

The Foundations (Guernsey) Law, 2012 Charter—required elements

The Foundations law sets out the required elements of the Charter as follows:

- The name of the foundation .
- The purpose of the foundation.
- Contain a description of the initial capital of the foundation.
- State the duration of the foundation (if it is to subsist for a limited period only).
- Contain a declaration from the founder, or the resident agent, that the founder wishes the councillors to comply with the terms of the Charter.

In addition to the required elements, the Charter may also contain any matter:

- that is otherwise required or permitted to be in the rules in accordance with Section 5 of the legislation.
- That the founder thinks fit.

The Charter may be amended only if:

- The Charter so provides, or
- The Royal Court so orders or the Registrar so permits.

The purpose of this guidance note is to provide information on certain issues that should be considered with regard to a Foundation Charter.

It is not intended to be definitive legal advice and should not be relied upon as such.

The interpretation of the Foundations (Guernsey) Law, 2012 is a matter on which the Guernsey Registry cannot advise and entities need to form their own view on compliance with the legislation.

Independent legal advice is advised where there is any uncertainty.