

GUERNSEY STATUTORY INSTRUMENT

2023 No. 67

Foundations (Registrar) (Civil Penalties) Regulations, 2023

Made

13th September, 2023

Coming into operation

See regulation 3

Laid before the States

, 2023

THE REGISTRAR OF FOUNDATIONS, in exercise of the powers conferred on the Registrar by section 51 of, and paragraph 21 of Schedule 1 to, the Foundations (Guernsey) Law, 2012^a, and all other powers enabling her in that behalf, hereby makes the following Regulations:-

Civil penalties.

1. The Schedule, which sets out the civil penalties payable under the Foundations (Guernsey) Law, 2012, has effect.

Citation.

2. These Regulations may be cited as the Foundations (Registrar) (Civil Penalties) Regulations, 2023.

Commencement.

3. (1) Subject to paragraphs (2) and (3), these Regulations shall come into force on being made.

^a Order in Council No I of 2013; this enactment has been amended.

(2) Regulation 1 shall come into force on 13th October, 2023 to the extent that it inserts the entry in respect of section 47A in the Schedule to these Regulations.

(3) Regulation 1 shall come into force on 15th December, 2023 to the extent that it inserts the entry in respect of section 22A, and paragraphs 2, 7 and 10 of Schedule 1 in the Schedule to these Regulations.

Dated this 13th day of September, 2023

A handwritten signature in grey ink that reads "Helen Gains". The signature is written in a cursive style with a long, sweeping tail on the final letter.

HELEN GAINS

Registrar of Foundations

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, made by the Registrar of Foundations, specify civil penalties payable under the Foundations (Guernsey) Law, 2012.

The main part of these Regulations come into force on the Regulations being made on 13th September, 2023, with one provision coming into force on 13th October, 2023, and some provisions coming into force on 15th December, 2023.

SCHEDULE

Regulation 1

CIVIL PENALTIES

Note: in this Schedule, an "administered" foundation is a foundation licensed, authorised or registered by the Guernsey Financial Services Commission under the supervisory laws or administered, controlled or operated by another entity licensed by the Guernsey Financial Services Commission under the supervisory laws in the course of its activities, and "non-administered" foundation shall be construed accordingly, and "the supervisory Laws" has the meaning given in section 2(b) of the Financial Services Business (Enforcement Powers) (Bailiwick of Guernsey) Law, 2020.

Charities and NPOs: please note that foundations that are registered on the Register of Charities and other Non-Profit Organisations are non-administered foundations for the purposes of this Schedule.

Reference to the period of "default" is to the period in which the civil penalty is paid. For example, in the first entry relating to section 22A, the civil penalty is £90 if paid within one week of issue, £175 if paid between one week and one month of issue, etc.

(1) BREACH FOR WHICH CIVIL PENALTY IS INCURRED	(2) SECTION OF THE LAW	(3) CIVIL PENALTY
Failure to keep a record of beneficiaries of the foundation at its	22A	Non-administered foundations where default is up to 1 week - £90 Non-administered foundations

registered office		<p>where default is between 1 week and 1 month - £175</p> <p>Non-administered foundations where default is more than 1 month - £350</p> <hr/> <p>Administered foundations where default is up to 1 week - £175</p> <p>Administered foundations where default is between 1 week and 1 month - £350</p> <p>Administered foundations where default is 1 month or more - £700</p>
Failure to have a resident agent	47A	£2,500
Failure to keep records at the registered office, or failure to keep records up to date	Sch. 1, para 2	<p>Non-administered foundations where default is up to 1 week - £90</p> <p>Non-administered foundations where default is between 1 week and 1 month - £175</p> <p>Non-administered foundations where default is more than 1 month - £350</p> <hr/> <p>Administered foundations where default is up to 1 week - £175</p> <p>Administered foundations where default is between 1 week and 1 month - £350</p> <p>Administered foundations where default is 1 month or more - £700</p>
Obstruction or failure to comply (without reasonable excuse) with information or	Sch.1, para. 3 (see s.508G of the Companies Law)	£2,500

requirements		
Failure to complete annual renewal	Sch. 1, para 7	<p>Non-administered foundations where default is up to 1 week - £250</p> <p>Non-administered foundations where default is between 1 week and 1 month - £500</p> <p>Non-administered foundations where default is more than 1 month - £1,000</p> <hr/> <p>Administered foundations where default is up to 1 week - £450</p> <p>Administered foundations where default is between 1 week and 1 month - £900</p> <p>Administered foundations where default is 1 month or more - £1,800</p>
Failure by foundation registered prior to 13 th September, 2023 to file particulars of governance provisions of the Rules on or before 15 th December, 2023 (Sch 1, para 7)	Sch. 1, para 7	<p>Non-administered foundations where default is up to 1 week - £90</p> <p>Non-administered foundations where default is between 1 week and 1 month - £175</p> <p>Non-administered foundations where default is more than 1 month - £350</p> <hr/> <p>Administered foundations where default is up to 1 week - £175</p> <p>Administered foundations where default is between 1 week and 1 month - £350</p> <p>Administered foundations where</p>

		default is 1 month or more - £700
Failure to notify change of registered particulars	Sch. 1, para 10	<p>Non-administered foundations where default is up to 1 week - £90</p> <p>Non-administered foundations where default is between 1 week and 1 month - £175</p> <p>Non-administered foundations where default is more than 1 month - £350</p> <hr/> <p>Administered foundations where default is up to 1 week - £175</p> <p>Administered foundations where default is between 1 week and 1 month - £350</p> <p>Administered foundations where default is 1 month or more - £700</p>