



BILLET D'ÉTAT

WEDNESDAY, 16th FEBRUARY, 2022

IV
2022

LEGISLATIVE BUSINESS

Legislation laid before the States

The Companies (Annual Validation) (Amendment) Regulations, 2021
The Companies (Annual Validation) (Amendment) (No.2) Regulations, 2021
The Extradition (Bailiwick of Guernsey) Law, 2019, (Commencement) Regulations, 2021
The States Housing (Statutory Tenancies) (Guernsey) (Amendment) Regulations, 2021
The Income Support (Guernsey) (Amendment) Regulations, 2021
The Family Allowances (Guernsey) (Amendment) Regulations, 2021
The Social Insurance (Benefits) (Amendment) (No. 2) Regulations, 2021
The Boarding Permit Fees Order, 2021
The Amalgamation and Migration of Companies (Fees payable to the Guernsey Financial Services Commission) (Amendment) Regulations, 2021
The Financial Services Commission (Limited Liability Partnerships) (Fees) Regulations, 2021
The Protected Cell Companies and Incorporated Cell Companies (Fees Payable to the Guernsey Financial Services Commission) (Amendment) Regulations, 2021
The Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) (Fees) (Amendment) Regulations, 2021
The Fire Services (Fees and Charges) (Guernsey) Regulations, 2021

CONTINUED OVERLEAF

Legislation for Approval

1. Committee *for* Home Affairs - The Customs and Excise (General Provisions) (Bailiwick of Guernsey) (Amendment) Law, 2022, P.2022/1
2. Policy & Resources Committee - The Beneficial Ownership (Miscellaneous Amendments) (Guernsey) Law, 2022, P.2022/2
3. Committee *for* Economic Development - The Public Holidays Ordinance, 2022, P.2022/3
4. Policy & Resources Committee, Committee *for* Economic Development and States' Trading Supervisory Board - The Electricity (Guernsey) Law, 2001 (Amendment) Ordinance, 2022, P.2022/4
5. Policy & Resources Committee - The Sanctions (Bailiwick of Guernsey) (Amendment) Ordinance, 2022, P.2022/5
6. Committee *for* Home Affairs - The Sexual Offences (Bailiwick of Guernsey) Law, 2020 (Commencement) Ordinance, 2022, P.2022/6

OTHER BUSINESS

7. Policy & Resources Committee - Schedule for Future States' Business, P.2022/7

BILLET D'ÉTAT

TO
**THE MEMBERS OF THE STATES
OF THE ISLAND OF GUERNSEY**

I hereby give notice that a Meeting of the States of Deliberation will be held at **THE ROYAL COURT HOUSE**, on **WEDNESDAY the 16th FEBRUARY, 2022** at **9.30 a.m.**, to consider the items listed in this Billet d'État which have been submitted for debate.

R. J. McMAHON
Bailiff and Presiding Officer

The Royal Court House
Guernsey

28th January, 2022

STATUTORY INSTRUMENTS LAID BEFORE THE STATES

The States of Deliberation have the power to annul the Statutory Instruments detailed below.

No. 80 of 2021

THE COMPANIES (ANNUAL VALIDATION) (AMENDMENT) REGULATIONS, 2021

In pursuance of section 537 of the Companies (Guernsey) Law, 2008, “The Companies (Annual Validation) (Amendment) Regulations, 2021”, made by the Committee for Economic Development on 29th July 2021, are laid before the States.

EXPLANATORY NOTE

These Regulations amend the last date on which companies must have submitted an annual validation.

These Regulations came into force on 29th July 2021.

No. 116 of 2021

THE COMPANIES (ANNUAL VALIDATION) (AMENDMENT) (No. 2) REGULATIONS, 2021

In pursuance of section 537 of the Companies (Guernsey) Law, 2008, “The Companies (Annual Validation) (Amendment) (No. 2) Regulations, 2021”, made by the Committee for Economic Development on 21st October 2021, are laid before the States.

EXPLANATORY NOTE

These Regulations amend the date on which companies must have submitted an annual validation and revoke spent regulations

These Regulations came into force on 21st October 2021.

No. 153 of 2021

THE EXTRADITION (BAILIWICK OF GUERNSEY) LAW, 2019, (COMMENCEMENT) REGULATIONS, 2021

In pursuance of section 130 of the Extradition (Bailiwick of Guernsey) Law, 2019, The Extradition (Bailiwick of Guernsey) Law, 2019, (Commencement) Regulations, 2021, made by the Committee *for* Home Affairs on 6th December 2021, is laid before the States.

EXPLANATORY NOTE

These Regulations bring into force the Extradition (Bailiwick of Guernsey) Law, 2019 on 7th December 2021.

No. 154 of 2021

**THE STATES HOUSING (STATUTORY TENANCIES) (GUERNSEY) (AMENDMENT)
REGULATIONS, 2021**

In pursuance of sections 2, 3 and 5 of the States Housing (Tenancies, Rent and Rebate Scheme) (Guernsey) Law, 2004, “The States Housing (Statutory Tenancies) (Guernsey) (Amendment) Regulations, 2021”, made by the Committee *for* Employment & Social Security on 8th December, 2021, are laid before the States.

EXPLANATORY NOTE

These Regulations amend the States Housing (Statutory Tenancies) (Guernsey) Regulations, 2005 (“the Statutory Tenancies Regulations”) to introduce a revised method for determining the Standard Weekly Rent payable under a statutory tenancy for States residential property. They also provide for appeals against such determinations, and make minor necessary consequential amendments to the terms and conditions of statutory tenancies which are set out in a schedule to the Statutory Tenancies Regulations. These Regulations also revoke the States Housing (Rent and Rebate Scheme) (Guernsey) Regulations, 2005, as they are obsolete now that the transition period following the closure of the Rent Rebate Scheme is complete.

These Regulations came into force on the 1st January, 2022.

No. 155 of 2021

THE INCOME SUPPORT (GUERNSEY) (AMENDMENT) REGULATIONS, 2021

In pursuance of sections 1 and 15B of the Income Support (Guernsey) Law, 1971, “The Income Support (Guernsey) (Amendment) Regulations, 2021”, made by the Committee *for* Employment & Social Security on 8th December, 2021, are laid before the States.

EXPLANATORY NOTE

These Regulations amend the Income Support (Guernsey) Regulations, 2014 to exempt a person who has made a claim for asylum in the Bailiwick from conditions relating to ordinary residence and periods of continuous residence in Guernsey and Alderney imposed under section 1(1)(a)(iii) and (iv) of the Income Support (Guernsey) Law, 1971 and section 1(1)(b) of the Income Support (Residence Conditions) Ordinance, 2017.

These Regulations exclude the application of this exemption to British citizens, persons who do not need immigration leave to enter or remain in the Bailiwick, persons who hold indefinite leave to remain and persons who live outside of Guernsey, Alderney, Herm and Jethou.

The exemption ceases to apply if the person abandons or withdraws the asylum claim, leaves the Bailiwick to live permanently abroad, or is removed or deported under Immigration laws (if the person's claim for asylum is rejected).

The exemption lapses after three months of the person's claim for asylum being rejected unless judicial review proceedings are brought within that time. If proceedings are brought

within that time, the exemption ceases to apply three months after those proceedings are finally determined, withdrawn or abandoned, or lapse, unless the person's claim for asylum is accepted. In these cases, the Administrator is given discretion to continue the exemption for a time if the Administrator considers it appropriate in the particular circumstances.

These Regulations came into force on the 8th December, 2021.

No. 156 of 2021

THE FAMILY ALLOWANCES (GUERNSEY) (AMENDMENT) REGULATIONS, 2021

In pursuance of sections 5, 7 and 14 of the Family Allowances (Guernsey) Law, 1950, "The Family Allowances (Guernsey) (Amendment) Regulations, 2021", made by the Committee for Employment & Social Security on 8th December, 2021, are laid before the States.

EXPLANATORY NOTE

These Regulations amend Regulations made under the Family Allowances (Guernsey) Law, 1950 ("the Law") to make amendments consequential on changes made to the Law to provide for family allowance to be paid only to families with a household income of less than £120,000 a year and in respect of children aged under 18. Under section 2 of the Law, a person is treated as a child before the 1st August after their nineteenth birthday if still receiving full-time education at a school, university or college.

Regulation 1 amends regulations 4 and 10 of the Family Allowances (Claims and Payments) (Guernsey) Regulations, 1977 to provide that the documents or information which the Administrator to the Committee for Employment & Social Security ("the Administrator") may require from a person making a claim or from a claimant, may include a declaration as to gross household income. The Administrator may require such a declaration from a person as a condition of receiving family allowance.

Regulation 1 also updates the Regulations to remove references to allowance orders which are no longer used, to provide expressly for awards and decisions to be issued electronically and to provide for allowances to be paid on a Friday.

Regulation 2 amends the Family Allowances (Qualifications) (Guernsey) Regulations, 1977 to include a new regulation 14A to clarify that family allowance is only paid in respect of a child aged under 18 and to amend certain wording in regulation 14 to make it consistent with terms used earlier in that regulation and in the Law. Minor corrections are also made to the numbering of regulation 14.

These Regulations came into force on the 3rd January, 2022.

No. 157 of 2021

THE SOCIAL INSURANCE (BENEFITS) (AMENDMENT) (NO. 2) REGULATIONS, 2021

In pursuance of sections 15, 20, 31 and 116 of the Social Insurance (Guernsey) Law, 1978, “The Social Insurance (Benefits) (Amendment) (No. 2) Regulations, 2021”, made by the Committee *for* Employment & Social Security on 8th December, 2021, are laid before the States.

EXPLANATORY NOTE

These Regulations replace the schedules to the Social Insurance (Benefits) Regulations, 2003 and prescribe the reduced rates of benefit payable from 3rd January, 2022 to claimants who do not satisfy the conditions for entitlement to payment of the maximum rate of benefit.

These Regulations also prescribe a condition that a claimant shall only be entitled to a widowed parent's allowance in respect of a child of their family who is under the age of eighteen years. This change is to be consistent with the change made to family allowance legislation in relation to the children in respect of whom family allowance is paid from 3rd January, 2022.

These Regulations came into force on the 3rd January, 2022.

No. 158 of 2021

THE BOARDING PERMIT FEES ORDER, 2021

In pursuance of section 17 of the Tourist Law, 1948, “The Boarding Permit Fees Order, 2021”, made by the Committee *for* Economic Development on 9th December, 2021, is laid before the States.

EXPLANATORY NOTE

This Order sets boarding permit fees for the next season for the Visitor Accommodation Sector.

This Order comes into force on 1st April, 2022.

No. 159 of 2021

THE AMALGAMATION AND MIGRATION OF COMPANIES (FEES PAYABLE TO THE GUERNSEY FINANCIAL SERVICES COMMISSION) (AMENDMENT) REGULATIONS, 2021

In pursuance of section 537 of the Companies (Guernsey) Law, 2008, “The Amalgamation and Migration of Companies (Fees Payable to the Guernsey Financial Services Commission) (Amendment) Regulations, 2021” made by the Committee *for* Economic Development on 9th December 2021, are laid before the States.

EXPLANATORY NOTE

These regulations amend the Amalgamation and Migration of Companies (Fees payable to the Guernsey Financial Services Commission) Regulations, 2012 by increasing the fee payable

to the Guernsey Financial Services Commission which must accompany an application for its consent for the amalgamation of companies pursuant to the provisions of Part VI of the Companies (Guernsey) Law, 2008 and for the removal of a supervised company from the Register of Companies for the purposes of becoming registered as a company under the law of a district, territory or place outside Guernsey in accordance with the provisions of Part VII of that Law. The Regulations come into force on the 1st January, 2022.

There continues to be no fee payable to the Guernsey Financial Services Commission when a non-Guernsey company migrates "inwardly" to become registered as a Guernsey company.

No. 160 of 2021

THE FINANCIAL SERVICES COMMISSION (LIMITED LIABILITY PARTNERSHIPS) (FEES) REGULATIONS, 2021

In pursuance of section 113(4) of the Limited Liability Partnerships (Guernsey) Law, 2013, "The Financial Services Commission (Limited Liability Partnerships) (Fees) Regulations, 2021" made by the Committee *for* Economic Development on 9th December 2021, are laid before the States.

EXPLANATORY NOTE

These regulations, made by the Committee for Economic Development, prescribe the fee payable to the Commission under the Limited Liability Partnerships (Guernsey) Law, 2013 in relation to an application for the consent of the Commission for a supervised LLP to be removed from the Register. The regulations come into force on 1st January, 2022.

No. 161 of 2021

THE PROTECTED CELL COMPANIES AND INCORPORATED CELL COMPANIES (FEES PAYABLE TO THE GUERNSEY FINANCIAL SERVICES COMMISSION) (AMENDMENT) REGULATIONS, 2021

In pursuance of section 537 of the Companies (Guernsey) Law, 2008, "The Protected Cell Companies and Incorporated Cell Companies (Fees payable to the Guernsey Financial Services Commission) (Amendment) Regulations, 2021" made by the Committee *for* Economic Development on 9th December 2021, are laid before the States.

EXPLANATORY NOTE

These Regulations increase the fees payable to the Guernsey Financial Services Commission under the Protected Cell Companies and Incorporated Cell Companies (Fees payable to the Guernsey Financial Services Commission) Regulations, 2016.

These Regulations come into force on the 1st January 2022.

No. 162 of 2021

**THE CRIMINAL JUSTICE (PROCEEDS OF CRIME) (BAILIWICK OF GUERNSEY) (FEES)
(AMENDMENT) REGULATIONS, 2021**

In pursuance of sections 49AA and 54 of The Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) Law, 1999, "The Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) (Fees) (Amendment) Regulations, 2021", made by the Policy & Resources Committee on 7th December, 2021, are laid before the States.

EXPLANATORY NOTE

These Regulations update the fees payable by prescribed businesses under The Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) Law, 1999.

These Regulations come into force on 1st January, 2022.

No. 176 of 2021

THE FIRE SERVICES (FEES AND CHARGES) (GUERNSEY) REGULATIONS, 2021

In pursuance of sections 1A(1), 12(4AB), 24(2A) and 26A of the Fire Services (Guernsey) Law, 1989, The Fire Services (Fees and Charges) (Guernsey) Regulations, 2021, made by the Committee for Home Affairs on 20th December 2021, is laid before the States.

EXPLANATORY NOTE

These Regulations prescribe fees and charges for equipment and services provided by agreement with the Committee for Home Affairs (acting through the Guernsey Fire & Rescue Service) ("the Committee"), fees for notification of controlled premises, and charges in respect of mandatory consultation with the Committee.

These Regulations will come into force on the 1st January, 2022.

The full text of the legislation can be found at: <http://www.guernseylegalresources.gg>

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

PROJET DE LOI

Entitled

**THE CUSTOMS AND EXCISE (GENERAL PROVISIONS) (BAILIWICK OF GUERNSEY)
(AMENDMENT) LAW, 2022**

The States are asked to decide:-

Whether they are of the opinion to approve the draft Projet de Loi entitled "The Customs and Excise (General Provisions) (Bailiwick of Guernsey) (Amendment) Law, 2022", and to authorise the Bailiff to present a most humble petition to Her Majesty praying for Her Royal Sanction thereto.

EXPLANATORY MEMORANDUM

This Law amends the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law, 1972 ("the 1972 Law"). The amendments are designed to enable the speedy and efficient delivery or disposal of items seized by Customs as liable to forfeiture, in particular plant material or perishables such as food.

Sections 1 to 4 amend paragraph 15 of the First Schedule to the 1972 Law, to allow Her Majesty's Procureur or Comptroller to give advance and general approval for the delivery or disposal of goods seized as liable to forfeiture, and to delegate the power to give such approval to an officer of Customs and Excise.

PROJET DE LOI

ENTITLED

The Customs and Excise (General Provisions) (Bailiwick of Guernsey) (Amendment) Law, 2022

THE STATES, in pursuance of their Resolution of the 30th September, 2021^a, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Bailiwick of Guernsey.

Amendment of the 1972 Law.

1. Paragraph 15 of the First Schedule to the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law, 1972^b is amended as follows.

2. Renumber that paragraph as paragraph 15(1).

3. In the renumbered paragraph 15(1), delete ", with the concurrence of Her Majesty's Procureur or Comptroller".

4. Immediately after the renumbered paragraph 15(1), insert the following subparagraphs –

^a Article VIII of Billet d'État No. XIX of 2021.

^b Ordres en Conseil Vol. XXIII, p. 573. This enactment has been amended.

"(2) The Committee must not exercise a power in subparagraph (1) without the approval of Her Majesty's Procureur or Comptroller.

(3) Her Majesty's Procureur or Comptroller may approve the exercise of a power for the purposes of subparagraph (2) –

- (a) generally by reference to a class or description of things, or specifically in relation to any particular thing,
- (b) before, while or after the thing is seized, and
- (c) subject to any condition or limit specified by Her Majesty's Procureur or Comptroller.

(4) Her Majesty's Procureur or Comptroller may arrange for an officer of Customs and Excise to perform the functions of Her Majesty's Procureur or Comptroller under subparagraphs (2) and (3).

(5) An arrangement made under subparagraph (4) has effect as if it were an arrangement made in accordance with section 4(1)(b) of the Public Functions (Transfer and Performance) (Bailiwick of Guernsey) Law, 1991 for those functions to be performed by the delegate in the name of Her Majesty's Procureur or Comptroller; and section 4(2), (3) and (5)(a) of that Law applies in relation to that arrangement accordingly.

(6) For the avoidance of doubt, if the Committee has arranged for an officer of Customs and Excise to exercise the Committee's power in subparagraph (1), and Her Majesty's Procureur or Comptroller has

arranged under subparagraph (4) for the officer to perform the functions of Her Majesty's Procureur or Comptroller, that officer must not rely on an approval given by himself or herself in order to exercise the Committee's power in respect of any thing."

Citation.

5. This Law may be cited as the Customs and Excise (General Provisions) (Bailiwick of Guernsey) (Amendment) Law, 2022.

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

PROJET DE LOI

Entitled

**THE BENEFICIAL OWNERSHIP (MISCELLANEOUS AMENDMENTS) (GUERNSEY) LAW,
2022**

The States are asked to decide:-

Whether they are of the opinion to approve the draft Projet de Loi entitled "The Beneficial Ownership (Miscellaneous Amendments) (Guernsey) Law, 2022", and to authorise the Bailiff to present a most humble petition to Her Majesty praying for Her Royal Sanction thereto.

EXPLANATORY MEMORANDUM

This Law amends the Beneficial Ownership of Legal Persons (Guernsey) Law, 2017 ("the Beneficial Ownership Law") in several ways.

Section 1 contains amendments that enlarge the functions of the Registrar of Beneficial Ownership ("the Registrar") to include ensuring the accuracy of information relating to nominee relationships, specify the type of beneficial ownership information that must be provided in the case of corporate beneficial owners, remove the reference to a legal person having no beneficial owners, and specify the factors that the Registrar should take into account when deciding whether to make a resident agent disqualification order.

The amendments at section 1 also revise the definition of "relevant legal person", introduce prohibitions in relation to the use of bearer securities, and give the Revenue Service the power to inspect the beneficial ownership register.

In addition, the amendments at section 1 extend the information gathering powers of the Registrar to deal with the assessment of risk, and to cover the situation where a legal person is in administration or liquidation, to enable information to be obtained from a liquidator, administrator or equivalent person.

Section 2 makes amendments to the Foundations (Guernsey) Law, 2012 to ensure consistency with other commercial legislation, in particular in respect of the resignation of the resident agent.

Section 3 makes amendments to the Companies (Guernsey) Law, 2008 to extend the

information gathering powers of the Registrar of Companies to deal with the assessment of risk, in line with the corresponding amendment to the Beneficial Ownership Law.

Section 4 makes amendments to the Limited Partnerships (Guernsey) Law, 1995 to ensure consistency with other commercial legislation with regard to the functions and powers of the Greffier.

Sections 5 and 6 deal respectively with citation and commencement.

PROJET DE LOI

ENTITLED

The Beneficial Ownership (Miscellaneous Amendments) (Guernsey) Law, 2022

THE STATES, in pursuance of their Resolutions of the 16th day of February, 2017^a and the 4th day of June, 2020^b, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Islands of Guernsey, Herm and Jethou.

Amendment of the Beneficial Ownership Law.

1. (1) The Beneficial Ownership of Legal Persons (Guernsey) Law, 2017^c is amended as follows.

(2) In section 3 -

(a) at the end of paragraph (g)(iii) omit "and",

(b) at the end of paragraph (h)(ii) for "." substitute ", and",
and

^a Article IV of Billet d'État No. V of 2017.

^b Article X of Billet d'État No. XI of 2020.

^c Order in Council No. VI of 2017. This enactment has been amended.

(c) after paragraph (h) insert -

"(i) to ensure the accuracy of information relating to nominee relationships in respect of non-regulated relevant legal persons."

(3) After section 10(3), insert -

"(3A) The "**required particulars**" in any other case means the beneficial owner's -

(a) name,

(b) date of incorporation, and

(c) place of incorporation."

(4) Section 10(5) is repealed.

(5) After section 26(1), insert -

"(1A) In deciding whether or not to make a resident agent disqualification order under this section and, if so, the terms thereof, the Registrar must take into consideration the following factors -

(a) whether the contravention was brought to the attention of the Registrar by the person concerned,

- (b) the seriousness of the contravention,
- (c) whether or not the contravention was inadvertent,
- (d) what efforts, if any, have been made to rectify the contravention and to prevent a recurrence,
- (e) the potential financial consequences to the person concerned, and to third parties including customers and creditors of that person, of publishing a statement,
- (f) the action taken by the Registrar under this section in other cases, and
- (g) any other matter the Registrar considers relevant."

(6) After section 37, insert -

"Bearer securities.

37A. (1) Without prejudice to section 77(e) of the Companies Law, an application to register or incorporate a company, foundation, limited liability partnership or other legal person in Guernsey (including an application to register or incorporate in Guernsey a legal person presently registered or incorporated outside Guernsey) must be refused if its constitutive documents empower it to issue bearer securities.

(2) For the purposes of this section, "**bearer securities**" means shares, warrants and any other form of instrument entitling the holder to subscribe for or convert their interest into shares where, in each case, ownership of such shares, warrants or instruments and the right to exercise the rights attaching thereto is determined solely by possession of the physical certificate or instrument relating thereto."

(7) For section 41(3), substitute -

"(3) In this Law, a "**regulated relevant legal person**" means a relevant legal person which -

- (a) is administered, controlled or operated by a regulated person in the course of his or her activities, or by a person acting in the course of his or her duties as an employee of a regulated person, or
- (b) otherwise has a resident agent which is a regulated person or which is a person acting in the course of his or her duties as an employee of a regulated person,

and a "**non-regulated relevant legal person**" means a relevant legal person which is not a regulated relevant legal person (including, for the avoidance of doubt, a relevant legal person which was, but is no longer, a regulated relevant legal person)."

(8) In paragraph 3 of Schedule 2, for the paragraph heading substitute "Power of Commission, Director of Revenue Service and Economic Crime Division to inspect Register.", and in paragraph (1) for "the Commission and the Economic Crime Division", substitute "the Commission, the Director of the Revenue Service and the Economic Crime Division".

(9) In paragraph 4(1) of Schedule 2, for "may reasonably require" to the end, substitute -

"may reasonably require -

- (a) for the performance of his or her functions, or
- (b) to enable him or her (of his or her own volition or at the request of the Committee or any authority within the Bailiwick with functions in respect of financial crime) to obtain information relating to legal persons so that he or she can identify, assess and understand risks to the Bailiwick of money laundering, terrorist financing and all other forms of financial crime."

(10) In paragraph 4(2) of Schedule 2 -

- (a) for "on a person other than a regulated person or a regulated relevant legal person" substitute "on an administrator, provisional liquidator or liquidator appointed in respect of a company, on an equivalent

person appointed in respect of another legal person, or on any other person other than a regulated person or a regulated relevant legal person", and

(b) for "reasonably required" to the end, substitute -

"reasonably required by the Registrar -

(i) for the performance of his or her functions, or

(ii) to enable him or her (of his or her own volition or at the request of the Committee or any authority within the Bailiwick with functions in respect of financial crime) to obtain information relating to legal persons so that he or she can identify, assess and understand risks to the Bailiwick of money laundering, terrorist financing and all other forms of financial crime."

Amendment of the Foundations Law.

2. (1) Schedule 1A to the Foundations (Guernsey) Law, 2012^d is amended as follows.

^d Order in Council No. I of 2013. This enactment has been amended.

(2) For paragraph 2(1)(b) substitute -

"(b) in the case of a resident agent who is a corporate services provider -

(i) its corporate or firm name, and

(ii) its address."

(3) In paragraph 4 -

(a) in subparagraph (3) delete from "; and" up to and including "offence",

(b) in subparagraph (4), after "the Registrar may" insert ", if he or she thinks it proportionate and appropriate in all the circumstances,", and

(c) after subparagraph (5), insert -

"(5A) A resident agent who fails to comply with the duty under subparagraph (3), and a foundation which fails to comply with or give effect to restrictions placed on rights attaching to a beneficiary's interest under subparagraph (4), is guilty of an offence."

(4) After paragraph 4, insert -

"Resignation of resident agent.

4A. (1) A resident agent of a foundation may give notice stating that he or she intends to resign from his or her position as resident agent.

(2) A notice under subsection (1) shall be served on -

(a) the Registrar,

(b) the Registrar of Beneficial Ownership,

(c) each foundation official at -

(i) his or her service address, and

(ii) his or her usual residential address where that address is different from his or her service address, and

(d) the foundation.

(3) The notice must state -

(a) the foundation's name and incorporation number,

(b) the date from which the resignation of the resident agent shall be effective, and

(c) if regulations made by the Committee under

paragraph 30 of Schedule 2 so provide, that the foundation may be struck off the Register if it does not appoint a new resident agent.

(4) If regulations made by the Committee under paragraph 30 of Schedule 2 so provide, a foundation which does not appoint a new replacement agent on the resignation of the resident agent becoming effective following a notice under this section is liable to be struck off the Register."

Amendment of the Companies Law.

3. In the Companies (Guernsey) Law, 2008^e, after section 500(1), insert -

"(1A) The Registrar may also, without limitation, exercise the power at subsection (1)(a) for the purpose of enabling him or her (of his or her own volition or at the request of the Policy & Resources Committee or any authority within the Bailiwick with functions in respect of financial crime) to obtain information relating to companies so that he or she can identify, assess and understand risks to the Bailiwick of money laundering, terrorist financing and all other forms of financial crime."

Amendment of the Limited Partnerships Law.

4. (1) The Limited Partnerships (Guernsey) Law, 1995^f is amended as follows.

^e Order in Council No. VIII of 2008. This enactment has been amended.

^f Ordres en Conseil Vol. XXXVI, p. 264. This enactment has been amended.

(2) In Part V, before section 33 insert -

"Functions of Greffier.

32I. (1) The functions of the Greffier as regards limited partnerships are -

(a) to establish and maintain the Register, and otherwise to exercise the powers and undertake the duties conferred on him or her by this Law,

(b) to communicate with -

(i) any authority appearing to the Greffier to exercise, in a place outside Guernsey, functions corresponding to his or hers, and

(ii) such other persons as he or she thinks fit,

for the purposes of assisting them and promoting and enhancing the Register,

(c) to exercise, subject to the terms and conditions of his or her appointment, such other functions as may be assigned or transferred to him or

her by or under this Law or any other enactment.

(2) Subsection (1)(b) does not authorise the Greffier to disclose confidential information.

Ancillary powers of Greffier.

32J. (1) The Greffier has power to do anything that appears to him or her to be necessary or expedient for the purpose of exercising his or her functions under this Law including, without limitation, power -

- (a) to request the production of and otherwise obtain such documents, accounts and information from such persons and within such periods and at such times and intervals as he or she thinks fit,
- (b) subject to any provision to the contrary in this Law or any other enactment, to publish information, guidance, reports and other documents, and
- (c) to request advice from Her Majesty's Procureur in relation to the exercise of any of his or her functions.

(2) The Greffier may also, without limitation, exercise the power at subsection (1)(a) for the purpose of enabling him or her (of his or her own volition or at the request of the Policy & Resources Committee or

any authority within the Bailiwick with functions in respect of financial crime) to obtain information relating to limited partnerships so that he or she can identify, assess and understand risks to the Bailiwick of money laundering, terrorist financing and all other forms of financial crime.

Disclosure and publication of confidential information.

32K. Any confidential information held by the Greffier shall not be disclosed or published by him or her except in accordance with the provisions of this Law, any other enactment or any rule of law.

Disclosure and publication of non-confidential information.

32L. Any information held by the Greffier, other than confidential information, may be disclosed or published by him or her —

- (a) in accordance with the provisions of this Law, any other enactment or any rule of law, or
- (b) if no such provision is made, in such manner, subject to such conditions and for such purposes as he or she thinks fit."

(3) In section 41 (interpretation), in subsection (1) after the definition of "**the Committee**", insert -

""**confidential information**" means a person's residential address, and any other information prescribed for this purpose in regulations made by the Committee under section 43,".

Citation.

5. This Law may be cited as the Beneficial Ownership (Miscellaneous Amendments) (Guernsey) Law, 2022.

Commencement.

6. This Law shall come into force on the day appointed by Ordinance of the States; and different dates may be appointed for different provisions and for different purposes.

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

THE PUBLIC HOLIDAYS ORDINANCE, 2022

The States are asked to decide:-

Whether they are of the opinion to approve the draft Ordinance entitled "The Public Holidays Ordinance, 2022", and to direct that the same shall have effect as an Ordinance of the States.

EXPLANATORY MEMORANDUM

This Ordinance modifies the effect of the Public Holidays Ordinance, 1994 ("the 1994 Ordinance") for 2022 so as to replace the public holiday on Monday 30th May 2022 with public holidays on 2nd and 3rd June, 2022 for the Queen's Platinum Jubilee celebrations. The Ordinance also makes a permanent change to the 1994 Ordinance so as to enable future such temporary variations to be made by regulations of the Committee for Economic Development, subject to annulment by the States of Deliberation, thus obviating the need for States' approval of a policy letter and of an amending Ordinance on each occasion when such a variation is proposed.

The Public Holidays Ordinance, 2022

THE STATES, in pursuance of their Resolution of the 4th November, 2021^a, and in exercise of the powers conferred on them by section 1 of the Bills of Exchange (Guernsey) Law, 1958^b, and all other powers enabling them in that behalf, hereby order:-

Public holidays in 2022: Her Majesty's Platinum Jubilee.

1. (1) Notwithstanding the provisions of section 1(g) of the Public Holidays Ordinance, 1994^c ("**the 1994 Ordinance**"), Monday 30th May, 2022 shall not be a public holiday.

(2) Without prejudice to the provisions of section 1 of the 1994 Ordinance, 2nd June, 2022 and 3rd June, 2022 shall be public holidays.

Amendment to 1994 Ordinance.

2. After section 1 of the 1994 Ordinance, insert –

"Power to vary public holidays by regulations.

1A. (1) The Committee for Economic Development may by regulations, in respect of any specified calendar year, vary section 1 so as –

(a) to substitute a different date for any of the public holidays mentioned in that section, or

^a Article XV of Billet d'État No. XX of 2021.

^b Ordres en Conseil Vol XVII, p. 384. This enactment has been amended.

^c Recueil d'Ordonnances Tome XXVI, p. 289. This enactment has been amended.

- (b) to appoint an additional public holiday or remove any of the public holidays mentioned therein,

for that year only.

(2) Regulations under subsection (1) must be laid before the States of Deliberation as soon as practicable after being made and if, at that or the next meeting, the States of Deliberation resolve to annul them, they shall cease to have effect, but without prejudice to anything done under them or to the making of new regulations."

Citation and commencement.

3. This Ordinance may be cited as the Public Holidays Ordinance, 2022 and shall come into force on the date it is approved by the States.

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

THE ELECTRICITY (GUERNSEY) LAW, 2001 (AMENDMENT) ORDINANCE, 2022

The States are asked to decide:-

Whether they are of the opinion to approve the draft Ordinance entitled "The Electricity (Guernsey) Law, 2001 (Amendment) Ordinance, 2022", and to direct that the same shall have effect as an Ordinance of the States.

EXPLANATORY MEMORANDUM

This Ordinance amends the Electricity (Guernsey) Law, 2001 ("the Electricity Law") to transfer powers in respect of tariffs and prices fixed by Guernsey Electricity Limited ("GEL") from the Guernsey Competition and Regulatory Authority ("GCRA") to the States' Trading Supervisory Board ("STSB"). This applies both in respect of the published tariff regime, and charges applicable under special agreements entered into under section 16 of the Electricity Law.

Section 1(1) to (4) amend section 5 of the Electricity Law, which is concerned with licence conditions, to exclude GEL from the powers of GCRA to include conditions in licences relating to pricing. The amendment at section 1(3) in respect of publication, and the amendment to section 8 of the Electricity Law at section 1(5), are consequential on these changes.

The amendments to section 12 of the Electricity Law at section 1(6) provide for STSB to have the power to approve tariffs fixed by GEL, and to have the power to determine any question relating to whether there is any undue preference or undue discrimination by GEL in fixing tariffs. Section 1(7) to (9) amend section 17 of the Electricity Law, which is concerned with the determination of disputes. The amendment at section 1(10) provides for powers in respect of fixing maximum prices at which electricity may be resold to be transferred to STSB.

Section 2 contains transitional provisions. Section 2(1) to (2) provide that tariffs and prices previously approved by GCRA will remain in force until such time as STSB approves any new ones. Section 2(3) to (4) provide a mechanism for making consequential modifications to the terms of GEL's existing GCRA licence. The provisions empower STSB to make regulations making the necessary modifications to the licence conditions, but only in so far as those are required to give effect to the above amendments and to the relevant Resolutions of the States, and only after consultation with GCRA.

The Electricity (Guernsey) Law, 2001 (Amendment)

Ordinance, 2022

THE STATES, in pursuance of their Resolution of the States of the 10th September, 2021^a, and in exercise of the powers conferred on them by section 36 of the Electricity Guernsey Law, 2001^b, and all other powers enabling them in that behalf, hereby order:-

Amendment of the Electricity Law.

1. (1) The Electricity (Guernsey) Law, 2001 ("**the Law**") is amended as follows.

(2) At the start of section 5(1)(f) insert "(except in the case of Guernsey Electricity)".

(3) In section 5(4)(b), after "licensee" insert "(except, for the avoidance of doubt, Guernsey Electricity)".

(4) After section 5(6), insert –

"(7) No condition may be included in a public electricity supply licence granted to Guernsey Electricity (including a condition included in such a licence by way of modification of that licence) that has the effect of requiring or empowering the Authority to determine, fix or approve in any

^a Article V of Billet d'État No. XXVII of 2021.

^b Ordres en Conseil Vol. XLI, p. 343. This enactment has been amended.

way (including, but not limited to, through publication) tariffs or charges (including, but not limited to, determining and fixing maximum charges that may be levied or applied, either generally or in specified circumstances) proposed or fixed by Guernsey Electricity before or after they are levied or applied, including (but not limited to) tariffs and charges proposed, fixed, levied or applied under a special agreement with respect to supply entered into under section 16. "

(5) In section 8(1), after "States' directions" insert ", section 5(7)".

(6) In section 12 –

(a) in subsection (1), after "public electricity supply licensee" insert "(other than Guernsey Electricity)",

(b) after subsection (1), insert –

"(1A) The prices to be charged by Guernsey Electricity for the supply of electricity pursuant to section 10(1) shall be in accordance with such tariffs (which, subject to any condition included in its licence, may relate to the supply of electricity in different areas, cases, premises and circumstances) as may be fixed by it from time to time and approved by the Board before they are levied; and when approving tariffs levied by Guernsey Electricity under this subsection, the Board must have regard to the objectives set out in section 2 of the Regulation Law.", and

(c) in subsection (4), after "Authority" insert "(or Board, in the case of Guernsey Electricity)".

(7) At the start of section 17(1) insert "Subject to subsection (1A)",
and after section 17(1) insert –

"(1A) Where the relevant public electricity supply licensee is
Guernsey Electricity, a dispute falling within subsection (1) relating to –

- (a) tariffs fixed under section 12, or
- (b) charges applicable under the terms of a special
agreement entered into under section 16,

may be referred by either party to the Board (and not the Authority) for
resolution."

(8) In section 17(2) –

- (a) delete "to it",
- (b) insert "or (1A)" after "subsection (1)",
- (c) in paragraphs (a) and (b), insert "(or Board, as the case
may be)" after "Authority", and
- (d) in paragraph (c), after "apply" insert "(other than, for the
avoidance of doubt, as to charges in respect of, or
otherwise relating to, the consumption of electricity)".

(9) In section 17(3) –

(a) after "Authority" insert "(or Board, as the case may be)",
and

(b) at the end, insert ", having regard to the provisions of this
Part".

(10) In section 23(2), in the first place it appears, after "Authority"
insert "(or Board, in the case of Guernsey Electricity)", and in paragraph (b), after
"Authority" insert "(or Board, as the case may be)".

(11) In section 33(1), insert in the correct alphabetical order –

""**Board**" means the States' Trading Supervisory Board," and

""**Guernsey Electricity**" means Guernsey Electricity Limited, a
company registered in Guernsey under Company No. 38692,".

Transitional provisions.

2. (1) Any tariffs fixed by Guernsey Electricity and approved by the
Authority under section 12 of the Law shall continue to have effect until new tariffs
are fixed by Guernsey Electricity and approved by the Board.

(2) Any maximum prices at which electricity may be resold by
Guernsey Electricity fixed by the Authority under section 23(2) of the Law shall
continue to have effect until new prices are fixed by the Board.

(3) The Board may, by regulations made after consultation with the
Authority, modify any public electricity supply licence granted by the Authority to

Guernsey Electricity under the Law for the purpose only of giving effect to Resolution 1 of the States of 10th September 2021 on Article V of Billet d'État No. XXVII of 2021, and the amendments to the Law made by section 1 of this Ordinance.

(4) For the avoidance of doubt, the provisions of section 8 of the Law (regarding the modification of licence conditions) do not apply to regulations made under subsection (3).

Powers of the Authority under the Competition Ordinance unaffected.

3. For the avoidance of doubt, the provisions of this Ordinance are without prejudice to the powers of the Authority under the Competition (Guernsey) Ordinance, 2012^c.

Citation.

4. This Ordinance may be cited as the Electricity (Guernsey) Law, 2001 (Amendment) Ordinance, 2022.

Commencement.

5. This Ordinance shall come into force on 21st February, 2022.

^c Ordinance No. XXXI of 2012. This enactment has been amended.

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

THE SANCTIONS (BAILIWICK OF GUERNSEY) (AMENDMENT) ORDINANCE, 2022

The States are asked to decide:-

Whether they are of the opinion to approve the draft Ordinance entitled "The Sanctions (Bailiwick of Guernsey) (Amendment) Ordinance, 2022", and to direct that the same shall have effect as an Ordinance of the States.

EXPLANATORY MEMORANDUM

This Law amends the Sanctions (Bailiwick of Guernsey) Law, 2018 ("the Sanctions Law") in three ways.

Section 1 contains amendments to remove provisions that are now obsolete as they relate to the pre-Brexit practice of implementing sanctions measures enacted by the European Union. This includes provisions permitting temporary implementation of United Nations sanctions pending their implementation by the European Union.

Section 1 also contains an amendment to clarify that the prohibition on breaching sanctions measures extends to any breaches of any directions or other instruments issued under sanctions measures.

In addition, an amendment made by section 1 clarifies that the provisions relating to production of documents and offences for providing false or misleading information apply to information provided voluntarily in the same way as to information obtained through the exercise of information gathering powers under the Sanctions Law.

Sections 2, 3 and 4 deal respectively with extent, citation and commencement.

The Sanctions (Bailiwick of Guernsey) (Amendment) Ordinance, 2022

THE STATES, in pursuance of their Resolution of the 15th October, 2021^a, and in exercise of the powers conferred on them by sections 1 and 26 of the Sanctions (Bailiwick of Guernsey) Law, 2018^b, and all other powers enabling them in that behalf, hereby order:-

Amendment of the Sanctions Law.

1. (1) The Sanctions (Bailiwick of Guernsey) Law, 2018 is amended as follows.

(2) The following provisions are deleted –

(a) in section 1, subsections (1)(a), (2), (3), (4) and (5),

(b) in section 2(2)(c), the words "(including on a temporary basis pending the subsequent adoption or implementation of a sanctions measure that is related to the sanctions measure implemented by the regulations)",

(c) in section 2(2)(e), the words "an EU sanctions measure

^a Article VI of Billet d'État No. XX of 2021.

^b Order in Council No. VII of 2019. This enactment has been amended.

by the Court of Justice of the European Union or of",

(d) in section 2(2)(g), the words "were a member state of the European Union, or" and ", as the case may be,"

(e) in section 2(3), the words "(including Part II of this Law)",

(f) Part II,

(g) in section 15(1 -

(i) in paragraph (a) -

(A), the word "or" at the end of subparagraph (i),

(B) subparagraph (ii),

(ii) in paragraph (d), subparagraph (iv),

(iii) in paragraph (e), the words "or measures under Part II of this Law", wherever they appear, and

(iv) in paragraphs (f) and (g), the words "the European Union or", and the words "as the case may be," wherever they appear,

(h) in section 19(1), ", 5(3), 6(2), 7(3), 8(2), 9(3) or 12(2)",

- (i) section 19(2), and
- (j) in section 25, the definitions of the following terms -
 - (i) "EU sanctions measure",
 - (ii) "temporary listing",
 - (iii) "UK temporary regulations", and
 - (iv) "UN financial sanctions Resolution".

(3) In section 3, after the words "regulations made under section 2", insert "(including for the avoidance of doubt any prohibitions or requirements in any licence, authorisation, permission, direction or instruction (however described) issued under any such sanctions measures)".

- (4) In section 15(1)(d) -
 - (a) at the end of subparagraph (i), insert "or", and
 - (b) at the end of subparagraph (iii), for "or" substitute ".".

(5) After section 17, insert –

"17A. (1) Where information has been provided to the Committee other than in response to a request made by the Committee in the exercise of its powers under section 15, the provisions governing the

production of documents at sections 16(2) and 16(4) and the offences at sections 17(1(b) to (d) apply in the same way as if the information had been requested by the Committee in the exercise of those powers.

(2) For the avoidance of doubt, section 17(2) and section 19(3) apply to an offence committed under section 17 by virtue of the application of this section."

(6) In section 25, for the definition of "sanctioned person", substitute –

""**sanctioned person**" means any person listed, designated or otherwise identified by the United Nations or the appropriate minister, as the case may be, for the purposes of any restrictions under any sanctions measures that have been implemented in the Bailiwick by regulations under section 2 or by any other enactment,".

Extent.

2. This Ordinance has effect throughout the Bailiwick of Guernsey.

Citation.

3. This Ordinance may be cited as the Sanctions (Bailiwick of Guernsey) (Amendment) Ordinance, 2022.

Commencement.

4. This Ordinance shall come into force on the day on which it is made.

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

**THE SEXUAL OFFENCES (BAILIWICK OF GUERNSEY) LAW, 2020 (COMMENCEMENT)
ORDINANCE, 2022**

The States are asked to decide:-

Whether they are of the opinion to approve the draft Ordinance entitled "The Sexual Offences (Bailiwick of Guernsey) Law, 2020 (Commencement) Ordinance, 2022", and to direct that the same shall have effect as an Ordinance of the States.

EXPLANATORY MEMORANDUM

This Ordinance brings the Sexual Offences (Bailiwick of Guernsey) Law, 2020 ("the Law") into force on 1st March 2022, with the exception of Chapters VIII (offences involving an abuse of a position of trust) and IX (offences by careworkers against persons with a mental disorder), as further definitions are required to be made by Ordinance before these provisions can be commenced. Although the Law repeals the legislation setting out the previous sexual offences, section 18 of the Interpretation and Standard Provisions (Bailiwick of Guernsey) Law, 2016 permits the investigation, prosecution and punishment for any offences committed prior to the commencement of the Law. A further saving is made in relation to notification requirements under the Criminal Justice (Sex Offenders and Miscellaneous Provisions) (Bailiwick of Guernsey) Law, 2013 and other ancillary orders.

The Sexual Offences (Bailiwick of Guernsey) Law, 2020 (Commencement) Ordinance, 2022

THE STATES, in exercise of the powers conferred on them by sections 111 and 114 of the Sexual Offences (Bailiwick of Guernsey) Law, 2020^a, and all other powers enabling them in that behalf, hereby order:-

Commencement of Law.

1. The following provisions of the Sexual Offences (Bailiwick of Guernsey) Law, 2020 ("**the Law**") shall come into force on 1st March, 2022 -

- (a) Part I (except Chapter VIII (offences involving an abuse of a position of trust) & Chapter IX (offences by careworkers against persons with a mental disorder),
- (b) Parts II and III, and
- (c) Schedules 1 and 2.

Savings, etc.

2. For the avoidance of doubt -

- (a) section 18 of the Interpretation and Standard Provisions (Bailiwick of Guernsey) Law, 2016^b shall

^a Order in Council No. II of 2021.

^b Order in Council No. V of 2018; this enactment has been amended.

have effect in relation to any act done or omission made before the Law came into force, and

(b) notwithstanding the repeal of any enactment by this Law -

(i) Parts II and III of the Criminal Justice (Sex Offenders and Miscellaneous Provisions) (Bailiwick of Guernsey) Law, 2013 ("**the 2013 Law**")^c shall continue to apply to a person who is convicted, after the commencement of Schedule 2 to this Law, of a relevant offence for the purposes of the 2013 Law which is set out in an enactment repealed by this Law as if that enactment had not been repealed, and the functions of the court and any other person under Parts II and III of the 2013 Law may be exercised accordingly, and

(ii) a court may make, after the commencement of Schedule 2 to this Law, any ancillary provision in relation to a person convicted of an offence -

(A) committed before the commencement of that Schedule, and

^c Order in Council No. IX of 2014; there are amendments to this enactment.

(B) which is an offence set out in an enactment which has been repealed under that Schedule,

which the court could have made before the commencement of that Schedule, as if that enactment had not been repealed.

Citation.

3. This Ordinance may be cited as the Sexual Offences (Bailiwick of Guernsey) Law, 2020 (Commencement) Ordinance, 2022.