#).
- (2) In Article 1 (interpretation), in paragraph (1) –
 - (a) after the definition “financial services business” there is inserted –
““FIU” means the body for the time being designated by Regulations made under Article 41B as the financial intelligence unit for Jersey;”;

- (b) the definitions “designated customs officer” and “designated police officer” are deleted.
- (3) In Article 32 (protection for disclosures, and defence of intended disclosure) –
 - (a) in paragraph (1) for “a police officer” there is substituted “the FIU”;
 - (b) in paragraph (4)(a) for “a police officer” there is substituted “the FIU”;
 - (c) in paragraph (5) –
 - (i) for “a police officer” there is substituted “the FIU”,
 - (ii) for “the police officer” there is substituted “the FIU”;
 - (d) in paragraph (7)(a) for “a police officer” there is substituted “the FIU”.
- (4) In Article 33 (restrictions on further disclosure), in paragraph (1) –
 - (a) in sub-paragraph (a) –
 - (i) for “a police officer” there is substituted “the FIU”;
 - (ii) for “or 34A” there is substituted “, 34A or 34D”;
 - (b) sub-paragraph (b) is deleted;
 - (c) for “that officer”, in both places it appears, there is substituted “the FIU”.
- (5) In Article 34 (further disclosure permitted for certain purposes) –
 - (a) in paragraph (1) –
 - (i) after sub-paragraph (b)(iii) there is inserted –
 - “(iiia) the FIU,”,
 - (ii) sub-paragraph (b)(iv) is deleted;
 - (b) in paragraph (2) there is deleted “Where the Attorney General has consented to disclosure of information and has not withdrawn that consent,”;
 - (c) paragraphs (3) to (5) are deleted.
- (6) In Article 34A (failure to disclose knowledge or suspicion of money laundering) –
 - (a) in paragraph (1B)(a) for “a police officer” there is substituted “the FIU”;
 - (b) in paragraph (3) for “a police officer” there is substituted “the FIU”.
- (7) In Article 34D (failure in a financial institution to report to designated police officer, designated customs officer or nominated officer) –
 - (a) in the heading for “designated police officer, designated customs officer” there is substituted “the FIU”;
 - (b) in paragraph (4A) for “a designated police officer, a designated customs officer” there is substituted “the FIU”;
 - (c) in paragraph (9) for “a designated police officer, designated customs officer or” there is substituted “the FIU or a”.
- (8) Article 34E is deleted.

- (9) In Article 37 (procedures to prevent and detect money laundering), in paragraph 2(b), for “a police officer” there is substituted “the FIU”.

10 **Terrorism (Jersey) Law 2002 amended**

- (1) This Regulation amends the [Terrorism \(Jersey\) Law 2002](#).
- (2) In Article 1 (interpretation), in paragraph (1) –
- (a) after the definition “firearm” there is inserted –
““FIU” means the body for the time being designated by Regulations made under Article 41B of the [Proceeds of Crime \(Jersey\) Law 1999](#) as the financial intelligence unit for Jersey;”;
 - (b) the definitions “designated customs officer” and “designated police officer” are deleted.
- (3) In Article 18 (offences under Articles 15, 16 and 16A: co-operation with police) –
- (a) in the heading, before “police” there is inserted “the FIU or”;
 - (b) in paragraph (4)(b) for “an officer of the Force or a customs officer” there is substituted “the FIU”;
 - (c) in paragraph (5)(a) for “an officer of the Force or customs officer” there is substituted “the FIU”;
 - (d) in paragraph (7)(b) for “an officer of the Force or customs officer” there is substituted “the FIU”.
- (4) In Article 19 (general duty of disclosure of information), in paragraph (4)(a) for “an officer of the Force or a customs officer” there is substituted “the FIU”.
- (5) In Article 20 (disclosure of information: immunity), in paragraph (1)(a) for “an officer of the Force or a customs officer” there is substituted “the FIU”.
- (6) In Article 21 (failure to disclose: financial institutions), in paragraph (4A)(a) for “a designated police officer, a designated customs officer” there is substituted “the FIU”.
- (7) In Article 22 (protected disclosures), in paragraph (4) for “a designated police officer, designated customs officer or” there is substituted “the FIU or a”.
- (8) In Article 23 (restrictions on disclosure), in paragraph (1) –
- (a) for “an officer of the Force or customs officer” there is substituted “the FIU”;
 - (b) for “that officer” there is substituted “the FIU”;
 - (c) for “the officer” there is substituted “the FIU”.
- (9) In Article 24 (disclosure for purposes within Jersey), in paragraph (2) –
- (a) after sub-paragraph (b), there is inserted –
“(ba) the FIU;”;
 - (b) sub-paragraph (d) is deleted.
- (10) In Article 25 (disclosure for purposes outside Jersey), paragraphs (1)(a) and (2) to (4) are deleted.
- (11) Article 26 is deleted.

- (12) In Article 34 (information about acts of terrorism), in paragraph (3) after “made to” there is inserted “the FIU or”.

11 [Money Laundering \(Jersey\) Order 2008](#) amended

- (1) This Regulation amends the [Money Laundering \(Jersey\) Order 2008](#).
- (2) In Article 1 (interpretation), in paragraph (1) –
- (a) in the definition “Financial Intelligence Unit”, after “given” there is inserted “to FIU”;
 - (b) the definitions “designated customs officer” and “designated police officer” are deleted.
- (3) Article 6 (designated police and customs officers) is deleted.
- (4) In Article 14 (termination where customer due diligence measures are not completed) –
- (a) in paragraph (6) –
 - (i) in sub-paragraph (c) for “a designated police officer or a designated customs officer” there is substituted “the Financial Intelligence Unit”,
 - (ii) in sub-paragraph (d) for “that officer” there is substituted “the Financial Intelligence Unit”;
 - (b) in paragraph (11) –
 - (i) for “a designated police officer or designated customs officer” there is substituted “the Financial Intelligence Unit”,
 - (ii) for “that officer” there is substituted “the Financial Intelligence Unit”.
- (5) In Article 21 (reporting procedures and related disclosure requirements) –
- (a) in paragraph (1) –
 - (i) in sub-paragraph (h) for “a designated police officer or designated customs officer” there is substituted “the Financial Intelligence Unit”,
 - (ii) in sub-paragraph (ha) –
 - (A) for “designated police officer or designated customs officer” there is substituted “Financial Intelligence Unit”,
 - (B) for “that officer”, in both places it appears, there is substituted “the Financial Intelligence Unit”;
 - (b) in paragraph (2), there is deleted “a designated police officer or a designated customs officer”;
 - (c) in paragraph (4) –
 - (i) for “designated police officer or designated customs officer” there is substituted “Financial Intelligence Unit”,
 - (ii) for “that officer”, in both places it appears, there is substituted “the Financial Intelligence Unit”.
- (6) In Article 23 (duty to report evidence of money laundering) –

- (a) in paragraph (1) there is deleted “a designated police officer or a designated customs officer”;
- (b) in paragraph (2) there is deleted “a designated police officer or a designated customs officer”;
- (c) in paragraph (5), sub-paragraph (b) is deleted;
- (d) in paragraph (5A) there is deleted “a designated police officer or a designated customs officer”;
- (e) in paragraph (5B) there is deleted “a designated police officer or a designated customs officer”;
- (f) in paragraph (5E), sub-paragraph (c) is deleted.

12 Citation and commencement

These Regulations may be cited as the Proceeds of Crime (Financial Intelligence) (Amendment) (Jersey) Regulations 202- and come into force on such day or days as the States may by Act appoint.