

**TERRORIST ASSET FREEZING (BAILIWICK OF GUERNSEY) LAW, 2011:  
GUIDANCE ON APPLICATIONS FOR THE REVOCATION OR VARIATION OF A  
DESIGNATION BY THE POLICY & RESOURCES COMMITTEE**

## **Introduction**

Under the [Terrorist Asset-Freezing \(Bailiwick of Guernsey\) Law, 2011](#) (the TAFL), the Policy & Resources Committee may designate individuals or entities who will then be subject to an asset freeze and other financial prohibitions. Designations may be interim, in which case they will expire after no more than 30 days, or final, in which case they will expire after a year but may be renewed.

Section 7 of the TAFL enables any person to apply to the Policy & Resources Committee for a variation or revocation of an interim or final designation. This guidance sets out the procedures that apply to such applications.

## **Applications for revocation/variation**

Applications should be made by completing a [Sanctions Review Request Form](#) and sending it to the Policy & Resources Committee by email or post at the address below. The completed form must include full details of the following matters:

- the identity of the person making the application or on whose behalf the application is being made;
- the nature of the application (i.e. whether it is for a variation or a revocation); and
- the basis on which it is claimed that the designation should be varied or revoked, and any reason for particular urgency.

The application should be supported by all relevant evidence. As far as possible this should be evidence from independent and reliable sources, evidence that can be verified and corroborating evidence. Applications which are not supported by evidence of this kind are unlikely to succeed.

Where evidence is not in English, an official translation must be provided before the evidence can be considered. This must include a signed declaration by the translator that the translation is an accurate translation of the evidence, the date of the translation and the full name and contact details of the translator.

The Policy & Resources Committee may request additional information as necessary from an applicant before making a decision on the application. The Policy & Resources Committee will also ordinarily obtain legal advice and consult other authorities within the jurisdiction, the authorities in the United Kingdom and, exceptionally, the authorities in other jurisdictions in order to assist it in making a decision. This will be done on a confidential basis.

The Policy & Resources Committee will take all reasonable steps to make a determination on an application as soon as possible after receiving all necessary information and documents,

either from the applicant or from any third party. Priority will be given to cases of particular urgency.

### **Outcome**

The Policy & Resources Committee will notify the applicant in writing of the outcome of the application. Where a designation has been varied or revoked, the Policy & Resources Committee will also take reasonable steps to bring the variation or revocation to the attention of any persons who were previously informed of the designation. The Policy & Resources Committee will usually provide an explanation for any decision to refuse an application to vary or revoke a designation, but sometimes this may not be possible, for example, if the decision involved consideration of sensitive or closed source information.

### **Appeals**

Under section 24 of the TAFL, there is a right of appeal against any decision made by the Policy & Resources Committee under the TAFL. This includes a refusal to vary or revoke a designation. An appeal may be made on one or more of the following grounds:

- the decision was ultra vires or there was some other error of law
- the decision was unreasonable
- the decision was made in bad faith
- there was a lack of proportionality
- there was a material error as to the facts or as to the procedure.

### **Queries**

Any queries should be sent to:

Financial Crime Policy Office  
Sir Charles Frossard House  
La Charroterie,  
St Peter Port,  
Guernsey,  
GY1 1FH,  
Channel Islands

Tel: +44 1481 227000

Email: [sanctions@gov.gg](mailto:sanctions@gov.gg)