

Island of



Guernsey

Ordinance of the States

XXIX
2010

Made28th July, 2010

Coming into Operation28th July, 2010

The Charities and Non Profit Organisations (Registration) (Guernsey) Law, 2008 (Amendment) Ordinance, 2010

The Charities and Non Profit Organisations (Registration) (Guernsey) Law, 2008 (Amendment) Ordinance, 2010

THE STATES, in exercise of the power conferred on them by section 11(1) of the Charities and Non Profit Organisations (Registration) (Guernsey) Law, 2008^a and all other powers enabling them in that behalf, and in pursuance of their Resolution of the 28th July, 2010^b, hereby order:-

Amendment of Schedule 2 of the Law.

1. After paragraph 6 of Schedule 2 to the Law insert the following paragraph -

"Administrative penalties.

7. (1) The Registrar may, in his discretion, impose upon a non profit organisation the penalties detailed in this paragraph.

(2) The Registrar may impose upon a non profit organisation the penalties specified in the Penalties Table below which shall be payable to the Registrar by the non profit organisation upon or in relation to the event, circumstance or matter specified in the Table, and where the penalty refers to a period of a month or more, the amount of the fine shall be cumulative and it shall be calculated in accordance with subparagraph (3).

^a Order in Council No. XXVI of 2008; amended by Order in Council No. III of 2010 and by Ordinances Nos. XLIX and XXXVI of 2008.

^b Article II of Billet d'État No. XVII of 2010.

Penalties Table

<u>Event, circumstance or matter</u>	<u>Penalty</u>
Failure to register in accordance with Schedule 1 paragraph 2	£500
Failure to renew registration in accordance with Schedule 1 paragraph 5 -	
(i) First calendar month or part thereof,	£20
(ii) Second calendar month or part thereof,	£40
(iii) Each subsequent calendar month or part thereof.	£80
Failure to file annual financial statements in accordance with Schedule 1 paragraph 8 -	
(i) First calendar month or part thereof,	£20
(ii) Second calendar month or part thereof,	£40
(iii) Each subsequent calendar month or part thereof.	£80
Failure to respond to request for information made under s.1C(1) or Schedule 1 paragraph 9 –	
(i) First calendar month or part thereof,	£0
(ii) Second calendar month or part thereof,	£0
(iii) Each subsequent calendar month or part thereof.	£10

(3) A financial penalty, imposed in accordance with subparagraph (2), is payable in respect of each month or part of a month between the date by which the non profit organisation should have renewed registration, filed annual financial statements or (as the case may be) responded to the request for information and the date when it in fact did so ("**the period of default**").

(4) Any penalty imposed under this paragraph is without prejudice to any other power, penalty, sanction or remedy (criminal, civil or administrative) provided for by or under this Law.

(5) The Penalties Table may be amended by regulations of the Department.

(6) For the purpose of this paragraph "**month**" means calendar month calculated from the beginning of the first day of the period of default (and for the avoidance of doubt if a month starts at the end of a month of the calendar which contains more days than the next month of the calendar, the month expires at the end of that next month of the calendar)."

Interpretation.

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

Citation.

3. This Ordinance may be cited as the Charities and Non Profit Organisations (Registration) (Guernsey) Law, 2008 (Amendment) Ordinance, 2010.

Commencement.

4. This Ordinance shall come into force on the 28th July, 2010.

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Her Majesty's Greffier.

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