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GUERNSEY STATUTORY INSTRUMENT NO.

**THE GUERNSEY GREEN FUND (AMENDMENT) RULES,
2021**

Made: 6th July 2021

Coming into Operation: 6th July 2021

The Guernsey Financial Services Commission (the “Commission”), in exercise of the powers conferred on it by sections 12, 14, 15, 16, 18 and 20 of the *Protection of Investors (Bailiwick of Guernsey) Law, 1987*¹ (the “Law”) hereby makes the following Rules.

¹ Ordres en Conseil Vol. XXX, p. 281 as amended.

Citation and Commencement

1. These Rules may be cited as the Guernsey Green Fund (Amendment) Rules, 2021 and amend the Guernsey Green Fund Rules, 2018² (“the Rules”).
2. These Rules shall come into force on the 6th July 2021.

Amendments

3. The Rules are amended in accordance with Annex A.

Dated this 6th day of July, 2021



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C. A. SCHRAUWERS

Chairman of the Guernsey Financial Services Commission

For and on behalf of the Commission

² No.33 of 2018.

Annex A

Amendments to The Guernsey Green Rules, 2018

1. In this section underlining indicates new text, to be added to the Rules, and striking through indicates text to be deleted:

...

6. OVERSIGHT OF THE FUND

- (1) The *designated administrator* shall ensure that the *Guernsey Green Fund* is monitored against the notified *green criteria* and the investment criteria ~~on a monthly basis and where the Scheme contravenes either:-~~. Where the *Guernsey Green Fund* is an open-ended investment scheme such monitoring must be performed, at a minimum, on a monthly basis and where the *Guernsey Green Fund* is a closed-ended investment scheme such monitoring must be performed, at a minimum, on a quarterly basis. Where the *Guernsey Green Fund* contravenes either the notified *green criteria* or the investment criteria the *designated administrator*:-
 - (a) Shall immediately take such steps...

...

8. PROSPECTUS DISCLOSURES

- (1) In addition to the disclosures required in any other rules to which the *Guernsey Green Fund* is subject the *prospectus* shall at least contain:
 - (a) The fact that the fund has received the designation of a *Guernsey Green Fund*;
 - (b) The notified *green criteria*;

- (c) How the *Guernsey Green Fund* will meet its objective;
- (d) That the *Guernsey Green Fund* is:
 - (i) Route 1, third party certified and the name of the independent party who will provide the certification.

or

 - (ii) Route 2, whereby a *licensee* will provide a declaration.
- (e) Sufficient information regarding the declaration or certification and the methodology used must be disclosed for any intended investor to make an informed judgment on the merits of investing in the *Guernsey Green Fund*.
- (f) If the governing body of the *Guernsey Green Fund* and the *manager* intend incorporating *ESG Principles* into investment analysis and decision making processes, that fact.
- (g) The *prospectus* shall state any material conflicts of interest that an investor would reasonably require to enable such investor to make an informed judgment about the merits of investing in the *Guernsey Green Fund*.

(2) Rules 8(1)(a) and 8(1)(d) do not apply to a *Guernsey Green Fund* which is listed on a recognised stock exchange and where commensurate disclosure has been made by way of a stock exchange announcement.

EXPLANATORY NOTE

These Rules make the following changes to the Guernsey Green Fund Rules as in force.

Firstly, the minimum frequency over which the Designated Administrator is required to monitor a closed-ended fund, against the notified green criteria and investment criteria, is extended from monthly to quarterly.

Secondly, they introduce the ability to disclose Green Fund status via a stock exchange market announcement (providing that stock exchange is recognised by the Commission).

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