

STATUTORY INSTRUMENTS LAID BEFORE THE STATES

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

No. 61 of 2017

THE DATA PROTECTION (PROCESSING OF SENSITIVE PERSONAL DATA) (OFSTED) ORDER 2017

In pursuance of Section 66(20) and paragraph 10 of Schedule 3 of the Data Protection (Bailiwick of Guernsey) Law 2001, The Data Protection (Processing of Sensitive Personal Data) (OFSTED) Order 2017, made by the Committee *for* Home Affairs on 11th September 2017, is laid before the States.

EXPLANATORY NOTE

This Order provides that sensitive personal data may be processed where that processing is necessary for the purposes of an inspection by Ofsted of any person, body, service or institution in the Bailiwick that is to be carried out pursuant to a written agreement containing appropriate safeguards in relation to the processing of personal data.

This Order comes into force on 12th September, 2017.

No. 62 of 2017

THE OFFENCES (FIXED PENALTIES) (GUERNSEY) ORDER 2017

In pursuance of Section 5(1)(b), 7(3)(a) and 7(4)9b)(ii) of the Offences (Fixed Penalties) (Guernsey) Law 2009, The Offences (Fixed Penalties) (Guernsey) Order 2017, made by the Committee *for* Home Affairs on 11th September 2017, is laid before the States.

EXPLANATORY NOTE

This Order specifies the manner in which, and the place at which, a fixed penalty is to be paid. This Order provides for payment in person to be made at Edward T Wheadon House, instead of Sir Charles Frossard House as at present; includes a reference to Corporate Customer Services as the agency to which such payments must be made; removes the reference to payment by postal order; and removes the requirement for a surcharge when paying by credit card. The equivalent Order made in 2015 is revoked.

This Order comes into force on the 16th day of September, 2017.

No. 63 of 2017

**THE FIREARMS AND WEAPONS (SPECIALLY DANGEROUS AIR WEAPONS)(GUERNSEY)
REGULATIONS 2017**

In pursuance of Section 55A and 58(1) of the Firearms and Weapons (Guernsey) Law 1998, The Firearms And Weapons (Specially Dangerous Air Weapons)(Guernsey) Regulations 2017, made by the Committee *for* Home Affairs on 11th September 2017, is laid before the States.

EXPLANATORY NOTE

These Regulations prescribe certain types of air weapons as specially dangerous and thus, to be regarded as firearms under the Firearms and Weapons (Guernsey) Law, 1998 ("**the Law**").

Regulation 1 prescribes air weapons disguised as other objects, air pistols with 6 foot pounds kinetic energy or more, and other air weapons with 12 foot pounds kinetic energy or more as specially dangerous air weapons for the purposes of section 58(1) of the Law.

Regulations 2, 3 and 4 are the interpretation, citation and commencement provisions respectively.

These Regulations come into force on the 1st November, 2017.

No. 64 of 2017

THE WASTEWATER CHARGES (GUERNSEY) REGULATIONS, 2017

In pursuance of section 5 of the Fees, Charges and Penalties (Guernsey) Law, 2007, "The Wastewater Charges (Guernsey) Regulations, 2017", made by the States' Trading Supervisory Board on 17th August, 2017, are laid before the States.

EXPLANATORY NOTE

These Regulations prescribe new wastewater charges and rates applying under the Wastewater Charges (Guernsey) Law, 2009.

These Regulations come into force on 1st January, 2018.

No. 65 of 2017

THE WATER CHARGES (AMENDMENT) REGULATIONS, 2017

In pursuance of section 5 of the Fees, Charges and Penalties (Guernsey) Law, 2007, "The Water Charges (Amendment) Regulations, 2017", made by the States' Trading Supervisory Board on 17th August, 2017, are laid before the States.

EXPLANATORY NOTE

These Regulations prescribe the charges which will be made for the supply of water for 2018.

These Regulations come into force on 1st January, 2018.

No. 35 of 2017

THE COMPANIES (GUERNSEY) LAW, 2008 (AMENDMENT OF PART XVIA) REGULATIONS, 2017

In pursuance of section 537 of the Companies (Guernsey) Law, 2008, The Companies (Guernsey) Law, 2008 (Amendment of Part XVIA) Regulations, 2017 made by the Committee for Economic Development on 6th July 2017, are laid before the States.

EXPLANATORY NOTE

These regulations amend Part XVIA of the Companies (Guernsey) Law, 2008 to introduce a requirement that a recognised auditor of a market traded company must maintain the working papers relating to an audit in English and make such papers available to the Registrar, a recognised supervisory body or a professional oversight body upon demand.

The three Crown Dependencies of Guernsey, Jersey and the Isle of Man have introduced systems of public oversight, quality assurance, investigations and penalties which have been assessed by the European Commission as equivalent to the systems for auditors and audit firms in EU Member States under Directive 2006/43/EC.

These regulations came into operation on the 6th July, 2017.

No. 51 of 2017

THE BENEFICIAL OWNERSHIP (DEFINITION) (AMENDMENT) REGULATIONS, 2017

In pursuance of sections 31 and 39 of the Beneficial Ownership of Legal Persons (Guernsey) Law, 2017, "The Beneficial Ownership (Definition) (Amendment) Regulations, 2017", made by the Policy & Resources Committee on 15th August 2017, are laid before the States.

EXPLANATORY NOTE

These Regulations correct an error in the definition of "recognised stock exchange" in the Beneficial Ownership (Definition) Regulations, 2017.

These Regulations come into force on 15th August 2017.

No. 52 of 2017

**THE BENEFICIAL OWNERSHIP OF LEGAL PERSONS (GUERNSEY) LAW, 2017
(COMMENCEMENT) REGULATIONS, 2017**

In pursuance of sections 39 and 43 of the Beneficial Ownership of Legal Persons (Guernsey) Law, 2017, “The Beneficial Ownership of Legal Persons (Guernsey) Law, 2017 (Commencement) Regulations, 2017”, made by the Policy & Resources Committee on 15th August 2017, are laid before the States.

EXPLANATORY NOTE

The Regulations bring the Beneficial Ownership of Legal Persons (Guernsey) Law, 2017 into force on the 15th August 2017, with the exception of Schedule 4, in respect of which equivalent alternative legislation provision has been made.

No. 53 of 2017

**THE DISCLOSURE (FINANCIAL SERVICES COMMISSION) (BAILIWICK OF GUERNSEY)
(AMENDMENT) (COMMENCEMENT) REGULATIONS, 2017**

In pursuance of section 4 of the Disclosure (Financial Services Commission) (Bailiwick of Guernsey) (Amendment) Ordinance, 2017, “The Disclosure (Financial Services Commission) (Bailiwick of Guernsey) (Amendment) (Commencement) Regulations, 2017”, made by the Policy & Resources Committee on 15th August 2017, are laid before the States.

EXPLANATORY NOTE

These Regulations bring the Disclosure (Financial Services Commission) (Bailiwick of Guernsey) (Amendment) Ordinance, 2017 into force on the 15th August 2017.

No. 54 of 2017

**THE CRIMINAL JUSTICE (PROCEEDS OF CRIME) (BAILIWICK OF GUERNSEY) (AMENDMENT)
(COMMENCEMENT) REGULATIONS, 2017**

In pursuance of section 7 of the Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) (Amendment) Ordinance, 2017, “The Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) (Amendment) (Commencement) Regulations, 2017”, made by the Policy & Resources Committee on 15th August 2017, are laid before the States.

EXPLANATORY NOTE

These Regulations bring the Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) (Amendment) Ordinance, 2017 into force on the 15th August 2017.

No. 55 of 2017

THE CRIMINAL JUSTICE (PROCEEDS OF CRIME) (BAILIWICK OF GUERNSEY) (BENEFICIAL OWNERSHIP) REGULATIONS, 2017

In pursuance of sections 49DA and 54 of the Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) Law, 1999, “The Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) (Beneficial Ownership) Regulations, 2017”, made by the Policy & Resources Committee on 15th August 2017, are laid before the States.

EXPLANATORY NOTE

These Regulations prescribe the Guernsey Financial Services Commission as a supervisory authority in respect of the duties and requirements to be complied with under the Beneficial Ownership of Legal Persons (Guernsey) Law, 2017, and the Beneficial Ownership of Legal Persons (Alderney) Law, 2017 (together, the Beneficial Ownership Laws), and other enactments relating to the beneficial ownership of legal persons, by regulated persons within the meaning of the Beneficial Ownership Laws. They also extend sections 49B and 49C of the Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) Law, 1999 to regulated persons within the meaning of the Beneficial Ownership Laws, and to compliance with the provisions of those Laws.

These Regulations come into force on the 15th August 2017.

No. 56 of 2017

THE REGULATION OF FIDUCIARIES, ADMINISTRATION BUSINESSES AND COMPANY DIRECTORS, ETC. (BAILIWICK OF GUERNSEY) (AMENDMENT) REGULATIONS, 2017

In pursuance of section 61 or, and paragraph 6 of Schedule 1 to, the Regulation of Fiduciaries, Administration Businesses and Company Directors etc. (Bailiwick of Guernsey) Law, 2000, “The Regulation of Fiduciaries, Administration Businesses and Company Directors, etc. (Bailiwick of Guernsey) (Amendment) Regulations, 2017”, made by the Policy & Resources Committee on 15th August 2017, are laid before the States.

EXPLANATORY NOTE

These Regulations amend the minimum criteria for licensing under Schedule 1 to the Regulation of Fiduciaries, Administration Businesses and Company Directors etc. (Bailiwick of Guernsey) Law, 2000 to include consideration of compliance with relevant provisions under the Limited Liability Partnerships (Guernsey) Law, 2013, and the Companies (Alderney) Law, 1994.

These Regulations come into force on the 15th day of August, 2017.

No. 71 of 2017

WASTE DISPOSAL AND RECOVERY CHARGES REGULATIONS, 2017

In pursuance of Section 32(3)(c) and (4) and section 72 of the Environmental Pollution (Guernsey) Law, 2004 and all other powers enabling it in that behalf, the Waste Disposal and Recovery Charges Regulations, 2017, made by the Waste Disposal Authority on 14th September 2017, is laid before the States.

EXPLANATORY NOTE

These Regulations prescribe the charges, or rates of charge, payable in 2018 as a pre-condition of the acceptance of waste of particular descriptions by the Waste Disposal Authority for disposal or recovery at specified public waste management sites (see Table 1 in Schedule 1). They also set out charges in 2018 for the reloading of waste which is not accepted at specified public waste management sites (see Table 2 in Schedule 1).

These Regulations and the new charges or rates of charge come into force on 1st January, 2018.

No. 73 of 2017

THE HARBOUR DUES AND FACILITIES CHARGES (GUERNSEY) REGULATIONS, 2018

In pursuance of the powers conferred upon it by sections 2 and 3 of the Harbour Dues (Saint Peter Port and Saint Sampson) Law, 1957, section 33 of the Harbours Ordinance, 1988, sections 1 and 5 of the Fees, Charges and Penalties (Guernsey) Law, 2007, made by the States Trading Supervisory Board on 26th September, 2017, is laid before the States.

EXPLANATORY NOTE

These Regulations prescribe the harbour dues payable under section 2 of the Harbour Dues (Saint Peter Port and Saint Sampson) Law, 1957, and the charges payable for the use of harbour facilities under section 33(1) of the Harbours Ordinance, 1988. Under the terms of the Fees, Charges and Penalties (Guernsey) Law, 2007, these dues and charges may now be prescribed by regulations of the States' Trading Supervisory Board.

These Regulations came into force on 1st January, 2018.

No. 74 of 2017

THE AIRPORT FEES (GUERNSEY AND ALDERNEY) REGULATIONS, 2018

In pursuance of the powers conferred upon it by section 2(1) of the Airport Fees Ordinance, 1987, as amended, and as delegated to it by section 1(1)(d) of the Fees, Charges and Penalties (Guernsey) Law, 2007, made by the States Trading Supervisory Board on 26th September, 2017, is laid before the States.

EXPLANATORY NOTE

These Regulations prescribe the fees for the use of Alderney Airport and Guernsey Airport. Under the terms of the Fees, Charges and Penalties (Guernsey) Law, 2007, these dues and charges may now be prescribed by regulations of the States' Trading Supervisory Board.

These Regulations come into force on 1st April, 2018.

No. 75 of 2017

THE MOORING CHARGES (GUERNSEY) REGULATIONS, 2018

In pursuance of section 2 of the Vessels and Speedboats (Compulsory Third-Party Insurance, Mooring Charges and Removal of Boats) (Guernsey) Law, 1972, sections 1 and 5 of the Fees, Charges and Penalties (Guernsey) Law, 2007 made by the States Trading Supervisory Board on 26th September, 2017, is laid before the States.

EXPLANATORY NOTE

These Regulations prescribe the mooring charges payable under section 2 of the Vessels and Speedboats (Compulsory Third-Party Insurance, Mooring Charges and Removal of Boats) (Guernsey) Law, 1972 (the "**1972 Law**"). Under the terms of the Fees, Charges and Penalties (Guernsey) Law, 2007, these charges may now be prescribed by regulations of the States' Trading Supervisory Board.

These Regulations come into force on the 1st April, 2018.

No. 76 of 2017

THE PILOTAGE DUES (GUERNSEY) REGULATIONS, 2018

In pursuance of the powers conferred upon it by sections 1, 2, 3 and 8 of the Pilotage Dues and Fees Ordinance, 1987 and sections 1 and 5 of the Fees, Charges and Penalties (Guernsey) Law, 2007, made by the States Trading Supervisory Board on 26th September, 2017, is laid before the States.

EXPLANATORY NOTE

These Regulations prescribe the pilotage dues and related charges payable under the Pilotage Dues and Fees Ordinance, 1987. Under the terms of the Fees, Charges and Penalties (Guernsey) Law, 2007, these dues and charges may now be prescribed by regulations of the States' Trading Supervisory Board.

These Regulations came into force on 1st January, 2018.

No. 77 of 2017

**THE FORFEITURE OF MONEY ETC IN CIVIL PROCEEDINGS (DESIGNATION OF COUNTRIES)
(BAILIWICK OF GUERNSEY) REGULATIONS, 2017**

In pursuance of Section 53 and 64 of the Forfeiture of Money etc in Civil Proceedings (Bailiwick of Guernsey) Law 2007, The Forfeiture of Money etc in Civil Proceedings (Designation of Countries) (Bailiwick of Guernsey) Regulations, 2017, made by the Committee *for* Home Affairs on 25th September 2017, is laid before the States.

EXPLANATORY NOTE

These Regulations amend the list of persons, bodies or authorities in England and Wales to which assistance may be provided under the Forfeiture of Money etc in Civil Proceedings (Bailiwick of Guernsey) Law, 2007.

These Regulations come into force on the 15th September, 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>