

GUERNSEY STATUTORY INSTRUMENT

2014 No. / 0-

GREFFE
ROYAL COURT

24 MAR 2014

GUERNSEY



**The Foundations (Annual Renewal)
(Guernsey) Regulations, 2014**

<i>Made</i>	<i>18th March, 2014</i>
<i>Coming into operation</i>	<i>18th March, 2014</i>
<i>Laid before the States</i>	<i>, 2014</i>

THE COMMERCE AND EMPLOYMENT DEPARTMENT, in exercise of the powers conferred upon it by section 51 of, and paragraph 7(7) of Schedule 1 to, the Foundations (Guernsey) Law, 2012^a ("**the Law**"), and all other powers enabling it in that behalf, hereby makes the following regulations:-

Duty to complete annual renewal.

1. (1) Each calendar year, during the month of June, every Guernsey foundation must submit an annual renewal to the Registrar in accordance with these Regulations, unless the foundation was first registered on the Register on or after the 1st of May of the year in question, in which case no annual renewal needs to be made in that year.

(2) The annual renewal must -

(a) be completed in accordance with regulation 2 (form and contents of annual renewal), and

^a Order in Council No I of 2013.

- (b) contain information, as required by regulation 2(1), which is correct as of the 31st May immediately preceding the month in which the return is due.

Form and contents of annual renewal.

2. (1) Each annual renewal must be given in such form as required by the Registrar, must state the date to which it is made up and must contain the following information -

- (a) confirmation as to whether the Charter has been amended since the last annual renewal, or since registration, whichever is the later,
- (b) the names and addresses of the councillors,
- (c) the name and address of the guardian, if relevant, and if not, confirmation that there are no disenfranchised beneficiaries and no purpose in respect of which there are no beneficiaries,
- (d) the name and address of the resident agent, if relevant, and
- (e) the address of the registered office in Guernsey,

(2) Each annual renewal must also be accompanied by -

- (a) the applicable fee, in accordance with the Foundations

(Fees) (Guernsey) Regulations, 2013^b, and

- (b) a declaration signed by either a councillor or the resident agent confirming that the information given in the annual renewal form is correct to the best of that person's knowledge and belief.

Failure to deliver annual renewal.

3. (1) If a Guernsey foundation contravenes regulation 1(1), a penalty, charged in accordance with the Foundations (Fees) (Guernsey) Regulations, 2013, will be payable.

(2) Any such contravention continues until such time as an annual renewal is submitted by the foundation to the Registrar in accordance with regulation 1(1), and the penalty shall be calculated accordingly.

(3) Any penalty imposed as a result of this regulation shall be recoverable from the foundation, councillors or resident agent, as the Registrar may determine, as a civil debt.

Interpretation.

4. (1) In these regulations –

"the Law" means the Foundations (Guernsey) Law, 2012,

"the Registrar" means the Registrar of Foundations,

and other words or expressions have the same meaning as in the Law.

^b G.S.I. No 2 of 2013.

(2) The Interpretation (Guernsey) Law, 1948^c applies to the interpretation of these regulations as it applies to the interpretation of an enactment.

(3) Any reference in these regulations to an enactment is a reference thereto as from time to time amended, repealed and replaced (with or without modification), extended or applied.

Citation.

5. These Regulations may be cited as the Foundations (Guernsey) (Annual Renewal) Regulations, 2014.

Commencement.

6. These Regulations shall come into force on the 18th March, 2014.

Dated this 18th day of March, 2014

A handwritten signature in black ink, appearing to read 'K. Stewart', with a large, stylized flourish at the end.

DEPUTY K. STEWART

Minister of the Commerce and Employment Department
For and on behalf of the Department

^c Ordres en Conseil Vol. XIII, p. 355.

EXPLANATORY NOTE

(This note is not part of the regulations)

These Regulations create a duty for Guernsey foundations to submit an annual renewal to the Registrar of Foundations in June each year. They specify the information to be provided in the annual renewal, enable the Registrar to require that information to be submitted in such form as the Registrar may require and provide for the consequences of not complying with the duty to submit a renewal, in accordance with the powers in the Foundations (Guernsey) Law, 2012.

The Regulations come into force on 18th March, 2014.