

**STATUTORY INSTRUMENT****No 7 of 2023****Companies (Alderney) (Registrar) (Civil Penalties)  
Regulations, 2023**

<i>Made</i>	<i>21 November 2023</i>
<i>Coming into force</i>	<i>See Section 3</i>

**THE REGISTRAR**, in exercise of the powers conferred on the Registrar by section 155A(3) of the Companies (Alderney) Law, 1994<sup>a</sup>, and all other powers enabling the Registrar in that behalf, hereby makes the following Regulations:-

**Civil penalties.**

1. (1) This regulation applies where the Registrar has made an order under section 155A(2) of the Companies (Alderney) Law, 1994 ("**the Law**"), directing a company to pay a civil penalty to which it is liable under a section of the Law specified in the second column of the Schedule.

(2) Where this regulation applies, the amount of the civil penalty is specified in the corresponding entry in the third column of the Schedule.

**Citation.**

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<sup>a</sup> Ordres en Conseil Vol. XXXV(2), p. 777; this enactment has been amended.

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

**Commencement.**

3. (1) Subject to paragraph (2), these Regulations shall come into force on 15<sup>th</sup> December, 2023

(2) To the extent that the Schedule relates to sections 152B(3), 152C(3), 152H(8), 152HA(2), and 152X, the Schedule shall come into force on the making of these Regulations.

Dated this 21<sup>st</sup> day of November, 2023

DAVID KNIGHT

Registrar

## SCHEDULE

### Regulation 1

Note: in this Schedule, an "administered" company is a company 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" company 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 companies that are registered on the Register of Charities and other Non-Profit Organisations are non-administered companies 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 27(7), the civil penalty is £90 if paid within one week of issue, £175 if paid between one week and one month of issue, etc.

### CIVIL PENALTIES

(1) BREACH FOR WHICH CIVIL PENALTY IS INCURRED	(2) SECTION OF THE LAW	(3) CIVIL PENALTY
Failure to apply within 14 days to register an order of the Court under section 27 making an alteration of a	27(7)	Non-administered companies where default is up to one week - £90

<p>company's memorandum or articles or annulling or confirming an alteration of a company's memorandum in whole or in part</p>		<p>Non-administered companies where default is between one week and one month - £175</p> <p>Non-administered companies where default is more than one month - £350</p> <hr/> <p>Administered companies where default is up to one week - £175</p> <p>Administered companies where default is between one week and one month - £350</p> <p>Administered companies where default is one month or more - £700</p>
<p>Failure to deliver altered Memorandum to Registrar</p>	<p>27A(2)</p>	<p>Non-administered companies where default is up to one week - £90</p> <p>Non-administered companies where default is between one week and one month - £175</p> <p>Non-administered companies where default is more than one month - £350</p> <hr/> <p>Administered companies where default is up to one week - £175</p> <p>Administered companies where default is between one week and one month - £350</p> <p>Administered companies where default is one month or more - £700</p>
<p>Failure to deliver altered articles within 30 days</p>	<p>29(5)</p>	<p>Non-administered companies where default is up to one week - £90</p>

		<p>Non-administered companies where default is between one week and one month - £175</p> <p>Non-administered companies where default is more than one month - £350</p> <hr/> <p>Administered companies where default is up to one week - £175</p> <p>Administered companies where default is between one week and one month - £350</p> <p>Administered companies where default is one month or more - £700</p>
<p>Failure to keep records at registered office</p> <p>Failure to maintain records kept at registered office and keep them up to date</p>	32(1C)	<p>Non-administered companies where default is up to one week - £90</p> <p>Non-administered companies where default is between one week and one month - £175</p> <p>Non-administered companies where default is more than one month - £350</p> <hr/> <p>Administered companies where default is up to one week - £175</p> <p>Administered companies where default is between one week and one month - £350</p> <p>Administered companies where default is one month or more - £700</p>
Failures relating to annual returns	37(5)(a)	Non-administered companies where default is up to one week - £250

		<p>Non-administered companies where default is between one week and one month - £500</p> <p>Non-administered companies where default is more than one month - £1,000</p> <hr/> <p>Administered companies where default is up to one week - £450</p> <p>Administered companies where default is between one week and one month - £900</p> <p>Administered companies where default is one month or more - £1,800</p>
<p>Failure to keep register of members</p>	<p>71(2)</p>	<p>Non-administered companies where default is up to one week - £90</p> <p>Non-administered companies where default is between one week and one month - £175</p> <p>Non-administered companies where default is more than one month - £350</p> <hr/> <p>Administered companies where default is up to one week - £175</p> <p>Administered companies where default is between one week and one month - £350</p> <p>Administered companies where default is one month or more - £700</p>

<p>Failure to comply with an order for rectification of the Register of Members within 14 days</p>	<p>71(7)</p>	<p>Non-administered companies where default is up to one week - £90</p> <p>Non-administered companies where default is between one week and one month - £175</p> <p>Non-administered companies where default is more than one month - £350</p> <hr/> <p>Administered companies where default is up to one week - £175</p> <p>Administered companies where default is between one week and one month - £350</p> <p>Administered companies where default is one month or more - £700</p>
<p>Failure to enter a change of address in the Register of Members within 14 days</p>	<p>72(4)</p>	<p>Non-administered companies where default is up to one week - £90</p> <p>Non-administered companies where default is between one week and one month - £175</p> <p>Non-administered companies where default is more than one month - £350</p> <hr/> <p>Administered companies where default is up to one week - £175</p> <p>Administered companies where default is between one week and one month - £350</p> <p>Administered companies where default is one month or more - £700</p>

Failure to appoint an auditor	77(1A)	<p>Non-administered companies where default is up to one week - £250</p> <p>Non-administered companies where default is between one week and one month - £500</p> <p>Non-administered companies where default is more than one month - £1,000</p> <hr/> <p>Administered companies where default is up to one week - £450</p> <p>Administered companies where default is between one week and one month - £900</p> <p>Administered companies where default is one month or more - £1,800</p>
Failure to notify Registrar of changes	93(3)	<p>Non-administered companies where default is up to one week - £90</p> <p>Non-administered companies where default is between one week and one month - £175</p> <p>Non-administered companies where default is more than one month - £350</p> <hr/> <p>Administered companies where default is up to one week - £175</p> <p>Administered companies where default is between one week and one month - £350</p>

		Administered companies where default is one month or more - £700
Failure to deliver copy of special resolution to Registrar	102(3)(b)	Non-administered companies where default is up to one week - £90
		Non-administered companies where default is between one week and one month - £175
		Non-administered companies where default is more than one month - £350
		Administered companies where default is up to one week - £175
		Administered companies where default is between one week and one month - £350
		Administered companies where default is one month or more - £700
Failure to apply to register certain orders of the Court made under section 106(3)	106(7)	Non-administered companies where default is up to one week - £90
		Non-administered companies where default is between one week and one month - £175
		Non-administered companies where default is more than one month - £350
		Administered companies where default is up to one week - £175
		Administered companies where default is between one week and one month - £350

		Administered companies where default is one month or more - £700
Failure to have resident agent	152B(3)	£2,500
Failure to have record of resident agent  Failure to give notice to Registrar of change to resident agent	152C(3)	<p>Non-administered companies where default is up to one week - £250</p> <p>Non-administered companies where default is between one week and one month - £500</p> <p>Non-administered companies where default is more than one month - £1,000</p> <hr/> <p>Administered companies where default is up to one week - £450</p> <p>Administered companies where default is between one week and one month - £900</p> <p>Administered companies where default is one month or more - £1,800</p>
Failure to comply with section 152H, or to make false statements etc. in response to information notice under section 152H	152H(8) 152HA(2)	£2,500
Obstruction or failure to comply (without reasonable excuse) with request or requirement under any of sections 152R-152W	152X	£2,500

## EXPLANATORY NOTE

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

These Regulations concern civil penalties under the Companies (Alderney) Law, 1994; specifically, they make provision for the amount of the civil penalties.

The main part of these Regulations come into force on 15<sup>th</sup> December, 2023, with some provisions coming into force on the Regulations being made.

**DAVID KNIGHT**  
**Alderney Greffier**

Alderney legislation is available online at  
[www.guernseylegalresources.gg](http://www.guernseylegalresources.gg)