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Bailiwick of Guernsey's legal framework for implementing sanctions measures as a result of Brexit

There have been important changes to the Bailiwick of Guernsey's legal framework for implementing sanctions measures as a result of Brexit. These changes came into force at 11pm on 31 December 2020.

The Policy & Resources Committee has issued the Sanctions (Implementation of UK Regimes) (Bailiwick of Guernsey) (Brexit) Regulations, 2020 ("the 2020 Regulations").

The overarching effect of the 2020 Regulations is to change the Bailiwick's sanctions framework from one that implements EU sanctions regimes to one that implements UK sanctions regimes. This is largely a technical change, as the UK sanctions regimes broadly replicate the EU sanctions regimes that they replace. However there are certain differences, both as to the scope of the UK sanctions regimes themselves and as to the persons that are designated under those regimes.

The 2020 Regulations have been established under the regulation-making powers in the Sanctions (Bailiwick of Guernsey) Law, 2018 and the European Union (Brexit) (Bailiwick of Guernsey) Law, 2018. They give effect within the Bailiwick to all of the sanctions regimes that have been made by the UK under the Sanctions and Anti-Money Laundering Act, 2018 as a result of Brexit and which came into force in the UK at 11pm on 31 December 2020. The 2020 Regulations also implement UN sanctions regimes, such as those that relate to terrorist financing and the financing of the proliferation of weapons of mass destruction.

The 2020 Regulations also repeal the domestic Ordinances that had been enacted to give effect to corresponding EU regimes within the Bailiwick. In addition, they repeal and replace regulations that had been made to give effect to the UK's autonomous sanctions regime relating to global human rights. As this regime did not emanate from the EU it is not affected by Brexit, but it has been dealt with under the 2020 Regulations in the same way as all other UK regimes, so as to bring all UK regimes within a single enactment for ease of reference going forward.

There are also transitional provisions in place in respect of existing licences issued by the Policy & Resources Committee under the sanctions regime before "exit day" (31 December 2020).

Finally, the 2020 Regulations make a number of modifications to the UK regimes to facilitate domestic implementation, for example, by specifying that references to a licensing authority within the UK should be read as a licensing authority within the Bailiwick.

We at Babbé have vast experience and a team of specialised lawyers who deal with Sanctions. Feel free to get in touch for any sanctions related queries.

Key Contacts



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