

GUERNSEY STATUTORY INSTRUMENT

2015 No.

**The Financial Services Ombudsman  
(Eligible Complainants) (Bailiwick of Guernsey)  
Order, 2015**

<i>Made</i>	?, 2015
<i>Coming into operation</i>	?, 2015
<i>Laid before the States</i>	, 2015

**THE COMMERCE AND EMPLOYMENT DEPARTMENT**, in exercise of the powers conferred on it by sections 8 and 27 of the Financial Services Ombudsman (Bailiwick of Guernsey) Law, 2014<sup>a</sup>, and on the recommendation of the Office of the Financial Services Ombudsman, hereby orders:-

**Charities.**

**1.** (1) For the purposes of section 8(2)(a) and (3) of the Law, the category of person specified is -

- (a) where it is based in the Bailiwick of Guernsey, a charity which had a gross annual income of less than £1,000,000 in the relevant period determined under paragraph (2), and
- (b) where it is based in Jersey, a category of person specified for the purposes of the Jersey scheme which is an equivalent to the category specified in subparagraph (a).

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<sup>a</sup> Order in Council No. I of 2015.

(2) For the purposes of paragraph (1)(a), the "**relevant period**" is the year of charge preceding the year of charge in which the complaint is referred.

**Interpretation.**

2. (1) In this Order, unless the context requires otherwise -

"**charity**" means -

(a) in relation to Guernsey and Alderney -

(i) a Guernsey Registered Charity,

(ii) an organisation established for charitable purposes only which would be required to register with the Registrar in accordance with the Charities and Non Profit Organisations (Registration) (Guernsey) Law, 2008<sup>b</sup>, but for the fact that its gross assets and funds, and its gross annual income, fall below the limit set out in paragraph 2(1)(a) of Schedule 1 to that Law, and

(b) in relation to Sark, a Sark Registered Charity,

"**enactment**" means any Law, Ordinance or subordinate legislation,

"**Guernsey Registered Charity**" has the meaning given in Schedule 1 to the Charities and Non Profit Organisations (Registration) (Guernsey) Law, 2008,

"**Jersey Scheme**" has the meaning given in section 6(1)(i) of the Law,

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<sup>b</sup> Order in Council No. XXVI of 2008; as amended by Order in Council No. III of 2010; Order in Council No. VIII of 2011; Ordinance Nos. XXXVI and XLIX of 2008; Ordinance No. XXIX of 2010.

"**pension fund**" means an exempt pension trust for the purposes of section 157E of the Income Tax (Guernsey) Law, 1975<sup>c</sup>,

"**Sark Registered Charity**" has the meaning given in Schedule 1 to the Charities and Non Profit Organisations (Registration) (Sark) Law, 2008<sup>d</sup>,

"**subordinate legislation**" means any regulation, rule, order, rule of court, resolution, scheme, byelaw or other instrument made under any enactment and having legislative effect,

"**the Law**" means the Financial Services Ombudsman (Bailiwick of Guernsey) Law, 2014,

"**year of charge**" has the meaning given in the Income Tax (Guernsey) Law, 1975,

and other expressions have the same meanings as in the Law.

(2) The Interpretation (Guernsey) Law, 1948<sup>e</sup> applies to the interpretation of this Order throughout the Bailiwick.

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

### **Citation and commencement.**

?. This Order may be cited as the Financial Services Ombudsman (Eligible Complainants) (Bailiwick of Guernsey) Order, 2015 and shall come into force on the ?th ?,

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<sup>c</sup> Ordres en Conseil Vol. XXV, p. 124; there are other amendments not relevant to this Order.

<sup>d</sup> Order in Council No. VI of 2010; as amended by Charities and Non Profit Organisations (Registration) (Sark) (Amendment) Ordinance, 2011.

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

2015.

Dated this            day of            , 2015

K STEWART

Minister of the States Commerce and Employment Department

For and on behalf of the Department

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EXPLANATORY NOTE

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

This Order permits, for the purpose of the Financial Services Ombudsman (Bailiwick of Guernsey) Law, 2014 ("the Law"), charities with an annual income of less than £1,000,000 or which are eligible complainants under the Jersey Financial Ombudsman Scheme, as well as non-professional trustees or council members, to complain to the Guernsey Financial Services Ombudsman.

This Order comes into force on the ? day of ?, 2015.