

GUERNSEY STATUTORY INSTRUMENT

2013 No. 2

**The Foundations (Guernsey)  
(Fees) Regulations, 2013**

|                               |                                     |
|-------------------------------|-------------------------------------|
| <i>Made</i>                   | <i>8<sup>th</sup> January, 2013</i> |
| <i>Coming into operation</i>  | <i>8<sup>th</sup> January, 2013</i> |
| <i>Laid before the States</i> | <i>, 2013</i>                       |

**THE COMMERCE AND EMPLOYMENT DEPARTMENT**, in exercise of the powers conferred upon it by section 51, paragraphs 3(2), 7(6), 7(7) and 10(2) of Schedule 1, and paragraphs 4(2) and 12(2) of Schedule 2 of the Foundations (Guernsey) Law, 2012<sup>a</sup> ("**the Law**"), by section 501 of the Companies (Guernsey) Law, 2008<sup>b</sup>, and all other powers enabling it in that behalf, hereby makes the following regulations:-

**Matters in respect of which fees are payable.**

1. Fees are payable in respect of –
  - (a) any application made to the Registrar under the Law, and
  - (b) any function exercised by the Registrar under the Law in respect of any particular person, and

as penalties for non-compliance with the Law, together the "**relevant matters**".

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<sup>a</sup> Order in Council No I of 2013.

**Amount of fees.**

2. (1) Subject to paragraph (3) below, the amount of fees payable in respect of the relevant matters are set out in the Schedule hereto.

(2) For the avoidance of doubt, the Registrar's decision as to which fee is applicable is binding.

(3) The fees and penalties relating to annual renewals of foundations shall not be applied until an annual renewal process has been commenced by regulations of the Department.

**Person by whom, and time by which, fees are payable.**

3. The fees shall be payable in full by the applicant at the time of the application, or within 14 days of the date on which the Registrar notifies the applicant of the applicable fee (whichever is the later).

**Interpretation.**

4. (1) In these regulations –

"**Guernsey Registered Charity**" means a charity registered as such under the Charities and Non Profit Organisations (Registration) (Guernsey) Law, 2008<sup>c</sup>,

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

"**the Registrar**" means the Registrar of Foundations,

"**relevant matters**" has the meaning given in regulation 1,

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<sup>b</sup> Order in Council No VIII of 2008.

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

(2) The notes set out in the last column of the Schedule are only for the purposes of general guidance and are without prejudice to any provision of, or liability arising under, the Law or these regulations.

(3) The Interpretation (Guernsey) Law, 1948<sup>d</sup> applies to the interpretation of these regulations as it applies to the interpretation of an enactment.

(4) 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 (Fees) (Guernsey) Regulations, 2013.

**Commencement.**

6. These Regulations shall come into force on the 8<sup>th</sup> January, 2013.

Dated this 8<sup>th</sup> day of January, 2013

DEPUTY K. STEWART

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

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<sup>c</sup> Order in Council No XXVI of 2008.

<sup>d</sup> Ordres en Conseil Vol. XIII, p. 355.

## SCHEDULE

## APPLICABLE FEES

| MATTER IN RESPECT<br>OF WHICH FEE<br>PAYABLE                                    | DETAILS   | FEE            | NOTES   |
|---|---|----------------|---|
| Application for registration (Sch.1, para 7)                                    | Registration within 24 hours                          | £100           |   |
|   | Registration within 2 hours                           | £350           |   |
| Annual renewal fee (Sch 1, para 7)  | A foundation other than a Guernsey Registered Charity | £500           | <i>Not chargeable until the annual renewals process is introduced.</i>  |
|   | A foundation that is a Guernsey Registered Charity    | £0             |   |
| Penalty for failure to complete annual renewal (Sch 1, para 7)                  |   | £100 per month | <i>Not chargeable until the annual renewals process is introduced. This will apply the first month after the date on which the renewal was due and will accumulate until the return is filed.</i> |
| Application for change of registered particulars (Sch 1, para 10)               | Change of name  | £25            |   |
|   | Change of Charter                                     | £50            |   |
|   | Change of registered office address                   | £10            |   |
|   | Change of registered agent                            |                |   |
|   | Change of councillors                                 |                |   |
|   | Change of guardian                                    |                |   |
| Penalty for failure to notify change of registered particulars (Sch 1, para 10) |   | £2 per day     | This applies from the date on which the change was made and accumulates until the date on which the change is notified.   |
| Application to rectify the  |   | £10            |   |

|   |  |   |
|---|--|---|
| Register(Sch 1, para 10)  |  |   |
| Application for migration of a foundation (Sch 2, paras 4(2) and 12(2)) | Migration into Guernsey                              | £100  |
|   | Migration from Guernsey                              | £1,500  |
| Filing of completion of notice of winding up (Sch 2, para 25)           |  | £10   |
| Application for reinstatement to the Register (Sch 2, para 29)          |  | £1,500  |
| Any application not specified above                                     |  | £10   |
| Request for register statement  | Uncertified  | £10   |
|   | Certified  | £25   |
| Request for copy certificates   | Uncertified  | £10   |
|   | Certified  | £25   |
| Request for certificate of good standing                                | Uncertified  | £10   |
|   | Certified  | £25   |
| Exceptional charges   | £300 per hour, for each member of the Registry staff | This fee applies where a request, in the reasonable opinion of the Registrar, will result in excessive work volumes and/or is a burden upon registry resources. The application of these charges will be advised in advance of any work being undertaken by the Registry. |

#### EXPLANATORY NOTE

*(This note is not part of the regulations)*

These Regulations specify fees and penalties, and the person by whom and time by when they are payable, for applications to and the exercise of the functions of the Registrar of Foundations under the Foundations (Guernsey) Law, 2012.

