

Registering a Foundation

Please note: These guidance notes are not intended to be definitive legal advice and should not be relied upon as such. The interpretation of legislation is a matter on which the Guernsey Registry cannot advise and entities/individuals need to form their own independent view on compliance with the legislation. Independent legal advice is advised where there is any uncertainty.

Guernsey foundations can only be incorporated by a Corporate Service Provider (CSP) who holds a full fiduciary licence from the Guernsey Financial Services Commission.

The Registry has a directory of CSPs available here.

All foundations must have at least two councillors (subject to the terms of the Constitution of the foundation). If the foundation has a purpose in respect of which there are no beneficiaries, or there are disenfranchised beneficiaries, the foundation must have a guardian (see section 10 of the Foundations (Guernsey) Law, 2012).

A person who is appointed as a Councillor cannot also be appointed as a Guardian and vice versa.

All foundations (except for foundations which are open-ended investment schemes or closed-ended investment schemes within the meaning of *The Protection of Investors (Bailiwick of Guernsey) Law, 1987*) must have a resident agent who is either -

- An individual, resident in Guernsey, who is a foundation official, or
- A corporate services provider.

Foundation registration submissions are made by completing the online form available below. The following documents will need to be uploaded with the application:

1. A copy of the Charter (see the below guidance for details of the requirements of the Charter)
2. Copies of the Councillors' written consents to act
3. Copy of the Guardian's written consent to act (if a Guardian is to be appointed).

In addition to the above, all foundations must also submit beneficial ownership information on registration using the 'Beneficial ownership manual data capture form' available below. Further guidance on beneficial ownership requirements is available here: Beneficial Ownership Guidance.

For full details of the requirements to register a foundation in Guernsey please refer to the Foundations (Guernsey) Law, 2012 and, if applicable, seek professional advice.

Please note: All foundation councillors, guardians and resident agents must be registered with the Guernsey Registry before submitting the registration form. This is the same process as registering a director for a company, and if an individual is already registered with the Registry as a director, there is no need to register again.