

GREFFE
ROYAL COURT

27 APR 2022

GUERNSEY

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GUERNSEY STATUTORY INSTRUMENT

2022 No. 30

The Charities etc. (Commencement and Transitional Provisions) (Guernsey and Alderney) Regulations, 2022

<i>Made</i>	26 April, 2022
<i>Coming into operation</i>	29 April, 2022
<i>Laid before the States</i>	, 2022

THE STATES OF GUERNSEY POLICY & RESOURCES COMMITTEE, in exercise of the powers conferred on it by sections 53 and 54 of the Charities etc. (Guernsey and Alderney) Ordinance, 2021^a, and of all other powers enabling it in that behalf, hereby orders: -

Commencement etc. of Ordinance and Principal Regulations.

1. (1) Subject to the provisions of this section, the Ordinance and the Principal Regulations are hereby brought into force.

(2) The Schedule, which makes transitional and saving provision in respect of both the Ordinance and the Principal Regulations, has effect.

(3) For the avoidance of doubt –

^a Ordinance No. XXIV of 2021.

- (a) section 52(1) of the Ordinance (which is concerned with the repeal of the 2008 Law) is brought into force only to the extent that its commencement does not conflict with the provision made by the Schedule, and
- (b) Part V (enforcement) of the Ordinance (including as section 23 applies to a failure by a registered organisation to comply with the duties applicable to it under the Principal Regulations by virtue of regulation 13 of the Principal Regulations) applies in respect of the provisions referred to in the Schedule as those provisions have effect under the Schedule.

Interpretation.

2. In these Regulations -

"the Ordinance" means the Charities etc. (Guernsey and Alderney) Ordinance, 2021,

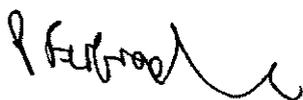
"the Principal Regulations" means the Charities etc. (Amendments, Exemptions, Governance and Specified Amount) (Guernsey and Alderney) Regulations, 2022,

and other terms used both in these Regulations and in the Ordinance or the Principal Regulations shall have the same meanings as in the Ordinance or the Principal Regulations, as the case may be.

Citation and Commencement.

3. These Regulations may be cited as the Charities etc. (Commencement and Transitional Provisions) (Guernsey and Alderney) Regulations, 2022 and shall come into force on 29th April, 2022.

Dated this 26th day of April, 2022



P. T. R. FERBRACHE

President of the Policy & Resources Committee
For and on behalf of the Committee

SCHEDULE

Regulation 1(2)

TRANSITIONAL AND SAVING PROVISIONS

(For the avoidance of doubt, in this table references to sections relate to sections of the Ordinance, and references to regulations relate to the Principal Regulations)

RELEVANT REQUIREMENTS	TYPE OF ORGANISATION	COMPLIANCE ETC.
Registration (Sections 10 & 11)	Organisations that were not registered under the 2008 Law as at 29 th April 2022.	Must apply to register in accordance with section 10(1) by 31 st July 2022.
	Organisations that were registered under the 2008 Law as at 29 th April 2022	Will be deemed to be entered on the register under section 10 with effect from 29 th April 2022.
Annual validation (Section 12)	Organisations that were registered under the 2008 Law as at 29 th April 2022	Any information required under Schedule 5 to the Ordinance that has not previously been provided to the Registrar under the 2008 Law must be included in the first annual validation delivered to the Register by the

		<p>organisation under section 12.</p> <p>The obligation to submit an annual renewal under paragraph 5 (1) of Schedule 1 to the 2008 Law (including penalties for breach at paragraph 10A of Schedule 1 and paragraph 7 of Schedule 2 and the related oversight and enforcement powers of the Registrar at paragraphs 5 (2), 7, 9 and 10 of Schedule 1) remains in force in respect of any annual renewal that should have been but was not submitted as at 29th April 2022, or that is due to be submitted after 29^h April 2022 but before the point at which the first delivery of an annual validation is due under the Ordinance.</p>
Filing annual financial statements	All organisations	First annual statement must be filed under and in

<p>with Registrar (Section 16)</p>	<p>Organisations that were registered under the 2008 Law as at 29th April 2022</p>	<p>accordance with section 16(1)(b) within 12 months of the end of the organisation's financial year that is current as at 29th April 2022.</p> <p>The obligation to file annual financial statements with the Registrar under paragraph 8 (1) of Schedule 1 to the 2008 Law (including penalties for breach at paragraphs 8(4) and 10A of Schedule 1 and paragraph 7 of Schedule 2 and the related oversight and enforcement powers of the Registrar at paragraphs 7, 9 and 10 of Schedule 1) remains in force in respect of any annual financial statement that should have been but was not filed as at 29th April 2022, or that is due to be filed between 29th April 2022 and the</p>
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		point at which the first filing of an annual financial statement is due under the Ordinance.
Reporting obligation (section 18)	Organisations making payments to parties outside the Bailiwick within the meaning of section 18 of the Ordinance	Must comply with section 18(1) from 1 st August 2022.
Notification of changes (Section 19)	Organisations that are registered under the 2008 Law as at 29 th April 2022	The obligations under this section apply in respect of – (a) any changes to information previously provided to the Registrar under the 2008 Law, and (b) any changes to information submitted with the first annual validation under section 12.
Constitutional documentation (Regulation 4)	Organisations that carry out international activity	Constitutional documentation must be in place in accordance with regulation 4(1) by 31 st December 2022.

	Other organisations	Constitutional documentation must be in place in accordance with regulation 4(1) by 30 th June 2023.
Record keeping etc. obligations (Section 16 and Regulation 5)	<p>All organisations</p> <p>Organisations that are registered organisations or manumitted organisations under the 2008 Law as at 29^h April 2022</p>	<p>Must comply with section 16(1) and regulation 5(1) from 1st August 2022.</p> <p>The record keeping obligations under paragraph 8(1) of Schedule 1 to the 2008 Law (including penalties for breach at paragraphs 8(4) and 10A of Schedule 1 and paragraph 7 of Schedule 2 and the related oversight and enforcement powers of the Registrar at paragraphs 7, 9 and 10 of Schedule 1) remain in force up to and including 31st July 2022.</p>
Financial probity and transparency	All organisations	Must comply with regulation 6(1) from 1 st

measures (Regulation 6)		August 2022, except that the obligation to make annual financial statements publicly available at regulation 6(1)(e) does not apply in respect of annual financial statements that relate to any period before 1 st March 2023.
Identification measures (Regulation 8)	All organisations	Must comply with regulation 8(1) from 1 st August 2022.
Anti-financial crime policy (Regulation 9)	All organisations that carry out international activity other than local branches of British parent organisations	Must comply with regulation 9(1) from 30 th November 2022.
Any additional financial crime risk mitigation controls (regulation 7)	All organisations that carry out international activity other than local branches of British parent organisations	Must comply with regulation 7(3) from 30 th November 2022.
	All other organisations	Must comply with regulation 7(3) from 31 st March 2023.

Obligation to put in place procedures and controls relating to international partners (Regulation 10)	All organisations that deal with international partners other than British registered organisations	Must comply with regulation 10(2) from 30 th November 2022.
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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring into force the Charities etc. (Guernsey and Alderney) Ordinance, 2021. and the Charities etc. (Amendments, Exemptions, Governance and Specified Amount) (Guernsey and Alderney) Regulations, 2022, subject to some transitional and saving provisions.

The Regulations shall come into force on 29th April 2022.

