

## Strike Off

The Foundations (Guernsey) (Strike Off) Regulations, 2014 enable Guernsey registered foundations to be struck off the register by the Registrar under certain circumstances. (n.b a foundation can also be struck off by the Court in accordance with para 24(4) of Schedule 2 of the Law.)

### **Under what circumstances may the Registrar strike off a Foundation?**

- where, in his opinion, the Foundation is no longer active.
- where, in his opinion, the Foundation has persistently failed to comply with the Law.
- where an application has been made on behalf of the foundation to strike the Foundation off the register

### **Strike Off Procedure - Voluntary Strike Off - where a request has been received from the Council or Guardian that the Foundation be struck off**

1. Once an application has been received, along with the necessary declaration of compliance, the Registrar will publish a notice on its website indicating the date on which the Foundation will be struck off the register.
2. Unless cause to the contrary has been shown, the Foundation will be struck off the register 2 months after the date of the publication of the notice.

### **Strike Off Procedure - for a Foundation that is no longer active or has persistently failed to comply with the Law**

Where the registrar has determined that a Guernsey Foundation should be struck off as it is no longer active or it has persistently failed to comply with the requirements of the legislation the following process will be followed:

1. A letter will be sent to the registered office.
2. This letter will indicate the Registrar's intent to strike off the Foundation unless a response is received which demonstrates why the Foundation should not be struck off - including any fees or penalties due. In such cases the Registrar will then discontinue the strike off process.
3. If a satisfactory response is not received then a further letter will be sent by registered post to the registered office confirming the intention to strike off the Foundation.
4. A notice will also be published on the Registry website.
5. If a satisfactory response is received which demonstrates why the Foundation should not be struck off - including any fees or penalties due. In such cases the Registrar will then discontinue the strike off process
6. If a response is received from any creditors or participants of the Foundation which demonstrates that it would be inequitable to strike the Foundation off then the Registrar may suspend or discontinue the strike off process.
7. If no satisfactory response is received then after 2 months of the date of publication of the notice, the Foundation will be struck off.