

GUERNSEY STATUTORY INSTRUMENT

2017 No.

**The Beneficial Ownership (Definition) (Amendment)
(No.3) Regulations, 2017**

<i>Made</i>	<i>21st December, 2017</i>
<i>Coming into operation</i>	<i>31st December, 2017</i>
<i>Laid before the States</i>	<i>, 2017</i>

THE POLICY & RESOURCES COMMITTEE, in exercise of the powers conferred on it by sections 31 and 39 of the Beneficial Ownership of Legal Persons (Guernsey) Law, 2017^a and all other powers enabling it in that behalf, hereby makes the following Regulations:-

Amendment of the Beneficial Ownership (Definition) Regulations, 2017.

1. (1) The Beneficial Ownership (Definition) Regulations, 2017^b are amended as follows.

(2) In regulation 3(a), after "the person," insert "corporate beneficial owner,".

^a Order in Council No . VI of 2017; as amended by the Beneficial Ownership of Legal Persons (Guernsey) (Amendment) Ordinance, 2017 and the Beneficial Ownership of Legal Persons (Guernsey) (Amendment) (No. 2) Ordinance, 2017.

^b G.S.I. No. 38 of 2017; as amended by Nos. 51 and 99 of 2017.

(3) For regulation 3(b), substitute the following –

"(b) in relation to an LLP, the person, corporate beneficial owner, trust or legal arrangement (whether pursuant to the members' agreement or section 14(3) of the LLP Law) –

(i) holds, directly or indirectly, more than 25% of the voting rights in the conduct and management of the LLP,

(ii) holds the right, directly or indirectly, to appoint or remove a majority of the managing officials of the LLP, or

(iii) is entitled to more than 25% of the assets of the LLP in the event of the winding up or dissolution of the LLP,".

(4) At the end of regulation 3(c)(v) for "." substitute ", and", and after insert the following -

"(d) in relation to a limited partnership with legal personality, the person, corporate beneficial owner, trust or legal arrangement –

(i) holds, directly or indirectly, more than 25% of the voting rights in the conduct

or management of the business of the limited partnership,

- (ii) holds the right, directly or indirectly, to appoint or remove a majority of the general partners of the limited partnership, or
- (iii) is entitled to more than 25% of the assets of the limited partnership in the event of the dissolution of the limited partnership.

3A. For the avoidance of doubt, regulation 3(d) is not to be construed as indicating ownership, control or participation in the conduct or management of the business of a limited partnership by any person, corporate beneficial owner, trust or legal arrangement falling therein for any purpose other than for the purposes of registration under the Law."

Interpretation.

2. (1) The Interpretation (Guernsey) Law, 1948^c applies to the interpretation of these Regulations.

(2) Any reference in these Regulations to an enactment is a reference thereto as from time to time amended, re-enacted (with or without modification), extended or applied.

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

Citation and commencement.

3. These Regulations may be cited as the Beneficial Ownership (Definition) (Amendment) (No.3) Regulations, 2017 and shall come into force on the 31st December, 2017.

Dated this 21st day of December, 2017

G. A. ST PIER

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 amend the definition of beneficial owner in the Beneficial Ownership (Definition) Regulations, 2017 with regard to the ownership structure of limited liability partnerships and limited partnerships with legal personality. These Regulations come into force on 31st December, 2017.