

GUERNSEY STATUTORY INSTRUMENT

2025 No. 24

**The Economic Statistics (Civil Penalties) Regulations,
2025**

<i>Made</i>	25 th March, 2025
<i>Coming into operation</i>	25 th March, 2025
<i>Laid before the States</i>	, 2025

THE POLICY & RESOURCES COMMITTEE, in exercise of the powers conferred upon it by sections 14 and 19 of the Economic Statistics (Guernsey and Alderney) Law, 2019^a, and all other powers enabling it in that behalf, and after consultation with the States of Alderney Policy and Finance Committee, hereby makes the following Regulations:-

Civil penalties.

1. (1) Where the supervisor is satisfied that a person has, without reasonable excuse, failed to comply with any requirement contained in a notice served under section 5(1) of the Economic Statistics (Guernsey and Alderney) Law, 2019 ("**the Law**") within the specified period, the supervisor may (subject to the provisions of this regulation, regulation 2, and section 18(2) of the Law) impose on that person a civil penalty in respect of the failure of up to £1,000.

^a Order in Council No. V of 2020.

(2) In deciding whether or not to impose a penalty under this section, and, if so, the amount thereof the supervisor must take into account the following factors —

- (a) whether the failure was brought to the attention of the supervisor by the person concerned,
- (b) whether or not the failure was inadvertent,
- (c) what efforts, if any, have been made to rectify the failure,
- (d) the potential financial consequences to the person concerned of imposing a penalty and
- (e) the penalties imposed by the supervisor under this section in other cases (if any).

(3) Any civil penalty imposed under this section is payable to the States of Guernsey and is recoverable as a civil debt.

(4) Where the supervisor proposes to impose a financial penalty, the supervisor must notify in writing the person on whom the penalty is to be imposed of —

- (a) the proposed penalty, and the reasons for the same,
- (b) the date on which it is proposed, subject to section 2, to impose the penalty, which must not be less than 10 weeks after the date of the notice, and

(c) that person's right to make written representations to the Committee under regulation 2.

(5) Where the supervisor imposes a financial penalty, the supervisor must –

(a) issue to the person on whom the penalty is being imposed notice of the penalty, and

(b) include in the notice a statement of the right of appeal under section 15 of the Law.

Representations to Committee prior to civil penalty.

2. (1) The person on whom a notice is served under section 1(4) may make written representations to the Committee, with a copy to the supervisor, concerning the proposed civil penalty within 28 days of the date of the notice.

(2) If the person in question exercises their right under subsection (1), the Committee must consider the person's representations, and provide the supervisor with the Committee's opinion on the proposed penalty within 28 days of the Committee's receipt of the person's representations.

(3) Following receipt of the Committee's opinion, the supervisor having taken the opinion into account, may decide to –

(a) impose the penalty,

(b) impose the penalty in a lesser amount,

(c) withdraw the penalty, or

- (d) postpone the date for imposing the penalty,

but in any event the supervisor must inform the person of the decision in writing and the supervisor's reasons for the same, before the date on which the civil penalty is imposed or would otherwise have been imposed.

(4) Where the supervisor has imposed a financial penalty under regulation 1, the supervisor may not seek to recover payment of that penalty until—

- (a) 28 days immediately following the date of the notice of the penalty issued under regulation 1(5)(a), or
- (b) if an appeal is instituted within that period, the final determination, or withdrawal of that appeal.

Extent.

3. These Regulations shall have effect in the Islands of Guernsey, Alderney, Herm and Jethou.

Citation.

4. These Regulations may be cited as the Economic Statistics (Civil Penalties) Regulations, 2025.

Commencement.

5. These Regulations shall come into force on the 25th March, 2025.

Dated this 25th day of March, 2025



LYNDON TROTT OBE

President of the Policy & Resources Committee

For and on behalf of the Committee

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for civil penalties of up to £1000 to be imposed on a person who has, without reasonable excuse, failed to comply with any requirement in a notice served under section 5(1) of the Economic Statistics (Guernsey and Alderney) Law, 2019 ("**the Law**"). Section 5 of the Law provides that the economic statistics supervisor may require information from an undertaking in Guernsey or Alderney on the undertaking's economic activity during a period (including income and employees) in order to calculate economic activity in Guernsey and Alderney, including but not limited to gross domestic product.

Before a penalty can be imposed, the supervisor must first notify the person that a penalty is proposed. The person can make representations to the Committee and the supervisor prior to the penalty being imposed. In addition, the decision to impose a civil penalty may be appealed to the Court under section 15 of the Law.

In accordance with section 14(1) of the Law, the Committee consulted the States of Alderney Policy and Finance Committee before making these regulations. These regulations extend to Guernsey and Alderney.

These Regulations will come into force on the 25th March, 2025.