

Island of



Guernsey

## Ordinance of the States

**XLIX**  
**2008**

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Made .....13th October, 2008

Laid before the States .....26th November, 2008

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# **The Charities and Non Profit Organisations (Registration) (Guernsey) Law, 2008 (Amendment) Ordinance, 2008**



## **The Charities and Non Profit Organisations (Registration) (Guernsey) Law, 2008 (Amendment) Ordinance, 2008**

**THE STATES LEGISLATION SELECT COMMITTEE**, in exercise of the power conferred on the States by section 11(1) of the Charities and Non Profit Organisations (Registration) (Guernsey) Law, 2008 and in exercise of the powers conferred on the Committee by Article 66(3) of the Reform (Guernsey) Law, 1948<sup>a</sup> and in pursuance of the States Resolution of the 27<sup>th</sup> September, 2007<sup>b</sup>, hereby orders:-

### **Amendment of section 11 of Law of 2008.**

1. (1) Section 11 of the Law of 2008 is amended as follows.

(2) For section 11(1)(a) substitute -

"(a) amend section 12 or the Schedule where it appears to the States to be necessary or expedient to do so for the purpose of -

(i) enabling the person charged with the keeping of the Register more effectively to carry out any of his functions under this Law,

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<sup>a</sup> Ordres en Conseil Vol. XIII, p. 288

<sup>b</sup> Articles VIII and IX of Billet d'État No. XX of 2007.

- (ii) enhancing or protecting the reputation or economic interests of the Bailiwick or any part thereof,
- (iii) improving or enhancing the investigation, prevention or detection of crime,
- (iv) facilitating the instigation of, or otherwise for the purposes of, any criminal proceedings,
- (v) facilitating the detection, seizure and forfeiture of the proceeds of crime or assets intended for use in crime,
- (vi) discharging any international obligation to which the Bailiwick is subject, or
- (vii) assisting, in the interests of the public or otherwise, any authority which appears to the States to exercise in a place outside the Bailiwick functions corresponding to any of the functions under this Law of the person charged with the keeping of the Register, and".

(3) Immediately before the words "as to the creation" in section 11(3)(c)(i), insert "subject to subsection (3A),".

(4) Immediately after section 11(3) insert -

"(3A) The power conferred by subsection (3)(c)(i) to create new liabilities, obligations, penalties and offences does not include power -

- (a) to provide for offences to be triable only on indictment,
- (b) to authorise the imposition, on summary conviction of an offence, of a term of imprisonment or a fine exceeding the limits of jurisdiction for the time being imposed on the Magistrate's Court by section 9 of the Magistrate's Court (Guernsey) Law, 2008, or
- (c) to authorise the imposition, on conviction on indictment of any offence, of a term of imprisonment exceeding two years."

**Interpretation.**

2. In this Ordinance, "**the Law of 2008**" means the Charities and Non Profit Organisations (Registration) (Guernsey) Law, 2008.

**Citation.**

3. This Ordinance may be cited as the Charities and Non Profit Organisations (Registration) (Guernsey) Law, 2008 (Amendment) Ordinance, 2008.

**Commencement.**

4. This Ordinance shall come into force on the same day as section 11 of the Law of 2008.

S. M. D. ROSS,  
Her Majesty's Deputy Greffier



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