

GUERNSEY STATUTORY INSTRUMENT

2022 No. 110

**The Charities etc. (Amendment) (Guernsey and  
Alderney) Regulations, 2022**

<i>Made</i>	20 <sup>th</sup> December, 2022
<i>Coming into operation</i>	20 <sup>th</sup> December, 2022
<i>Laid before the States</i>	, 2023

**THE STATES OF GUERNSEY POLICY & RESOURCES COMMITTEE**, in exercise of the powers conferred on it by sections 17, 20 and 47 of the Charities etc. (Guernsey and Alderney) Ordinance, 2021<sup>a</sup>, sections 9 and 20 of the Interpretation and Standard Provisions (Bailiwick of Guernsey) Law, 2016<sup>b</sup> and of all other powers enabling it in that behalf, hereby orders: -

**Amendment of Ordinance.**

1. (1) The Charities etc. (Guernsey and Alderney) Ordinance, 2021 ("the 2021 Ordinance") is amended as follows.

(2) In section 16(2D), for "these regulations", substitute "this

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<sup>a</sup> Ordinance No. XXIV of 2021. This enactment has been amended.

<sup>b</sup> Order in Council No. V of 2018. This enactment has been amended.

Ordinance".

(3) In section 19 -

(a) in subsection (3) -

(i) after "criminal conviction", insert "or the imposition of a regulatory or administrative sanction",

(ii) after "date of the conviction", insert "or the imposition of the sanction, as the case may be,",  
and

(b) in subsection (4), after "in respect of a conviction", insert "or sanction".

(4) In section 23(1), after "criminal conviction", insert "or the imposition of a regulatory or administrative sanction", -

(5) In paragraph 1 of Schedule 5 -

(a) delete "and" at the end of subparagraph (f),

(b) for the full stop at the end of subparagraph (g) substitute ", and", and

(c) after subparagraph (g) insert -

"(h) details of any regulatory or administrative sanction imposed by an authority, whether in

the Bailiwick or elsewhere, in respect of any person who owns, directs or controls the activities of the relevant entity."

**Amendment of Principal Regulations.**

2. (1) The Charities etc. (Amendments, Exemptions, Governance and Specified Amount) (Guernsey and Alderney) Regulations, 2022<sup>c</sup> are amended as follows.

(2) In regulation 2 -

(a) in paragraph (1)(b), for "paragraph 4", substitute "paragraph (4)",

(b) in paragraph (2), for "paragraph 3", substitute "paragraph (3)", and

(c) in paragraph (3)(c), after "established", insert "and owned or controlled".

(3) In regulation 4(7) -

(a) for "paragraphs 5 and 6", substitute "paragraphs (5) and (6)", and

(b) delete "administered,".

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<sup>c</sup> G.S.I. No. 31 of 2022.

(4) In regulation 6(7), for "in excess of", substitute "below".

(5) In regulation 7 -

(a) in paragraph (1), for "paragraph (2)", substitute "paragraphs (2) and (5)",

(b) in paragraph (4), for "regulations (8) to (11)", substitute "regulations 8 to 11", and

(c) after paragraph (4), insert -

"(5) The raising or distributing of assets in Jersey ("**Channel Island activity**") is not international activity for the purposes of paragraph (2).

(6) For the avoidance of doubt, paragraph (5) is without prejudice to any reference to international activity elsewhere in these Regulations or in the Ordinance."

(6) In regulation 8(3), immediately after subparagraph (a), insert -

"(aa) references to a British registered organisation shall be construed as including organisations registered under the Ordinance or under the Charities and Non Profit Organisations (Registration) (Sark) Law, 2010,"

(7) In regulation 9 -

(a) in paragraph (1), after "international activity", insert "other than Channel Island activity",

(b) in paragraph (3), for "A registered organisation", substitute "Subject to paragraph (4), a registered organisation", and

(c) after paragraph (3), insert -

"(4) Where a registered organisation within paragraph (3) -

(a) is administered, directed or controlled by a corporate services provider, and

(b) the corporate services provider has an anti-financial crime policy or policies which the registered organisation adopts for the purposes of its own activities,

the obligation to provide a copy of its anti-financial crime policy at paragraph (3) is met by the registered organisation taking the steps within paragraph (5).

(5) The steps within this paragraph are -

(a) to notify the Registrar that the registered organisation is administered, directed or controlled by a corporate services provider,

(b) to identify the corporate services provider concerned, and

(c) to provide the Registrar with documentary

evidence of the adoption by the registered organisation of the anti-financial crime policy or policies of the corporate services provider."

(8) In regulation 14, in the appropriate place, insert –

""**Channel Island activity**": see regulation 7,".

**Transitional Provision.**

3. (1) Where an application for registration has been made but has not yet been determined when these Regulations come into force,

- (a) the person who made the application must, within 21 days of the coming into force of these Regulations, notify the Registrar of any administrative or regulatory sanction that has previously been imposed on a person who owns, directs or controls the activities of the entity that is the subject of the application, and
- (b) for the purposes of determining the application, the Registrar may take into account any information provided in compliance with the obligation under subparagraph (a) or any failure to comply with that obligation.

(2) Sections 23 (2) and 25 of the 2021 Ordinance apply in respect of the obligation to make a notification under subparagraph (1) in the same way as they apply in relation to information about a criminal conviction.

**Citation and Commencement.**

4. These Regulations may be cited as the Charities etc. (Amendment) (Guernsey and Alderney) Regulations, 2022, and shall come into force on 20<sup>th</sup> December, 2022.

Dated this 20<sup>th</sup> day of December, 2022

A handwritten signature in black ink, appearing to read 'P. T. R. Ferbrache', is centered on the page.

P. T. R. FERBRACHE

President of the Policy & Resources Committee

For and on behalf of the Committee

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Charities etc. (Guernsey and Alderney) Ordinance, 2021 and the Charities etc. (Amendments, Exemptions, Governance and Specified Amount) (Guernsey and Alderney) Regulations, 2022. The amendments introduce a notification requirement in respect of regulatory or administrative sanctions that have been imposed on the owners, directors or controllers of registered organisations, clarify the meaning of government bodies that are exempt from registration, exclude activity in Jersey from the definition of international activity for the purposes of certain obligations, and remove the possibility for registered organisations to rely on a relationship with a corporate services provider licensed by the Guernsey Financial Services Commission where that corporate services provider does not direct or control the activities of the registered organisation. The amendments also modify provisions relating to the requirement to provide copies of anti-financial crime policies to the Registrar in the case of registered organisations that are directed or controlled by a corporate services provider licensed by the Guernsey Financial Services Commission. In addition, the amendments correct a small number of formatting and typographical errors.

The Regulations shall come into force on 20<sup>th</sup> December, 2022.