

The Limited Liability Partnerships (Registrar) (Fees and Penalties) (Amendment) Regulations, 2023

Made

13th September, 2023

Coming into operation

See regulation 3

Laid before the States

, 2023

THE REGISTRAR OF LIMITED LIABILITY PARTNERSHIPS, in exercise of the powers conferred on the Registrar by sections 95 and 113 of the Limited Liability Partnerships (Guernsey) Law, 2013^a, by section 501 of the Companies (Guernsey) Law, 2008^b, and all other powers enabling her in that behalf, hereby makes the following Regulations:-

Amendment of the Fees and Penalties Regulations.

1. (1) The Limited Liability Partnerships (Registrar) (Fees and Penalties) Regulations, 2014^c are amended as follows.

(2) In regulation 2 (person by whom, and time by which, fees and penalties are payable), after "applicable fee" insert "or penalty", and before "whichever" insert "where applicable,".

^a Order in Council No. VI of 2014; this enactment has been amended.

^b Order in Council No. VII of 2008; this enactment has been amended.

^c G.S.I. No. 23 of 2014.

(3) The entry for "Late filing fee – Annual Validation" in Schedule 1 is revoked.

(4) In the entry for "Late filing fee - other" in Schedule 1, after "Late filing fee- other" insert "unless the LLP is liable to be issued with a civil penalty under section 9(3) of, or paragraphs 1(5) or 1A(3) of Schedule 4 to, the Law".

(5) For Schedule 2, substitute the Schedule 2 set out in the Schedule to these Regulations.

Citation.

2. These Regulations may be cited as the Limited Liability Partnerships (Registrar) (Fees and Penalties) (Amendment) Regulations, 2023.

Commencement.

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

(2) Paragraph (5) of regulation 1 shall come into force on 13th October, 2023 to the extent only that it inserts the entries in the Schedule to these Regulations relating to paragraphs 1(4) and 2(3) of Schedule 2 of the Law.

(3) Subject to paragraph (2) above, paragraph (5) of regulation 1 shall come into force on 15th December except to the extent that it inserts the entries in the Schedule to these Regulations relating to -

(i) paragraphs 2(2) of Schedule 1 to the Law, and

(ii) paragraphs 7(8) and 7A(2) of Schedule 2, to the Law,

which paragraphs shall, for the avoidance of doubt, come into force on these Regulations being made.

Dated this 13th day of September, 2023

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

HELEN GAINS

Registrar of Limited Liability Partnerships

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, made by the Registrar of Limited Liability Partnerships, specify civil penalties payable under the Limited Liability Partnerships (Guernsey) Law, 2013.

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

SCHEDULE

Regulation 1(5)

"SCHEDULE 2

Regulation 1(1)

Note: in this Schedule, an "administered" LLP is an LLP 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" LLP 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.

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 8(4C), the civil penalty is £90 if paid within one week of issue, £175 if paid between one week and one month of issue, etc.

MATTER IN RESPECT OF WHICH PENALTY IS PAYABLE	PENALTY
Section 8(4C) – failure by LLP registered prior to 13 th September, 2023 to file particulars of governance provisions on or before 15 th December, 2023	Non-administered LLP where default is up to 1 week - £90
	Non-administered LLP where default is between 1 week and 1 month - £175
	Non-administered LLP where default is more than 1 month - £350
	Administered LLP where default is up to 1 week - £175

	<p>Administered LLP where default is between 1 week and 1 month - £350</p> <p>Administered LLP where default is 1 month or more - £700</p>
<p>Section 9(3) – failure to notify change of registered particulars</p>	<p>Non-administered LLPs where default is up to 1 week - £90</p> <p>Non-administered LLPs where default is between 1 week and 1 month - £175</p> <p>Non-administered LLPs where default is more than 1 month - £350</p> <hr/> <p>Administered LLPs where default is up to 1 week - £175</p> <p>Administered LLPs where default is between 1 week and 1 month - £350</p> <p>Administered LLPs where default is 1 month or more - £700</p>
<p>Section 21(6) – breach of record- keeping requirements</p>	<p>Non-administered LLPs where default is up to 1 week - £90</p> <p>Non-administered LLPs where default is between 1 week and 1 month - £175</p> <p>Non-administered LLPs where default is more than 1 month - £350</p> <hr/> <p>Administered LLPs where default is up to 1 week - £175</p> <p>Administered LLPs where default is between 1 week and 1 month - £350</p> <p>Administered LLPs where default is 1 month or more - £700</p>

<p>Section 25 – failure to submit annual validation</p>	<p>Non-administered LLPs where default is up to 1 week - £250</p> <p>Non-administered LLPs where default is between 1 week and 1 month - £500</p> <p>Non-administered LLPs where default is more than 1 month - £1,000</p> <hr/> <p>Administered LLPs where default is up to 1 week - £450</p> <p>Administered LLPs where default is between 1 week and 1 month - £900</p> <p>Administered LLPs where default is 1 month or more - £1,800</p>
<p>Failure to comply with section 30(1) (correspondence etc to state conversion to LLP and name of former firm) (s30(2))</p>	<p>Non-administered LLPs where default is up to 1 week - £90</p> <p>Non-administered LLPs where default is between 1 week and 1 month - £175</p> <p>Non-administered LLPs where default is more than 1 month - £350</p> <hr/> <p>Administered LLPs where default is up to 1 week - £175</p> <p>Registered LLPs where default is between 1 week and 1 month - £350</p> <p>Registered LLPs where default is 1 month or more - £700</p>
<p>Para 2(2) of Schedule 1 – obstruction or failure to comply (without reasonable excuse) with information request or requirements (see s.508G of the Companies Law)</p>	<p>£2,500</p>
<p>Para 1(4) of Schedule 2 – breach of requirement to have a resident agent</p>	<p>£2,500</p>
<p>Para 2(3) of Schedule 2 – breach of</p>	<p>Non-administered LLPs where default is up to</p>

<p>requirement in respect of record of resident agent and notification of changes</p>	<p>1 week - £250</p> <p>Non-administered LLPs where default is between 1 week and 1 month - £500</p> <p>Non-administered LLPs where default is more than 1 month - £1,000</p> <hr/> <p>Administered LLPs where default is up to 1 week - £450</p> <p>Administered LLPs where default is between 1 week and 1 month - £900</p> <p>Administered LLPs where default is 1 month or more - £1,800</p>
<p>Para 7(8) and 7A(2) of Schedule 2 - failure by resident agent to comply with information notice requirements or to make false statements etc. in response to information notice</p>	<p>£2,500</p>
<p>Para 1(5) and 1A(3) of Schedule 4 – breach of requirement in respect of register of members and record of members</p>	<p>Non-administered LLPs where default is up to 1 week - £90</p> <p>Non-administered LLPs where default is between 1 week and 1 month - £175</p> <p>Non-administered LLPs where default is more than 1 month - £350</p> <hr/> <p>Administered LLPs where default is up to 1 week - £175</p> <p>Administered LLPs where default is between 1 week and 1 month - £350</p> <p>Administered LLPs where default is 1 month or more - £700</p>
<p>Paragraphs 3(3) and 6(3) of Schedule 4 – failure to notify change in members, register of members or residential address</p>	<p>Non-administered LLPs where default is up to 1 week - £90</p> <p>Non-administered LLPs where default is</p>

	<p>between 1 week and 1 month - £175</p> <p>Non-administered LLPs where default is more than 1 month - £350</p>
	<p>Administered LLPs where default is up to 1 week - £175</p> <p>Administered LLPs where default is between 1 week and 1 month - £350</p> <p>Administered LLPs where default is 1 month or more - £700</p>

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