

Consultation Paper on the Statutory Instruments proposed to be re-issued under

The Protection of Investors (Bailiwick of Guernsey) Law, 2020,

The Regulation of Fiduciaries, Administration Businesses and Company Directors, etc. (Bailiwick of Guernsey) Law, 2020,

The Banking Supervision (Bailiwick of Guernsey) Law, 2020,

The Financial Services Business (Enforcement Powers)(Bailiwick of Guernsey) Law, 2020,

The Insurance Business (Bailiwick of Guernsey) Law, 2021 and

The Insurance Managers and Insurance Intermediaries (Bailiwick of Guernsey) Law, 2021

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Responses to this Consultation Paper are sought by 17 June 2021.

We welcome and strongly encourage respondents to provide feedback or comment on any section and question. Feedback may be provided via the Consultation Hub section of the Commission's website (www.gfsc.gg).

PART 1 INTRODUCTION

Purpose of the Consultation Paper

Revision of Laws Project

In August and September 2020, the States of Guernsey, the States of Alderney, and the Chief Pleas of Sark, as part of a review of the legislation governing the finance industry, approved the following –

- The Protection of Investors (Bailiwick of Guernsey) Law, 2020 (the “POI Law”);
- The Banking Supervision (Bailiwick of Guernsey) Law, 2020 (the “Banking Law”);
- The Regulation of Fiduciaries, Administration Businesses and Company Directors, etc. (Bailiwick of Guernsey) Law, 2020 (the “Fiduciaries Law”); and
- The Financial Services Business (Enforcement Powers)(Bailiwick of Guernsey) Law, 2020.

The amendment Ordinances to the Insurance Business (Bailiwick of Guernsey) Law, 2002 (“IBL”), The Insurance Managers, and Insurance Intermediaries (Bailiwick of Guernsey) Law, 2002 (“IMIL”) are currently progressing through the implementation process (the amendment Ordinances together with the new laws set out above are the “New and Amended Laws”).

These New and Amended Laws form the suite of legislation contemplated in the Policy Letter on the Revision of the Financial Supervisory and Regulatory Laws which was debated and approved by the States of Deliberation on the 30th of October 2015.

As part of the Revision of Laws project, the Commission undertook extensive public consultation and engagement on revising the Bailiwick’s supervisory and regulatory laws to maintain the Bailiwick’s reputation as an efficient and well-regulated international finance centre. This commenced in 2014 with the ‘Discussion Paper on the Revision of Laws Project: Revising the Bailiwick’s financial and regulatory laws to maintain the Bailiwick’s reputation as an efficient and well-regulated international finance centre’ and was followed, in 2015, by the ‘Consultation Paper on the Revision of Laws project’.

Additionally the Commission has undertaken extensive engagement on the New and Amended Laws arising from the Revision of Laws project.

Since mid-2014, the Commission has undertaken more than 26 separate formal ‘in-person’ engagements on the Revision of Laws project including drop-in sessions, presentations and feedback sessions. These have been held with industry and interested parties including the Committees of the States of Guernsey, Chief Pleas of Sark, the States of Alderney, GIFA, Guernsey International Legal Association, NED Forum, GIIA, Guernsey Finance, Guernsey Company Registrar, IoD, Guernsey law firms, Commercial Bar Association, Association of Guernsey Banks, Guernsey Investment Management & Stockbroking Association, Guernsey Society of Chartered and Certified Accountants, Guernsey Association of Pension Providers,

Guernsey Association of Compliance Officers, Bailiwick Insurance Intermediaries Association and Digital Finance Project.

The New and Amended Laws update the provisions of the previous laws and

- bring them in line with current appropriate international standards;
- improve consistency between the Regulatory Laws;
- consolidate all enforcement powers, previously found across the laws, into the newly enacted Financial Services Business (Enforcement Powers) (Bailiwick of Guernsey) Law, 2020.

Changes to the Statutory Instruments

Prior to the implementation of the New and Amended Laws later this year, the Statutory Instruments¹, which are currently in force, have been reviewed to ensure that the regulatory framework continues to function correctly.

The Statutory Instruments considered, as part of this project, are listed at Appendix 1.

Consistent with the Commission's objectives, the proposals in this Consultation Paper are designed to enhance the levels of confidence and security in the Bailiwick's regulatory and supervisory framework.

Purpose

This Consultation Paper focuses on the regulations and rules to be made under the laws listed above. A second Consultation Paper, focussing on the guidance documents and codes to be made by the Commission under these laws is to follow.

The purpose of this Consultation Paper is to seek feedback from all interested parties on the changes to be made in order to successfully implement the New and Amended Laws. The objective is to ensure that the regime continues to be both compliant with international standards and appropriate for the Guernsey market.

In preparing these new rules we have sought to minimise changes to reduce the administrative burdens on licensed entities who will be required to follow them. We are also taking the opportunity, which these new rules presented, to eliminate swathes of obsolescent rules which have built up over the years.

The draft Statutory Instruments and those currently in force are accessible on the Commission website and can be viewed through the hyperlinks in this paper.

This Consultation Paper is a working document and does not prejudice any final decision to be made by the Commission.

¹ Statutory Instruments include the regulations and rules made, under the laws, by the States and the Commission.

Omissions from this Consultation Paper

There are a number of rules which have been omitted from this Consultation Paper. The Commission's view is that these rules require more significant changes meaning they need a separate consultation. With respect to these rules the Commission proposes the following –

Collective Investment Schemes (Compensation of Investors) Rules, 1988

These rules apply to the Authorised Collective Investment Schemes (Class A) Rules, 2008 and will be revised in line with those rules (see below);

Investment Exchange (Notification) Rules, 1998

These rules have not been amended. The transitional provisions, within the new POI Law, ensure these rules continue in force and they will operate as they currently do. A comprehensive revision of these rules will form part of a future Commission Consultation;

Authorised Collective Investment Schemes (Class A) Rules, 2008 and The Collective Investment schemes (Class A) Rules 2002

These rules are not being utilised, at the present time, by licensees. It is the Commission's intention to suspend them until such time as it has sufficient resources to review them properly. We believe they are in need of substantial redrafting which is why they have not been copied out under the new Laws;

The Licensees (Conduct of Business and Notification) (Non-Guernsey Schemes) Rules 1994

The Commission consulted on proposals for the Non-Guernsey Schemes regime in late 2020 and early 2021, and will shortly publish a feedback statement setting out the future requirements for such schemes;

Regulation of Fiduciaries (Fiduciary Advertisements and Annual Returns) Regulations, 2012

The Commission proposes to revoke these regulations, the sole remaining active provision of which restricts advertising by personal fiduciary licence holders. This change will bring the treatment of advertising by personal fiduciary licence holders into line with that of other categories of fiduciary licensee under the Fiduciary Rules.

It is proposed that the regulations referring to annual returns, the Regulation of Fiduciaries (Annual Return) Regulations, 2017, be revoked and incorporated into the reissued Fiduciary Rules;

Fiduciary Rules / Fiduciary Rules and Guidance, 2020

These rules, brought into force in January 2021 will be the subject of a separate Consultation Paper in Spring 2021. The changes to these rules will come into force at the same time as those proposed in this Consultation Paper. The changes will incorporate a change in nomenclature used when referring to fiduciary licenses, introduced by the Fiduciaries Law. They also incorporate

rules previously found in The Regulation of Fiduciaries (Annual Returns) Regulations, 2017 (see above).

Background to the proposals

Current Statutory Instruments

Appendix 1 sets out all Commission Statutory Instruments that are currently on the statute books.

Current Statutory Instruments to be removed to clarify regulatory standards in force

Some of the Statutory Instruments, set out in Appendix 1, are no longer in force and are only of historical interest.

The Commission believes that these Statutory Instruments should be removed from the ‘active legislation’ section, of the Commission’s website, and placed into the ‘archived’ section. The Commission will discuss with the Law Officers updating the Guernsey Legal Resources website so that it correctly identifies rules that are no longer in force. This will make it easier for users to be confident that they are referring to the correct legislation.

Part 2 of this consultation paper sets out a table of those Statutory Instruments that the Commission intends to remove to reduce complexity and the reasons behind those decisions.

In some cases the change has come about as a result of the re-classification of the Statutory Instruments² and their subsequent re-drafting is part of this project.

Re-issued Statutory Instruments

The Statutory Instruments of the Commission, made under the previous laws, were drafted and amended over a number of decades to reflect the changing needs of the financial services industry.

The regulations and rules, under which financial services businesses are regulated, are not changing substantially. The substance and meaning of the Statutory Instruments, and the way in which they operate, is intended to remain the same. It has, however, provided an opportunity to update the language used, making it consistent with the New and Amended Laws, harmonise the layout and numbering across the rules, correct minor drafting errors and check that any internal and external references remain relevant when the New and Amended Laws come into force.

The Statutory Instruments included in this Consultation Paper have been reviewed and updated but they retain the meaning and purpose of the Statutory Instruments that they replace.

² E.g. in some cases matters which were, previously, covered by regulations made by the States can now be covered in rules made by the Commission.

Overall policy approach

The draft Statutory Instruments do not set out to implement policy change but replicate the current Statutory Instruments with the incorporation of new terminology and, in some cases, the change of previous regulations into rules.

Save for new terminology the proposed re-issued Statutory Instruments will be familiar to licensees and should be consistent with their current practices.

Part 3 sets out the draft Statutory Instruments along with a more detailed explanation where any noteworthy amendments have had to be made, e.g. the replacement of out-dated references.

Next Steps

The closing date for the Consultation Paper is 17 June 2021. Responses to this Consultation Paper will be considered by the Commission with a view to issuing the Statutory Instruments, in final form, during 2021.

PART 2 REVOCATIONS

The following table only sets out the Statutory Instruments which the Commission proposes to revoke as part of this project and the reason behind that decision³.

It is proposed that these Statutory Instruments will remain accessible in the ‘archived’ section on the Commission’s website.

Please note the changes, highlighted in bold, within the table.

If you wish to comment, please use the box which follows the table.

Title of Statutory Instrument	Reason for Removal
Insurance Business (Accounts, Annual Return and Approved Eurobonds) Regulations, 1987	These regulations have become obsolete following amendments over the years. They will be revoked by The Insurance Business Rules, 2021.
Collective Investment Schemes Rules, 1988	These rules were replaced by The Collective Investment Schemes (Class A) Rules, 2002 and became obsolete.
Collective Investment Schemes (Designated Persons) Rules, 1988	These rules were replaced by The Licensees (Conduct of Business) Rules, 2009 and became obsolete.
Licensees (Financial Resources, Notification, Conduct of Business and Compliance) Rules, 1998	These rules were replaced by the Licensees (Conduct of Business) Rules, 2009 and the Licensees (Capital Adequacy) Rules, 2010 became obsolete.
Insurance Managers and Insurance Intermediaries (Licensing) Regulations, 2002	These regulations have been consolidated into The Insurance Managers Rules, 2021 and The Insurance Intermediaries Rules, 2021.
Insurance Managers and Insurance Intermediaries (Client Monies) Regulations, 2008	These regulations have been consolidated into The Insurance Managers Rules, 2021 and The Insurance Intermediaries Rules, 2021.

³ Statutory Instruments that are due to be re-issued are set out in Part 3.

Insurance Managers and Intermediaries (Annual Returns) Regulations, 2008	Insurance Returns)	These regulations have been consolidated into The Insurance Managers Rules, 2021 and The Insurance Intermediaries Rules, 2021.
Insurance Managers and Intermediaries (Approved Assets) Regulations, 2008	Insurance Assets)	These regulations have been consolidated into The Insurance Managers Rules, 2021 and The Insurance Intermediaries Rules, 2021.
Insurance Business (Annual Returns) Regulations, 2008	Insurance Returns)	These regulations have been consolidated into The Insurance Business Rules, 2021.
Insurance Business (Duties of General Representatives) Regulations, 2008		These regulations have been consolidated into The Insurance Business Rules, 2021.
Licencees (Conduct of Business) Rules 2009		These rules were replaced by the Licencees (Conduct of Business) Rules, 2016 and became obsolete.
Registered Collective Investment Scheme Rules, 2008		These rules were replaced by the Registered Collective Investment Scheme Rules, 2018 and became obsolete.
Banking Supervision (Bailiwick of Guernsey) Regulations, 2010		Consolidated into the Banking Supervision (Bailiwick of Guernsey) Law, 1994 and now sits in The Banking Law 2020 and The Enforcement Law 2020. Will become obsolete when this law comes into force.
Insurance Business (Public Disclosure of Information) Rules, 2010		These rules were replaced by The Insurance Business (Public Disclosure of Information) Rules, 2018 and became obsolete.
Insurance Business (Licensing) Regulations, 2010		These regulations have been consolidated into The Insurance Business Rules, 2021.
Regulation of Fiduciaries (Fiduciary Advertisements and Annual Returns) Regulations, 2012		Only the section on Fiduciary Advertisements remains in force. The Commission proposes to revoke these regulations removing the restriction on advertising that currently applies to personal fiduciary license holders. It is proposed that these will be revoked in amendments to the Fiduciary Rules, to be set out in a further Consultation Paper.
Insurance Managers (Conduct of Business) Rules, 2014		These rules have been consolidated into The Insurance Managers Rules, 2021.
Insurance Intermediaries (Conduct of Business) Rules, 2014		These rules have been consolidated into The Insurance Intermediaries Rules, 2021.

Registered Collective Investment Schemes Rules, 2015	These rules were replaced by the Registered Collective Investment Scheme Rules, 2018 and became obsolete.
Retirement Annuity Trust Scheme Rules, 2015	These rules were replaced by The Pension Scheme and Gratuity Scheme Rules, 2020 and became obsolete.
Insurance Business (Special Purpose Insurer) Rules, 2016	These rules have been consolidated into The Insurance Business Rules, 2021.
Insurance Business (Public Disclosure of Information) Rules, 2018	These rules have been consolidated into The Insurance Business Rules, 2021.
Licensed Insurer's (Conduct of Business) Rules, 2018	These rules have been consolidated into The Insurance Business Rules, 2021.

Do you have any comments on the proposal to archive these Statutory Instruments?
Where comments relate to specific Statutory Instruments, please identify.

PART 3 RE-ISSUED STATUTORY INSTRUMENTS

The following sections set out the Statutory Instruments which the Commission proposes to re-issue.

Each section includes hyperlinks to copies of the draft amended rules and highlights any noteworthy amendments proposed to be included.

Links to the rules, as currently in force, can be accessed by following the relevant links.

To provide the Commission with comments, on these proposals, please use the comment boxes which follow each set of rules or provide any general comments here.

General comments on the proposed re-issue.

1. The Collective Investment Schemes (Qualifying Professional Investor Funds) (Class Q) Rules, 2021

It is proposed that The Collective Investment Schemes (Qualifying Professional Investor Funds)(Class Q) Rules, 2021 replace the rules made, under the same name, in 1998.

A copy of the current rules can be found by following this link:

[The Collective Investment Schemes \(Qualifying Professional Investor Funds\)\(Class Q\) Rules, 1998](#)

A copy of the proposed draft rules, set with accompanying guidance, provided by the Commission, as to the Commission’s expectations, can be found by following this link:

[The Collective Investment Schemes \(Qualifying Professional Investor Funds\)\(Class Q\) Rules and Guidance, 2021](#)

Noteworthy amendments

- The term “designated manager” in the previous POI Law has been replaced with the term “designated administrator” and this is reflected in this new draft. The designation of the administrator is no longer provided for in the Law and is now included in the rules.
- Rule 5.4(3) – the requirement to apply for, and receive, prior approval to changes to a Class Q Scheme has been removed to align these rules with the other fund rules and to reflect the nature of the product – *Original rule 5.04(2)*.
- Rule 7.2(2) the requirement to provide a “certificate” has been changed to the requirement to provide “confirmation” – *Original rule 7.02(3)*.
- Rule 7.1(4) has been removed – this rule set out the required contents of financial statements which is not a matter for the fund rules but would, instead, be under the accounting principle the scheme applies – *Original rule 7.01(4)*.
- Rules 7.3(2) and 9.2(2) have been removed as, following the digitisation process, they no longer reflect industry practice – *Original Rules 7.03(2) and 9.02(2)*.

Do you have any comments on the proposed re-issue of The Collective Investment Schemes (Qualifying Professional Investor Funds)(Class Q) Rules ?

2. The Authorised Closed-Ended Investment Schemes Rules, 2021

It is proposed that The Authorised Closed-Ended Investment Schemes Rules, 2021 replace the rules made, under the same name, in 2008.

A copy of the current rules can be found by following this link:

[The Authorised Closed-Ended Investment Schemes Rules, 2008](#)

A copy of the proposed draft rules, set with accompanying guidance, provided by the Commission, as to the Commission's expectations, can be found by following this link:

[The Authorised Closed-Ended Investment Schemes Rules and Guidance, 2021](#)

Noteworthy amendments

- The term “designated manager” in the previous POI Law has been replaced with the term “designated administrator” and this is reflected in this new draft. The designation of the administrator is no longer provided for in the Law and is now included in the rules.

Do you have any comments on the proposed re-issue of The Authorised Closed-Ended Investment Schemes Rules ?

3. The Licensees (Capital Adequacy) Rules, 2021

It is proposed that The Licensees (Capital Adequacy) Rules, 2021, made under the Protection of Investors (Bailiwick of Guernsey) Law, 2020, replace the rules made, under the same name, in 2010.

A copy of the current rules can be found by following this link:

[The Licensees \(Capital Adequacy\) Rules, 2010](#)

A copy of the proposed draft rules, set with accompanying guidance, provided by the Commission, as to the Commission's expectations, can be found by following this link:

[The Licensees \(Capital Adequacy\) Rules and Guidance, 2021](#)

There are no noteworthy amendments to these rules.

Do you have any comments on the proposed re-issue of The Licensees (Capital Adequacy) Rules ?

4. The Authorised Collective Investment Schemes (Class B) Rules, 2021

It is proposed that The Authorised Collective Investment Scheme (Class B) Rules, 2021 replace the rules made, under the same name, in 2013.

A copy of the current rules can be found by following this link:

[The Authorised Collective Investment Schemes \(Class B\) Rules, 2013](#)

A copy of the proposed draft rules, set with accompanying guidance, provided by the Commission, as to the Commission's expectations, can be found by following this link:

[The Authorised Collective Investment Schemes \(Class B\) Rules and Guidance 2021](#)

Noteworthy amendments

- The term “designated manager” in the previous POI Law has been replaced with the term “designated administrator” and this is reflected in this new draft. The designation of the administrator is no longer provided for in the Law and is now included in the rules.

Do you have any comments on the proposed re-issue of The Authorised Collective Investment Schemes (Class B) Rules?

5. The AIFMD Rules, 2021

It is proposed that The AIFMD Rules, 2021 replace the rules made, under the same name, in 2013.

A copy of the current rules can be found by following this link:

[The AIFMD Rules 2013](#)

A copy of the proposed draft rules, set with accompanying guidance, provided by the Commission, as to the Commission's expectations, can be found by following this link:

[The AIFMD Rules and Guidance 2021](#)

There are no noteworthy amendments to these rules.

Do you have any comments on the proposed re-issue of The AIFMD Rules?

6. The AIFMD (Marketing) Rules, 2021

It is proposed that The AIFMD (Marketing) Rules, 2021 replace the rules made, under the same name, in 2013.

A copy of the current rules can be found by following this link:

[The AIFMD \(Marketing\) Rules 2013](#)

A copy of the proposed draft rules, set with accompanying guidance, provided by the Commission, as to the Commission's expectations, can be found by following this link:

[The AIFMD \(Marketing\) Rules, 2021](#)

Noteworthy amendments

- These rules have been amended to ensure that they continue to apply to funds marketed to the UK following the European Union Exit Date.

Do you have any comments on the proposed re-issue of The AIFMD (Marketing) Rules?

7. The Guernsey Green Fund Rules, 2021

It is proposed that The Guernsey Green Fund Rules, 2021 replace the rules made, under the same name, in 2018.

A copy of the current rules can be found by following this link:

[The Guernsey Green Fund Rules 2018](#)

A copy of the proposed draft rules, set with accompanying guidance, provided by the Commission, as to the Commission's expectations, can be found by following this link:

[The Guernsey Green Fund Rules and Guidance, 2021](#)

There are no noteworthy amendments to these rules. However, the Commission is currently consulting on these rules in its Spring 2021 Green Consultation Paper. The proposed amendments relate to modifying the requirements for administrators of closed-ended Guernsey Green funds – reducing the administrative burdens they face whilst maintaining the requirement for high quality execution.

Do you have any comments on the proposed re-issue of The Guernsey Green Fund Rules?

8. The Licensees (Conduct of Business) Rules, 2021

It is proposed that The Licensees (Conduct of Business) Rules, 2021 replace the rules made, under the same name, in 2016.

A copy of the current rules can be found by following this link:

[The Licensees \(Conduct of Business\) Rules 2016](#)

A copy of the proposed draft rules, set with accompanying guidance, provided by the Commission, as to the Commission's expectations, can be found by following this link:

[The Licensees \(Conduct of Business\) Rules and Guidance 2021](#)

Noteworthy amendments

- Rule 2.1(7) has been redrafted to reflect the current practice of the Commission and of industry. Previously, requirements, of the Commission, had been incorrectly set out in the form of guidance and some guidance set out as rules. There is no change to the substance of expectations placed on licensees but the form of drafting has been amended, setting out requirements in the form of rules and labelling guidance correctly;
- In rule 10.1(1), the term “authorised or registered scheme” has been replaced with “collective investment scheme” to correct an original drafting error;
- In the “Notifications” section various notification requirements have been removed, or amended, in order to reflect the requirements of the new POI Law.

Do you have any comments on the proposed re-issue of The Licensees (Conduct of Business) Rules?

9. The Registered Collective Investment Scheme Rules, 2021

It is proposed that The Registered Collective Investment Scheme Rules, 2021 replace the rules made, under the same name, in 2018.

A copy of the current rules can be found by following this link:

[The Registered Collective Investment Scheme Rules 2018](#)

A copy of the proposed draft rules, set with accompanying guidance, provided by the Commission, as to the Commission's expectations, can be found by following this link:

[The Registered Collective Investment Scheme Rules and Guidance, 2021](#)

Noteworthy amendments

- The term “designated manager” in the previous POI Law has been replaced with the term “designated administrator” and this is reflected in this new draft. The designation of the administrator is no longer provided for in the Law and is now included in the rules.

Do you have any comments on the proposed re-issue of The Registered Collective Investment Scheme Rules?

10. The Prospectus Rules, 2021

It is proposed that The Prospectus Rules, 2021 replace the rules made, under the same name, in 2018.

A copy of the current rules can be found by following this link:

[The Prospectus Rules 2018](#)

A copy of the proposed draft rules, set with accompanying guidance, provided by the Commission, as to the Commission's expectations, can be found by following this link:

[The Prospectus Rules and Guidance, 2021](#)

Noteworthy amendments

- Rule 1.1(5)(a) has been re-drafted in order to simplify and clarify the scope of application of these rules (*Original drafting can be found at rule 2.01(2)*).

Do you have any comments on the proposed re-issue of The Prospectus Rules?

11. The Private Investment Fund Rules, 2021

It is proposed that The Private Investment Fund Rules, 2021 are updated.

A copy of the proposed draft rules, set with accompanying guidance, provided by the Commission, as to the Commission's expectations, can be found by following this link:

[The Private Investment Fund Rules \(2\) 2021](#)

This version is not annotated as there are minimal changes.

Noteworthy amendments

- The term “designated manager” in the previous POI Law has been replaced with the term “designated administrator” and this is reflected in this new draft. The designation of the administrator is no longer provided for in the Law and is now included in the rules.
- Reference to the designated custodian has been removed from the rules because designation of the custodian is no longer provided for in the registration powers in the Law and the PIF Rules will not require designation of a custodian (consistent with the current PIF Rules).

Do you have any comments on the proposed re-issue of The Private Investment Fund Rules?

12. Financial Services Business (Enforcement Powers) (Market Abuse) Regulations, 2021

These regulations, which re-issue The Protection of Investors (Market Abuse)(Bailiwick of Guernsey) Regulations, 2008, have been prepared in order to reflect changes to the enabling laws.

The 2008 regulations were made under The Protection of Investors (Bailiwick of Guernsey) Law, 1987 but, under the new Regulatory Laws, market abuse has moved into the newly enacted Financial Services Business (Enforcement Powers) Law, 2020.

This is a copy of the current regulations, as amended, which can be found by following this link:

[Financial Services Business \(Market Abuse\) Regulations 2008](#)

A copy of the proposed draft regulations can be found by following this link:

[Financial Services Business \(Enforcement Powers\)\(Market Abuse\) Regulations, 2021](#)

The only changes made, within these regulations, have been in the deeming provision to reflect that these regulations are now made under powers contained in the Enforcement Law. As such this version is not annotated.

Do you have any comments on the proposed Financial Services Business (Enforcement Powers)(Market Abuse) Regulations?

13. The Pension Scheme and Gratuity Scheme Rules, 2020

The Pension Scheme and Gratuity Scheme Rules, 2020, having been in force since 1 January 2021, require very minor amendments.

A copy of the current rules can be found by following this link:

[The Pension Scheme and Gratuity Scheme Rules 2020](#)

A copy of the proposed draft rules, set with accompanying guidance, provided by the Commission, as to the Commission's expectations, can be found by following this link:

[The Pension Scheme and Gratuity Scheme Rules and Guidance 2021](#)

This version is not annotated as the only change is set out below.

Noteworthy amendments

- The amendment is the addition of the word 'and' to Rule 2.14.1 (1)(a). This amendment is to rectify an omission, in the original drafting, which has led to the risk of the Rule being misinterpreted. In order to ensure that this Rule is clear the Commission has taken this opportunity to rectify this omission.

Do you have any comments on the proposed amendments to The Pension Scheme and Gratuity Scheme Rules?

14. The Insurance Business (Solvency) Rules, 2021

It is proposed that The Insurance Business (Solvency) Rules, 2021 replace the rules made, under the same name, in 2015.

The current rules can be found by following this link:

[The Insurance Business \(Solvency\) Rules, 2015](#)

A copy of the proposed draft rules, set with accompanying guidance, provided by the Commission, as to the Commission's expectations, can be found by following this link:

[The Insurance Business \(Solvency\) Rules, 2021](#)

Noteworthy amendments

- The rules have been renumbered to rectify the fact that the rule numbering was incorrect in the original version (with no rule 183).

Do you have any comments on the proposed re-issue of the Insurance Business (Solvency) Rules?

15. The Insurance Business Rules, 2021

It is proposed that The Insurance Business Rules, 2021 replace the following –

- [The Insurance Business \(Licensing\) Regulations, 2010](#);
- [The Insurance Business \(Annual Returns\) Regulations, 2008](#);
- [The Insurance Business \(Public Disclosure of Information\) Rules, 2018](#);
- [The Insurance Business \(Duties of General Representatives\) Regulations, 2008](#);
- [The Licensed Insurer's \(Conduct of Business\) Rules, 2018](#); and
- [The Insurance Business \(Special Purpose Insurer\) Rules, 2016](#).

A copy of the proposed draft rules, set with accompanying guidance, provided by the Commission, as to the Commission's expectations, can be found by following this link:

[The Insurance Business Rules and Guidance, 2021](#)

Noteworthy amendments

This set of rules replaces the regulations and rules previously in place, which set the way in which the Commission expected an insurance business to be run.

Aside from the consolidation there are no noteworthy amendments to these rules.

Do you have any comments on the proposed re-issue of the former Regulations and Rules under the consolidated Insurance Business Rules?

16. The Insurance Managers Rules, 2021

It is proposed that The Insurance Managers Rules, 2021 replace the following with respect to those acting as Insurance Managers –

- [The Insurance Managers and Intermediaries \(Licensing\) Regulations, 2002](#);
- [The Insurance Managers and Intermediaries \(Annual Returns\) Regulations, 2008](#);
- [The Insurance Managers and Intermediaries \(Client Monies\) Regulations, 2008](#);
- [The Insurance Managers and Intermediaries \(Approved Assets\) Regulations, 2008](#); and
- [The Insurance Managers \(Conduct of Business\) Rules, 2014](#).

A copy of the proposed draft rules, set with accompanying guidance, provided by the Commission, as to the Commission's expectations, can be found by following this link:

[The Insurance Managers Rules, 2021](#)

Noteworthy amendments

This set of rules replaces the regulations and rules previously in place, which set the way in which the Commission expects an insurance manager to run their business. Aside from the consolidation there are no noteworthy amendments to these rules.

Do you have any comments on the proposed re-issue of the former Regulations and Rules under the consolidated Insurance Managers Rules?

17. The Insurance Intermediaries Rules, 2021

It is proposed that The Insurance Intermediaries Rules, 2021 replace the following with respect to those acting as Insurance Intermediaries –

- [The Insurance Managers and Intermediaries \(Licensing\) Regulations, 2002;](#)
- [The Insurance Managers and Intermediaries \(Annual Returns\) Regulations, 2008;](#)
- [The Insurance Managers and Intermediaries \(Client Monies\) Regulations, 2008;](#)
- [The Insurance Managers and Intermediaries \(Approved Assets\) Regulations, 2008;](#) and
- [The Insurance Intermediaries \(Conduct of Business\) Rules, 2014.](#)

A copy of the proposed draft rules, set with accompanying guidance, provided by the Commission, as to the Commission's expectations, can be found by following this link:

[The Insurance Intermediaries Rules and Guidance, 2021](#)

Noteworthy amendments

This set of rules replaces the regulations and rules previously in place, which set the way in which the Commission expects an insurance intermediary to run their business. Aside from the consolidation there are no noteworthy amendments to these rules.

Do you have any comments on the proposed re-issue of the former Regulations and Rules under the consolidated Insurance Intermediaries Rules?

18. The Insurance Business (Adaptation for Members of the Society of Lloyd's) Regulations, 2021

These regulations, which re-issue The Insurance Business (Adaptation for Members of the Society of Lloyd's) regulations, 2008, have been prepared in order to reflect changes to the enabling laws.

The 2008 regulations were made under The Insurance Business (Bailiwick of Guernsey) Law, 2002 but are now made under the newly enacted Law.

This is a copy of the current regulations as amended. Amendments update the provision stating the Law under which the regulations are made only.

A copy of the proposed draft rules, set with accompanying guidance, provided by the Commission, as to the Commission's expectations, can be found by following this link:

[Insurance Business \(Adaptation for Members of the Society of Lloyd's\) Regulations 2021](#)

Do you have any comments on the proposed Insurance Business (Adaptation for Members of the Society of Lloyd's) Regulations?

19. Banking Supervision (Exempt Persons) Regulations, 2021

These regulations, which re-issue a section of The Banking Supervision (Bailiwick of Guernsey) Regulations, 1994, have been prepared in order to reflect changes to the enabling laws.

The 1994 regulations were made under The Banking Supervision (Bailiwick of Guernsey) Law, 1994 but are now made under the newly enacted Law. Part of the original regulations have now been included in the Banking Supervision Deposit Advertisements and Communications to the Commission Rules, 2021 (at section 21).

This is a copy of Section 1 of the current regulations as amended.

A copy of the proposed draft regulations can be found by following this link:

[Banking Supervision \(Exempt Persons\) Regulations 2021](#)

Noteworthy amendments

- These regulations now only cover Exempt Persons.

Do you have any comments on the proposed Banking Supervision (Exempt Persons) Regulations?

20. Banking Supervision Deposit Advertisements and Communications to the Commission Rules, 2021

These rules, which re-issue a section of The Banking Supervision (Bailiwick of Guernsey) Regulations, 1994, have been prepared in order to reflect changes to the enabling laws.

The 1994 regulations were made under The Banking Supervision (Bailiwick of Guernsey) Law, 1994 but are now made under the newly enacted Law. Part of the original regulations have now been included in The Banking Supervision (Exempt Persons) Regulation 2021 (at section 19).

These rules are a direct copy of Sections 2 and 3 of the current regulations as amended.

A copy of the proposed draft regulations can be found by following this link:

[Banking Supervision Deposit Advertisement and Communications to the Commission Rules 2021](#)

Noteworthy amendments

These rules now only cover deposit advertisements and communications to the Commission.

Do you have any comments on the proposed Banking Supervision Deposit Advertisements and Communications to the Commission?

APPENDIX 1

The following list sets out all of the Statutory Instruments within the remit of this project.

Those entries highlighted are not included in this Consultation Paper, the reasons for which are highlighted at the start of this consultation paper

Insurance Business (Accounts, Annual Return and Approved Eurobonds) Regulations, 1987
Collective Investment Schemes Rules, 1988
Collective Investment Schemes (Compensation of Investors) Rules, 1988
Collective Investment Schemes (Designated Persons) Rules, 1988
Licencees (Conduct of Business and Notification)(Non-Guernsey Schemes) Rules, 1994
Banking Supervision (Accounts) Rules, 1994
Banking Supervision (Bailiwick of Guernsey) Regulations, 1994
Licencees (Financial Resources, Notification, Conduct of Business and Compliance) Rules, 1998
The Collective Investment Schemes (Qualifying Professional Investor Funds)(Class Q) Rules, 1998
Investment Exchange (Notification) Rules, 1998
Collective Investment Schemes (Class A) Rules, 2002
Insurance Managers and Insurance Intermediaries (Licensing) Regulations, 2002
Authorised Collective Investment Schemes (Class A) Rules, 2008
Protection of Investors (Market Abuse)(Bailiwick of Guernsey) Regulations, 2008
Authorised Closed-ended Investment Scheme Rules, 2008
The Registered Collective Investment Scheme Rules, 2008
Insurance Business (Annual Return) Regulations, 2008
Insurance Business (Duties of General Representatives) Regulations, 2008
Insurance Business (Adaptation for Members of the Society of Lloyd's) Regulations, 2008
Insurance Managers and Insurance Intermediaries (Client Monies) Regulations, 2008
Insurance Managers and Insurance Intermediaries (Annual Return) Regulations, 2008
Insurance Managers and Insurance Intermediaries (Approved Assets) Regulations, 2008
Licencees (Conduct of Business) Rules, 2009
Licencees (Capital Adequacy) Rules, 2010
Banking Supervision (Bailiwick of Guernsey) Regulations, 2010
Insurance Business (Licensing) Regulations, 2010
Insurance Business (Public Disclosure of Information) Rules, 2010
Regulation of Fiduciaries (Fiduciary Advertisements and Annual Returns) Regulations, 2012
Authorised Collective Investment Schemes (Class B) Rules, 2013
AIFMD Rules, 2013
AIFMD (Marketing) Rules, 2013
Insurance Managers (Conduct of Business) Rules, 2014
Insurance Intermediaries (Conduct of Business) Rules, 2014
The Registered Collective Investment Schemes Rules, 2015
Retirement Annuity Trust Scheme Rules, 2015
Insurance Business (Solvency) Rules, 2015

Licensees (Conduct of Business) Rules, 2016
Private Investment Fund Rules, 2016
Insurance Business (Special Purpose Insurer) Rules, 2016
Regulation of Fiduciaries (Annual Returns) Regulations, 2017
Prospectus Rules, 2018
Registered Collective Investment Scheme Rules, 2018
Insurance Business (Public Disclosure of Information) Rules, 2018
The Licensed Insurer's (Conduct of Business) Rules, 2018
Guernsey Green Fund Rules, 2018
The Financial Resources Requirements Rules, 2018
Fiduciary Rules, 2020
Pension Scheme and Gratuity Scheme Rules, 2020