

Island of



Guernsey

## Ordinance of the States

**XIV**  
**2014**

---

Made ..... 30th April, 2014

Coming into Operation ..... 1st May, 2014

---

### **The Electronic Transactions (Obligation to Use Electronic Form) (Guernsey) Ordinance, 2014**



**The Electronic Transactions  
(Obligation to use Electronic Form)  
(Guernsey) Ordinance, 2014**

**THE STATES**, in pursuance of their Resolution of the 11<sup>th</sup> December, 2013<sup>a</sup>, and in exercise of the powers conferred on them by sections 9(2), 21 and 23(1) of the Electronic Transactions (Guernsey) Law, 2000, as amended<sup>b</sup> and all other powers enabling them in that behalf, hereby order:-

**Circumstances in which electronic form and electronic means are obligatory.**

**1.** (1) For the purposes of section 9(2) of the Electronic Transactions (Guernsey) Law, 2000, as amended ("**the Law**"), where any document specified in subsection (2) is required or permitted to be given by or on behalf of any person to the Guernsey Financial Services Commission ("**the Commission**"), the document shall be given -

- (a) in such electronic form and by such electronic means as the Commission may require, whether in any particular case or class of cases or generally, or
- (b) in such non-electronic form and by such non-electronic means as the Commission may in its absolute discretion determine in any particular case or class of cases.

---

<sup>a</sup> Article XII of Billet d'État No. XXIV of 2013.

<sup>b</sup> Order in Council No. VIII of 2000; amended by Ordinance No. XXXIII of 2003; see also G.S.I. No. 13 of 2001.

(2) The documents referred to in subsection (1) are applications, requests, returns, records, reports, accounts, submissions, statements, notices, notifications, forms, letters, schedules, personal questionnaires, personal declarations and other documents required or permitted to be given by or under the relevant Laws.

**Amendment of Law.**

2. For section 3 of the Law substitute the following section -

**"Declarations and statements.**

3. (1) A declaration or statement made under oath or by affirmation shall not be denied legal effect, validity, enforceability or admissibility solely because it is in electronic form.

(2) A statutory declaration or other declaration or statement made otherwise than under oath or by affirmation shall not be denied legal effect, validity, enforceability or admissibility solely because it is in electronic form."

3. For section 8(1)(f) of the Law substitute the following paragraphs -

"(f) a declaration or statement to be made under oath or by affirmation, a sworn or affirmed declaration or statement in electronic form satisfies the law, or

(g) a statutory declaration or other declaration or statement to be made otherwise than under oath or by affirmation, a statutory declaration or other declaration or statement in electronic form satisfies the law."

4. In section 22(1) of the Law after the definition of "signature in electronic form" insert the following definitions in the appropriate places -

**"declaration"** includes, for the avoidance of doubt, a declaration required or permitted to be made by or under or otherwise for the purposes of an enactment or statutory instrument",

**"statutory declaration"** means a declaration made in accordance with the provisions of an Order of the Royal Court made on the 23<sup>rd</sup> of April 1838<sup>c</sup>, "

**Interpretation.**

5. (1) In this Ordinance -

**"Commission"** means the Guernsey Financial Services Commission,

**"given"** means given, produced, served, sent or delivered (whatever expression may be used to describe the act),

**"Law"** means the Electronic Transactions (Guernsey) Law, 2000,

**"relevant Laws"** means -

- (a) the Financial Services Commission (Bailiwick of Guernsey) Law, 1987,
- (b) the Protection of Investors (Bailiwick of Guernsey) Law, 1987,

---

<sup>c</sup> Recueil d'Ordonnances Tome II, p. 488.

- (c) the Banking Supervision (Bailiwick of Guernsey) Law, 1994,
- (d) the Companies (Alderney) Law, 1994,
- (e) the Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) Law, 1999,
- (f) the Regulation of Fiduciaries, Administration Businesses and Company Directors, etc (Bailiwick of Guernsey) Law, 2000,
- (g) the Insurance Business (Bailiwick of Guernsey) Law, 2002,
- (h) the Insurance Managers and Insurance Intermediaries (Bailiwick of Guernsey) Law, 2002,
- (i) the Registration of Non Regulated Financial Services Businesses Law, 2008,
- (j) the Companies (Guernsey) Law, 2008,
- (k) the Prescribed Businesses (Bailiwick of Guernsey) Law, 2008,
- (l) any other enactment or statutory instrument prescribed for the purposes of this section by regulations of the Commission (and section 21 of the Law shall apply to

regulations of the Commission under this paragraph as it applies to an Order of the Committee under the Law).

(2) Any reference in this Ordinance to an enactment or statutory instrument is a reference thereto as from time to time amended, re-enacted (with or without modification), extended or applied.

**Citation.**

6. This Ordinance may be cited as the Electronic Transactions (Obligation to use Electronic Form) (Guernsey) Ordinance, 2014.

**Commencement.**

7. This Ordinance shall come into force on the 1<sup>st</sup> May, 2014.

**Copies may be purchased from  
Her Majesty's Greffier, Royal Court House, Guernsey.**

**PRICE £3.00**

Printed by Colour Monster Printshop, Lowlands Building, Lowlands Industrial Estate, Guernsey GY3 5XH.