

ORDINANCES LAID BEFORE THE STATES

THE BENEFICIAL OWNERSHIP OF LEGAL PERSONS (GUERNSEY) (AMENDMENT) ORDINANCE, 2017

In pursuance of the provisions of the proviso to Article 66A(1) of The Reform (Guernsey) Law, 1948, as amended, "The Beneficial Ownership of Legal Persons (Guernsey) (Amendment) Ordinance, 2017", made by the Policy & Resources Committee on the 22nd August, 2017, is laid before the States.

EXPLANATORY MEMORANDUM

This Ordinance amends the Beneficial Ownership of Legal Persons (Guernsey) Law, 2017 ("the Law"). Section 1(1) amends paragraph 2 of Schedule 2 to the Law to provide, for the avoidance of doubt, that the Registrar of Beneficial Ownership may take into account any relevant procedure or agreement when considering a request for the disclosure of information held by the Registrar.

Section 1(2) inserts a new paragraph 5A into that Schedule, to provide for a one-off beneficial ownership information-gathering exercise by the Registrar in respect of information pertaining to companies, limited liability partnerships and foundations that were extant before the commencement of the Law ('Commencement'). It provides the Policy & Resources Committee with the power to make regulations to provide for the provision to the Registrar by the resident agent of such a legal person of beneficial ownership information in respect of that legal person as at Commencement. This transitional provision will ensure that the Register is populated with relevant information shortly after Commencement in respect of existing legal persons. The new paragraph 5A, at subparagraphs (2) and (3), also limits the power of such regulations to provide for the creation of new liabilities, obligations, penalties and offences; those subparagraphs are consistent with similar provisions in other regulation making powers within the Law.

The Ordinance was made by the Policy & Resources Committee in exercise of its powers under Article 66A(1) of the Reform (Guernsey) Law, 1948, and came into force on the 22nd August, 2017. Under the proviso to Article 66A(1) of the Reform (Guernsey) Law, 1948, the States of Deliberation have the power to annul the Ordinance.

THE COMPANIES (GUERNSEY) LAW, 2008 (AMENDMENT) ORDINANCE, 2017

In pursuance of the provisions of the proviso to Article 66A(1) of The Reform (Guernsey) Law, 1948, as amended, "The Companies (Guernsey) Law 2008 (Amendment) Ordinance, 2017", made by the Policy & Resources Committee on the 22nd August, 2017, is laid before the States.

EXPLANATORY MEMORANDUM

This Ordinance amends the Companies (Guernsey) Law, 2008 to expand who may audit a Guernsey company. Sections 2 and 3 amend the Law to permit partnerships and bodies corporate to audit in circumstances where those firms are controlled by further firms (which are themselves controlled by suitably qualified individuals). Section 4 makes clear that limited partnerships and limited liability partnerships may audit Guernsey companies where those entities are qualified for appointment in accordance with the Law.

The Ordinance was made by the Policy & Resources Committee in exercise of its powers under Article 66A(1) of the Reform (Guernsey) Law, 1948, and came into force on the 22nd August, 2017. Under the proviso to Article 66A(1) of the Reform (Guernsey) Law, 1948, the States of Deliberation have the power to annul the Ordinance.

THE NORTH KOREA (RESTRICTIVE MEASURES) (GUERNSEY) ORDINANCE, 2017

In pursuance of the provisions of the proviso to Article 66A(1) of The Reform (Guernsey) Law, 1948, as amended, "The North Korea (Restrictive Measures) (Guernsey) Ordinance, 2017", made by the Policy & Resources Committee on the 5th September, 2017, is laid before the States.

EXPLANATORY MEMORANDUM

This Ordinance is made under the European Communities (Implementation) (Bailiwick of Guernsey) Law, 1994. The Ordinance gives effect to EU Regulation No. 2017/1509 of the 30th August, 2017 ("the 2017 Regulation") concerning restrictive measures against the Democratic People's Republic of Korea and repeals the North Korea (Restrictive Measures) (Guernsey) Ordinance, 2007. The 2017 Regulation is a consolidating measure that repeals and replaces Council Regulation No. 329/2007 of 27th March, 2007 and successive amending Regulations, which were implemented in Guernsey by the North Korea (Restrictive Measures) (Guernsey) Ordinance, 2007.

The Ordinance was made by the Policy & Resources Committee in exercise of its powers under Article 66A(1) of the Reform (Guernsey) Law, 1948, and came into force on the 5th September, 2017. Under the proviso to Article 66A(1) of the Reform (Guernsey) Law, 1948, the States of Deliberation have the power to annul the Ordinance.

STATUTORY INSTRUMENTS LAID BEFORE THE STATES

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

No. 23 of 2017

ANIMAL WELFARE (AMENDMENT) ORDER, 2017

In pursuance of sections 10(2) and (3), 14(2) and 79 of the Animal Welfare (Guernsey) Ordinance, 2012 made by the Committee *for the* Environment & Infrastructure on 13th April, 2017, is laid before the States.

EXPLANATORY NOTE

The Animal Welfare (Requirements for Slaughter, Killing, Euthanasia Etc.) Order, 2014 is amended to –

- omit the reference to a Eurasian woodcock in paragraph 5(1) of Part II of Schedule 1 (requirements applying to game animals) as it has been removed from the prescribed list of game animals to which the requirements for lawful killing apply; and
- remove killing of a wild cross-bred mallard duck or a greylag goose by shooting with an air rifle as a lawful method of killing. The result is that the only lawful method of killing such birds is shooting with a shot gun in accordance with the requirements of the Order.

The Animal Welfare (Designation and Control of Pest Animals) Order, 2014 is amended so as to allow "approved persons", as defined in the Order to control carrion crows and magpies using a Larsen trap in accordance with the requirements of the Order. An approved person is one holding a qualification or having practical experience or knowledge such that they would be competent to use a Larsen trap and who has demonstrated this to the satisfaction of the States Veterinary Officer.

This Order comes into force on the 30th day of April, 2017.

No. 24 of 2017

ANIMAL WELFARE (AMENDMENT) REGULATIONS, 2017

In pursuance of sections 2(6), 10(1), 26(3) and 79 of the Animal Welfare (Guernsey) Ordinance, 2012 made by the Committee *for the* Environment & Infrastructure on 13th April, 2017, are laid before the States.

EXPLANATORY NOTE

Section 2(1)(a) of the Animal Welfare (Guernsey) Ordinance, 2012 ("the Ordinance") prohibits the carrying out of certain operations. Those operations are set out in Schedule 1 to the Ordinance.

These Regulations add the removal of the comb, wattle or earlobes of a domestic fowl or a turkey to the list of prohibited operations in Schedule 1 to the Ordinance. A domestic fowl is defined so that it includes a chicken or a bantam but not a duck.

Section 26 of the Ordinance provides that it is an offence to carry on certain activities involving animals without a licence from the Committee *for the* Environment & Infrastructure. Those activities are set out in Schedule 2 to the Ordinance and include, in paragraph 5, the provision of accommodation, in the course of a business, for other people's animals.

These Regulations amend paragraph 5 of Schedule 2 to the effect that a licence is not required where accommodation is provided for fewer than five horses, donkeys, mules or other equines in total.

Section 10(1) of the Ordinance provides for exceptions to certain animal welfare offences in relation to the hunting, capture or killing of any animal prescribed as a game animal providing that the same are carried out in accordance with prescribed requirements as to the methods, techniques, equipment or devices etc. to be used.

The Animal Welfare (Slaughter, Killing, Euthanasia Etc.) (Prescribed Animals) Regulations, 2014 prescribes those game animals. Regulation 3 of these Regulations amends the prescribed list of game animals to remove the Eurasian Woodcock so that the exceptions from certain animal welfare offences will no longer apply to the hunting, capture or killing of that bird.

These Regulations come into force on the 30th day of April, 2017.

No. 17 of 2017

THE POPULATION MANAGEMENT (EMPLOYMENT RECORDS) REGULATIONS 2017

In pursuance of Section 35 and 77 of the Population Management (Guernsey) Law 2016, The Population Management (Employment Records) Regulations 2017, made by the Committee *for* Home Affairs on 31st March 2017, is laid before the States.

EXPLANATORY NOTE

These Regulations prescribe the information employers must keep relating to their employees (and self-employed people must keep relating to themselves) under the Population Management (Guernsey) Law, 2016; the form in which that information must be kept; and the period for which it must be retained. They provide for employers to be able to keep the information via the States of Guernsey online Employer Portal, but they do not make that mandatory.

These Regulations come into force on the 3rd April, 2017.

No. 18 of 2017

**THE POPULATION MANAGEMENT (EMPLOYMENT PERMIT APPLICATIONS)
REGULATIONS 2017**

In pursuance of Section 21(3) and (8) and 77 of the Population Management (Guernsey) Law 2016, The Population Management (Employment Permit Applications) Regulations 2017, made by the Committee *for* Home Affairs on 31st March 2017, is laid before the States.

EXPLANATORY NOTE

These Regulations prescribe the fees payable in respect of applications for different categories of Employment Permit under the Population Management (Guernsey) Law, 2016. They prescribe the circumstances in which such an application may be made when the employment in question has already commenced, and the additional late payment fees that are payable in such circumstances. They also provide for the Administrator of Population Management to have the discretion to reduce or waive fees in certain circumstances.

These Regulations come into force on the 3rd April, 2017.

No. 19 of 2017

**THE POPULATION MANAGEMENT (RESIDENT CERTIFICATES AND PERMITS) (FEES)
REGULATIONS 2017**

In pursuance of Section 15 and 77 of the Population Management (Guernsey) Law 2016, The Population Management (Resident Certificates and Permits) (Fees) Regulations 2017, made by the Committee *for* Home Affairs on 31st March 2017, is laid before the States.

EXPLANATORY NOTE

These Regulations prescribe the fees that are payable on applications for Resident Certificates and Resident Permits under the Population Management (Guernsey) Law, 2016. They provide for a lesser fee, or no fee, to be payable in circumstances set out in published policies of the Committee *for* Home Affairs.

These Regulations come into force on the 3rd April, 2017.

The full text of the statutory instruments and other legislation included in this document can be found at:

<http://www.guernseylegalresources.gg/article/158414/2017>