

# ORDER IN COUNCIL

**XXV**  
**2008**

ratifying a Projet de Loi

ENTITLED

**The Regulation of Fiduciaries,  
Administration Businesses and Company  
Directors, etc (Bailiwick of Guernsey)  
(Amendment) Law, 2008**

(Registered on the Records of the Island of Guernsey  
on the 28th October, 2008.)



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2008

## ORDER IN COUNCIL



### IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

28<sup>th</sup> day of October, 2008 before Richard John Collas, Esquire, Deputy Bailiff; present:- Derek Martin Le Page, Stephen Edward Francis Le Poidevin, Alan Cecil Bisson, The Reverend Peter Gerald Lane, Michael Henry De La Mare, Michael John Tanguy, Esquires, Susan Mowbray, John Ferguson and Stephen Murray Jones Esquires, Jurats.

The Deputy Bailiff having this day placed before the Court an Order of Her Majesty in Council dated 9<sup>th</sup> October 2008 approving and ratifying a Projet de Loi entitled “The Regulation of Fiduciaries, Administration Businesses and Company Directors, etc (Bailiwick of Guernsey) (Amendment) Law, 2008”, THE COURT, after the reading of the said Order in Council and after having heard Her Majesty’s Comptroller thereon, ORDERED: -

1. That the said Order in Council be registered on the records of this Island;  
and
2. That an extract of this present Act, together with a copy of the said Order in Council be sent by Her Majesty’s Greffier to the Greffier of the Court of Alderney and to the SÉNÉSCHAL of Sark for registration on the records of those Islands respectively.



*At the Court at Buckingham Palace*

THE 9th DAY OF OCTOBER 2008

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY  
IN COUNCIL

The following report from the Committee of Council for the Affairs of Jersey and Guernsey was today read at the Board:

"In accordance with Your Majesty's General Order of Reference of 22nd February 1952 the Committee have considered a Petition of the States of Guernsey:

"That, in pursuance of their Resolution of 25th July 2007, the States of Deliberation at a meeting on 30th January 2008 approved a *Projet de Loi* entitled *The Regulation of Fiduciaries, Administration Businesses and Company Directors, etc (Bailiwick of Guernsey) (Amendment) Law, 2008* and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction to it. That the States of the Island of Alderney at a meeting held on 9th January 2008 considered the *Projet de Loi* when a Resolution was passed agreeing to the application to Alderney. That the Chief Pleas of the Island of Sark at a meeting held on 21st February 2008 considered the *Projet de Loi* when a Resolution was passed agreeing to the application to Sark. That the *Projet de Loi* is as set forth in the attached Schedule. The Petition most humbly prays that Your Majesty might be graciously pleased to sanction *The Regulation of Fiduciaries, Administration Businesses and Company Directors, etc (Bailiwick of Guernsey) (Amendment) Law, 2008*, and to order that it shall have force of law in the Bailiwick of Guernsey.

"The Committee have considered the *Projet de Loi* and have agreed to report that it may be advisable for Your Majesty to approve and ratify it."

Her Majesty, having taken the report into consideration, was pleased, by and with the advice of Her Privy Council, to approve and ratify the *Projet de Loi* (a copy of which is annexed to this Order) and to order that it, together with this Order, shall have the force of law in the Bailiwick of Guernsey and shall be entered on the Register of the Island of Guernsey and observed accordingly.

Her Majesty's Officers in the Bailiwick of Guernsey, and all others whom it may concern, are therefore to take notice of Her Majesty's Order and to proceed accordingly.

*Judith Simpson*

# PROJET DE LOI

ENTITLED

## **The Regulation of Fiduciaries, Administration Businesses and Company Directors, etc (Bailiwick of Guernsey) (Amendment) Law, 2008**

**THE STATES**, in pursuance of their Resolution of the 25<sup>th</sup> July, 2007<sup>a</sup>, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Bailiwick of Guernsey.

### **Amendment of 2000 Law.**

1. The Regulation of Fiduciaries, Administration Businesses and Company Directors, etc (Bailiwick of Guernsey) Law, 2000 as amended<sup>b</sup> ("the 2000 Law"), is further amended as follows.

### **Amendment of section 19 of the 2000 Law.**

2. In section 19 of the 2000 Law -

(a) for subsection (4) substitute -

"(4) The grounds of an appeal under this section are that -

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<sup>a</sup> Article IV on Billet d'État XIX of 2007.

<sup>b</sup> Order in Council No. I of 2001; amended by No. XIV of 2003; and by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003).

- (a) the decision was ultra vires or there was some other error of law,
  - (b) the decision was unreasonable,
  - (c) the decision was made in bad faith,
  - (d) there was a lack of proportionality, or
  - (e) there was a material error as to the facts or as to the procedure ",
- (b) in subsection (8) for the words, numbers, brackets and letters "described in subsection (1)(c) or (f) or (k)" substitute the words "of the Commission", and
- (c) after subsection (11) insert the following subsection -

"(12) In subsections (10) and (11) **"the Royal Court"** means the Royal Court sitting as an Ordinary Court, constituted by the Bailiff sitting unaccompanied by the Jurats; and for the purposes of an appeal under this section the Royal Court may appoint one or more assessors to assist it in the determination of any matter before it."

### **Interpretation.**

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

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

**Citation.**

4. This Law may be cited as the Regulation of Fiduciaries, Administration Businesses and Company Directors, etc (Bailiwick of Guernsey) (Amendment) Law, 2008.

S.M. Simmonds,  
Her Majesty's Deputy Greffier.









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