

Limited companies - Civil penalties for failure to file annual validation

Introduction

Following the coming into force of [The Companies \(Registrar\) \(Fees and Penalties\) Regulations, 2020](#) ("the Regulations") on 1 January 2021, a company which fails to file an annual validation by the last day of February is liable to a civil penalty.

The civil penalty replaced the previous system of late filing fees.

This document outlines the Registry procedures relating to the issuing of an order to pay a civil penalty.

Duty to submit annual validation

Under section 234 and 235 of [The Companies \(Guernsey\) Law, 2008](#) (the "Law") there is an obligation for every company incorporated before 1 December in a given year to file an annual validation submission online (containing information current as at 31 December) between 1 January and the last day of February the following year.

Failure to submit annual validation

A company which fails to file an annual validation is -

- a) guilty of an offence and in addition liable to a daily default fine, and
- b) liable to a civil penalty, and
- c) liable to be struck off the Register in accordance with Part XX of the Law.

What are the civil penalties?

The civil penalties are per company or incorporated cell and are as set out in the Regulations:

- Companies filing up to one week late, i.e. on or before 7 March, **£250**
- Companies filing up to one week to one month late, i.e. on or before 30 March, **£500**
- Companies filing up to one month or more late or failing to file at all, **£1000**.

Notification of liability to a civil penalty

Every company which fails to file an annual validation by the last day of February will be sent a letter on 1 March advising that they are now liable to a civil penalty.

Status of company which fails to file an annual validation

A company that fails to file an annual validation will have its status updated to 'In Default' until the annual validation is filed.

When will a civil penalty be issued?

A company which files an annual validation after the last day of February or fails to file an annual validation at all is liable to a civil penalty.

If satisfied the Registrar will make an order directing it to pay the civil penalty.

The order to pay the civil penalty will be sent to the company in accordance with the requirements of section 523 of the Law relating to service of documents.

How long will the company have to pay the civil penalty?

The company will have 28 days from the date of the order to pay the civil penalty.

How can the civil penalty be paid?

Payment of the civil penalty can be made by the following means:

By cheque: Payee 'Guernsey Registry'

By credit or debit card: Please contact the office on +44 1481 222800 to provide your card details

By BACS: Bank: Natwest Guernsey
Account name: States of Guernsey, Guernsey Registry
Sort code: 60-09-20
Account number: 74194313

Payments made by BACS must quote the Civil Penalty Order reference number and email enquiries@guernseyregistry.com in order to advise the office that payment has been made.

What happens if a company fails to pay the civil penalty?

If a company fails to pay a civil penalty the Registrar may proceed to enforce payment as if the amount were a civil debt.

Can a company appeal against a civil penalty order?

A company can apply to the Court to set aside or modify an order to pay a civil penalty made by the Registrar in accordance with section 511 of the Law.

An application must be made within 21 days of receipt of the order and the applicant should give notice of the application to the Registrar.

Office opening hours and contact details

If you need any more information please contact the Registry:

Email: enquiries@guernseyregistry.com

Telephone: +44 (0)1481 222800
(Monday to Friday 10am - 4pm only)

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