



GUERNSEY STATUTORY INSTRUMENT
2015 No. 88

The Aviation Registry (Eligibility) Regulations, 2015

<i>Made</i>	<i>22nd October, 2015</i>
<i>Coming into operation</i>	<i>22nd November, 2015</i>
<i>Laid before the States</i>	<i>, 2015</i>

THE COMMERCE AND EMPLOYMENT DEPARTMENT, in exercise of the powers conferred upon it by section 12(1) and section 52 of the Aviation Registry (Guernsey) Law, 2013^a ("the Law"), and all other powers enabling it in that behalf, hereby makes the following regulations:-

Qualified persons.

1. (1) The following persons are qualified persons for the purpose of section 12 of the Law –

- (a) the Crown,
- (b) natural persons who are –
 - (i) nationals of any EEA State,
 - (ii) resident in the British Islands,
 - (iii) resident in a British Overseas Territory, or
 - (iv) represented by a resident agent,
- (c) legal persons –
 - (i) which are an Appendix C business, or

^a Order in Council No XIII of 2013.

- (ii) who are represented by a resident agent, or
- (d) any other person, at the discretion of the Registrar, subject to whatever additional requirements he may impose.

(2) For the purposes of subparagraphs (1)(b)(iv) and (1)(c)(ii), a resident agent must be –

- (a) resident in Guernsey, and
- (b) a Guernsey licensed fiduciary or authorised person.

Interpretation.

2. (1) In these regulations –

"Appendix C business" means

- (a) a financial services business supervised by the Commission, or
- (b) a prescribed business registered under the Criminal Justice (Proceeds of Crime) (Legal Professionals, Accountants and Estate Agents) (Bailiwick of Guernsey) Regulations, 2008^b, as amended, or
- (c) a business –
 - (i) which is carried on from a country or territory listed in Appendix C to the Handbook and which would, if it were carried on in the Bailiwick, be –

(A) a financial services business; or

^b G.S.I. No. 49 of 2008; as amended by the Terrorist Asset-Freezing (Bailiwick of Guernsey) Law, 2011 (No. XI of 2011); G.S.I. No. 72 of 2008; G.S.I. No. 31 of 2009; G.S.I. No. 86 of 2009; G.S.I. No. 14 of 2010; G.S.I. No. 57 of 2010; G.S.I. No. 113 of 2010; G.S.I. No. 69 of 2012; G.S.I. No. 15 of 2013; G.S.I. No. 21 of 2013; G.S.I. No. 66 of 2013.

- (B) a prescribed business
- (ii) which may only be carried on in that country or territory by a person regulated for that purpose under the law of that country or territory;
 - (iii) the conduct of which is subject to requirements to forestall, prevent and detect money laundering and terrorist financing that are consistent with those in the Financial Action Task Force Recommendations on Money Laundering in respect of such a business, and
 - (iv) the conduct of which is supervised for compliance with the requirements referred to in subparagraph (iii) by an overseas regulatory authority,

"authorised person" means a person authorised to act as such in accordance with the provisions of section 4(2)(c) of the Regulation of Fiduciaries Law,

"British Overseas Territory" has the same meaning as in the British Nationality Act 1981^c,

"the Commission" means the Guernsey Financial Services Commission established by the Financial Services Commission (Bailiwick of Guernsey) Law, 1987^d,

^c An Act of the United Kingdom Parliament, chapter 61 of 1981
^d Ordres en Conseil Vol. XXX, p. 243, Orders in Council No. XX of 1991, No. XIII of 1994, No. II of 1997, No. II of 1998 and Nos. XVII and XXI of 2002, No. XXII of 2003 and Ordinance No. XXXIV of 2005.

"**EEA State**" has the meaning given in section 179 of the Aviation (Bailiwick of Guernsey) Law, 2008^e,

"**Guernsey licensed fiduciary**" means a person who is a licensed fiduciary under the Regulation of Fiduciaries Law,

"**Handbook**" means the Handbook for Prescribed Businesses on Countering Financial Crime and Terrorist Financing as revised or re-issued from time to time by the Commission,

"**the Law**" means the Aviation Registry (Guernsey) Law, 2013,

"**the Registrar**" means the Aircraft Registrar,

"**Regulation of Fiduciaries Law**" means the Regulation of Fiduciaries, Administration Businesses and Company Directors, etc (Bailiwick of Guernsey) Law, 2000^f, as amended,

and other words or expressions have the same meaning as in the Law.

(2) The Interpretation (Guernsey) Law, 1948^g applies to the interpretation of these regulations as it applies to the interpretation of an enactment.

(3) Any reference in these regulations to an enactment is a reference thereto as from time to time amended, repealed and replaced (with or without modification), extended or applied.

Repeal

3. Aviation Registry (Eligibility) Regulations, 2013^h are hereby repealed.

^e Order in Council No. XXVIII of 2008, as amended by No. X of 2013

^f Order in Council No. I of 2001 amended by No. XIV of 2003; No. XVI of 2007; No. VIII of 2008; No. XXV of 2008; Ordinance No. XXXIII of 2003 (the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003) and Guernsey Statutory Instrument No. 3 of 2008 (the Regulation of Fiduciaries, Administration Businesses and Company Directors, etc (Bailiwick of Guernsey) (Amendment) Regulations, 2008).

^g Ordres en Conseil Vol. XIII, p. 355.

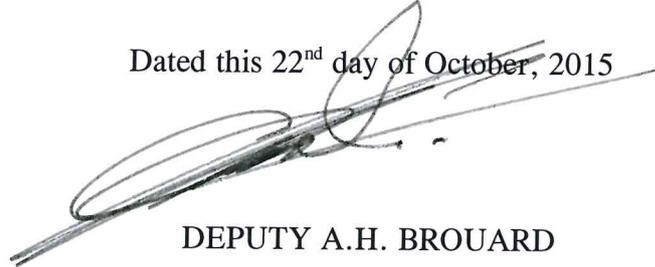
Citation.

4. These Regulations may be cited as the Aviation Registry (Eligibility) Regulations, 2015.

Commencement.

5. These Regulations shall come into force on the 22nd day of November 2015.

Dated this 22nd day of October, 2015



DEPUTY A.H. BROUARD

Deputy Minister of the States Commerce and Employment Department
For and on behalf of the Department

EXPLANATORY NOTE

(This note is not part of the regulations)

These Regulations specify the persons who are 'qualified persons' for the purpose of section 12 of the Aviation Registry (Guernsey) Law, 2013.

^h G.S.I. No. 64 of 2013.

