

Island of



Guernsey

Ordinance of the States

XXVIII
2017

Made 22nd August, 2017
Coming into Operation 22nd August, 2017
Laid before the States 18th October, 2017

The Beneficial Ownership of Legal Persons (Guernsey) (Amendment) Ordinance, 2017

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THE STATES POLICY & RESOURCES COMMITTEE, in exercise of the powers conferred on the States by section 39 of the Beneficial Ownership of Legal Persons (Guernsey) Law, 2017^a and all other powers enabling them in that behalf, and in exercise of the powers conferred on the Committee by section 66A of the Reform (Guernsey) Law, 1948^b, as amended, hereby orders:-

Amendment of Schedule 2 to Beneficial Ownership Law.

1. (1) In paragraph 2 of Schedule 2 to the Beneficial Ownership of Legal Persons (Guernsey) Law, 2017 ("**the Law**"), after subparagraph (4) insert –

(5) For the avoidance of doubt, the Registrar may take into account any relevant procedure or agreement when considering whether to grant, grant only in part or refuse any request for the disclosure of information obtained by the Registrar and described in subparagraph (1)."

(2) After paragraph 5 of Schedule 2 to the Law, insert –

"Provision of information to the Registrar: transitional provision.

5A. (1) The Committee may by regulation make provision in

^a Order in Council No. VI of 2017.

^b Ordres en Conseil Vol. XIII, p. 288; as amended by Ordres en Conseil Vol. XIV, p. 407; Vol. XV, p. 279; Vol. XVI, p. 178; Vol. XVIII, p. 275; Vol. XIX, pp. 84 and 140; Vol. XXII, p. 122; Vol. XXIII, p. 476; Vol. XXV, p. 326; Vol. XXVI, p. 255; Vol. XXIX, p. 56; Vol. XXX, p. 16; Vol. XXXI, p. 164; Vol. XXXII, p. 41; Vol. XXXIV, p. 397; Vol. XXXVI, p. 478; Vol. XXXVIII, pp. 150 and 295; Order in Council No. XIII of 2003; No. III of 2004; Nos. II and XX of 2007; Nos. XIII and XXII of 2008; No. VII of 2010; No. II of 2012; No. XIV of 2012; No. XVII of 2015; Ordinance No. XXXIII of 2003; No. XXVI of 2008; No. XXXII of 2011; and No. IX of 2016.

relation to the provision to the Registrar by the resident agent of a relevant legal person that was incorporated or registered before the commencement of this Law ("**Commencement**") of information in relation to the beneficial owners of that relevant legal person at Commencement.

(2) Subject to subparagraph (3), regulations made under subparagraph (1) may contain provision as to the creation of new liabilities, obligations, penalties and offences.

(3) The power conferred by subparagraph (2) 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 exceeding six months or a fine exceeding level 5 on the uniform scale, or both, or
- (c) to authorise the imposition, on conviction on indictment of any offence, of a term of imprisonment exceeding six months."

Interpretation.

2. (1) The Interpretation (Guernsey) Law, 1948^c applies to the interpretation of this Ordinance.

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

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

Citation and commencement.

3. This Ordinance may be cited as the Beneficial Ownership of Legal Persons (Guernsey) (Amendment) Ordinance, 2017, and shall come into force on the 22nd August, 2017.

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