



VULNERABILITIES IN THE CONCEALMENT OF BENEFICIAL OWNERSHIP INFORMATION

(Survey of Beneficial Ownership in CFATF Jurisdictions)



DECEMBER 2021



The Caribbean Financial Action Task Force (CFATF) is an organisation of states and territories of the Caribbean basin which have agreed to implement common countermeasures against money laundering and terrorism financing.

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1 EXECUTIVE SUMMARY

This project was undertaken under the aegis of the Caribbean Financial Action Task Force Risk Trends and Methods Group (CRTMG) to facilitate knowledge and experience sharing among the CFATF members on the very important topic of Beneficial Ownership (BO) risk mitigation. A small project team supported by the CFATF Secretariat undertook a survey of members to collect and present the data in this report. As fewer than fifty percent of members participated in this survey and not all responses were fully completed, the findings and analyses of this report cannot accurately represent a holistic view of the landscape relating to legal persons and arrangements in the Caribbean Region. The research findings and information revealed in this report are based on the response received from twelve jurisdictions and must therefore be considered and interpreted in the context of the survey limitations.

The landscape survey provides insights into the volume, nature, dynamics and international aspects of respondents' legal persons' and legal arrangements' populations. For legal persons, there is a wide distribution of volumes, reflecting the relative sizes of domestic economies and where specific jurisdictions support international activity. Such jurisdictions are very obvious, based on the domestic vs international distribution of volumes. The nature or types of legal persons are similarly distributed, with noted distinctions between civil and common law jurisdictions as well as a small trend of more types of legal persons existing in internationally-focused jurisdictions.

Data on legal arrangements was very sparse, perhaps unsurprisingly given that there are no current international standards requiring, for example, registers of trusts or similar arrangements. Within this context, however, various forms of trusts were noted across the jurisdictions. No information was provided regarding the existence of forms of legal arrangements other than trusts. Most participating countries require registration and/or licensing for trustees or administrators of trusts, with various agencies established for this purpose. In all but one responding jurisdiction, there is a significant majority of internationally-settled trusts, rather than domestically settled.

The inherent vulnerability survey was intended to provide insights into some of the underlying factors which may affect a given jurisdiction's risks with respect to its BOs. Data was sought on various parameters for legal persons including, inter alia, complex ownership structures, nominee shareholders and directors, geographic considerations of BOs, etc. The basic conclusion is that countries find the provision of such analytic information to be generally very challenging, which should be a key consideration in the data design of any proposed upgrades to BO recording regimes. Two very encouraging findings relate to the universal mitigation of bearer shares and warrants, and strong focus on foreign legal persons operating within a jurisdiction. For legal arrangements, the sparse data really did not support any insights regarding inherent vulnerabilities.

The practices survey may be instructive to initiate dialogue between countries in the region on tactics and approaches for strengthening a given country's regime. The majority of respondents adopt a "company and registry" approach at present, with one adopting the "existing information" approach and one adopting the "multi-pronged" approach. Some specific practices noted which may be useful for members to consider include: supplementing ongoing BO reporting with periodic filings; establishing discrepancy reporting; designating Trusts and Company Service Providers (TCSPs) as regulated entities and requiring them to maintain BO registers for legal persons and arrangements; and establishing a central BO register. Sanctions for BO breaches are relatively rare across the respondents. Thresholds for BO vary between 10% and 50% at present, with 25% being the most common across the respondents. Timely

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access does not appear to be a general issue across the region, with a variety of mechanisms used to facilitate the sharing of information with appropriate counterparts.

Respondents have been forthright in expressing challenges they face to establish and/or maintain effective BO regimes. Some require legislative solutions, but other challenges such as the adequacy of HR or Technology resources, public and industry sensitization to new regimes, COVID impacts on progress and digging out BO information for old companies require strategic considerations and planning to overcome. The need for insightful risk assessments is clear. Failure to understand the risks of the sector (Legal persons and Legal arrangements) severely hinder the effective implementation of risk-based policies and procedures to mitigate the inherent money laundering and terrorist financing vulnerabilities of these corporate vehicles.

In terms of recommendations, a key general outcome of this exercise is to help jurisdictions assess where they are on their BO journey, and to provide perspective and ideas from sister jurisdictions around the region.

The particular information shared by the Cayman Islands is given prominence in these recommendations, given their ongoing post-MER experience. The immediacy of Cayman Islands' experience has been gratefully received and shared.

1. Countries should give clear consideration towards collecting and storing BO data in a manner that will support various analyses being undertaken in support of ML/TF risk assessments of legal persons and arrangements. This would not only include granular information on the BOs themselves, but also on key operational aspects of the overall BO register (e.g. information on the total LPs added and/or removed, size trends, dynamics, etc.). Countries should use the BO information available to them to proactively assess and manage the risks they face with respect to lack of transparency for the BOs of legal persons and legal arrangements established in their respective countries.
2. There is a very strong international endorsement for countries to adopt a “multi-pronged approach”, which incorporates a central registry together with statutory obligations on formation agents to hold BO information and update it and pass to the central registry.
3. Countries should ensure there are very efficient and effective mechanisms in place to share information, both domestically and internationally, in response to duly authorised enquiries from Law Enforcement Agencies (LEAs) or Financial Intelligence (Units) (FIUs). When such information is provided internationally, countries should follow-up on the outcomes in order to further inform their risk assessments and other considerations.
4. With respect to “accuracy” it is very important to consider accuracy from both the “identification and verification” perspective, as well as from the perspective of the true BOs of a legal person or arrangement. Evidence of enforcement where deficiencies in accuracy are detected is a critical component to demonstrate the overall effectiveness of a county's regime.

2 INTRODUCTION

2.1 Background

Legal Persons (LPs) and Legal Arrangements (LAs) are vehicles through which various commercial activities, financial transactions or asset ownership are conducted and/or facilitated. Legal persons typically encompass companies and partnerships while legal arrangements in the CFATF region are primarily trusts. In the CFATF context, the use of corporate vehicles often extends beyond domestic shores and includes a wide variety of cross-border transactions or asset ownership involving legal persons who are not of the CFATF country in which the vehicle is established.

While LPs and LAs carry out many legitimate business transactions, it is perceived and has frequently been found that they are misused for money laundering and other illegal purposes¹.

A key vulnerability arising from this misuse is that legal persons and arrangements can be used to create a high degree of anonymity or secrecy around transactions or asset ownership they are involved with, because they do not, in many instances, allow for timely access to accurate BO information. Consequently, Competent Authorities (CAs), particularly LEAs, may be unable to obtain adequate BO information to progress criminal investigations.

It has therefore become necessary for countries, globally, to intensify their efforts to implement preventative measures to address this risk, specifically through the implementation of Financial Action Task Force (FATF)² Recommendations 24 and 25, relating to the requirement for countries to take measures to prevent the misuse of legal persons and arrangements.

This need is even greater with technological advancement and the increased use of the virtual space³. The nature of information and communication technologies is rapidly changing, and alternative forms of payment are being introduced through the internet to keep up with the growing volume of electronic commerce. Organised crime and criminal networks have been devising innovative ways, including through companies and trusts, to carry out their illegal crimes and money laundering⁴.

Additionally, the awareness of this risk and its consequential negative impact on a country's reputation has been heightened by case studies of misuse provided by regional members, and a series of well-publicised media stories based on various leaks. All these factors together consolidate the long-standing and general perception that the region is a "soft touch" for establishing legal persons or arrangements that are not transparent. CFATF members are therefore faced with ever-increasing pressures to implement effective preventative measures to ensure that legal persons and legal arrangements are not being misused for criminal purposes.

In response to these issues, CFATF members decided, at the CFATF XLV plenary meeting on June 1st, 2017, to undertake this project which is aimed at providing reference information to assist members to review and where appropriate enhance their national Beneficial Ownership frameworks. The intent is to foster enhanced regional collaboration on these matters to enhance the overall level of effectiveness of all member countries with respect to preventing the misuse of legal persons and legal arrangements.

¹ OECD, 2001: Behind the Corporate Veil, Using Corporate Entities for Illegal Purpose, p 21;
<https://www.oecd.org/corporate/ca/43703185.pdf>

² FATF (2012-updated June 2021) Recommendations 24 & 25/www.fatfgafi.

³ An online environment where persons and legal entities interact for personal and business purposes.

⁴ Freedom from Fear Magazine, Issue 7, Crime and Policy in the Virtual World.
<http://f3magazine.unicri.it/?p=360>

2.2 Project Team

The project team comprised the following members:

- Bermuda, Project Co-chair (Christopher Brown, Deputy Director AML, BMA);
- Curacao, Co-chair (Solange Lopez, Legal Advisor, FIU);
- Cayman Islands (Paul Inniss, Head of Compliance General Registry);
- Guyana (Yonette Scarville, Attorney-at-law, FIU-Guyana);
- Jamaica (Susan Watson-Bonner, Legal Officer-BOJ, Rae-Ann Robinson, Analyst, FIU);
- Trinidad & Tobago (Francis Michael Sandy, Registrar General, Companies Register/Karen Bridgewater);
- St. Vincent and the Grenadines (Nikeshia Caesar, Supervisor, NRSPs/DNFBPs & NPOs, FIU); and
- Anguilla (Horace Edwards, Director, Financial Intelligence Unit).

Significant support was provided to the team by the Co-Chairs of the CRTMG Mrs. Berdie Dixon-Daley and Mrs. Mary Martinez-Campbell and by members of the CFATF Secretariat Mr. Kerry Lucio and Mr. Jefferson Clarke.

2.3 Purpose of the Project

The project was scoped to develop and present an informative depiction of the landscape of corporate registries and legal persons across member countries and to also gather and share identified vulnerabilities and practices among members with respect to the implementation of measures to prevent the misuse of legal persons and legal arrangements.

It is anticipated that the outcomes from this report will be considered by both policy-making and operational bodies within a jurisdiction which is considering enhancing its current framework for beneficial ownership. The range of inherent vulnerability factors, perspectives on particular measures implemented by CFATF members to assure accurate, timely and up to date access to beneficial owner information and insights regarding the expectations of bodies outside of CFATF provide a rich reference source.

2.4 Project Objectives

The project objectives were to present:

- (i) A landscape survey of legal person population information by country, to provide contextual information on volumes, dynamics (growth/shrinkage), domestic vs. international make-up and any other pertinent information;
- (ii) A landscape survey of legal arrangements population information by country, to provide contextual information on volumes, dynamics (growth/shrinkage), domestic vs. international make-up and any other pertinent information;
- (iii) A survey of the key inherent vulnerabilities related to potential misuse of legal persons and legal arrangements across the region; and

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- (iv) A survey of the practices used by members to prevent the misuse of legal persons and arrangements for illegal purposes.

2.5 Methodology

The methodology employed for this project was survey-based. A questionnaire was developed reflecting the information to be gathered, both quantitative and qualitative, to meet the stated objectives of the project. CFATF members were requested to nominate a single point of contact (SPOC) within their country to co-ordinate the completion of the questionnaire, as the span of questions was broad and would likely touch many agencies. The questionnaire was then distributed by the CFATF Secretariat to each of the twenty-five CFATF Member Countries.

The project team also conducted some relevant research, through open source searches and reviews of several documents and reports. Reports included, inter alia, publications from FATF and other international organisations relating to BO⁵, Mutual Evaluation Reports (MERs) and National Risk Assessments (NRAs).

The questionnaire sought to gather general and specific data and information over a three-year period (2018 to 2020) in relation to the following areas:

1. Landscape Survey

1. Legal Persons

- Types and description of legal persons;
- Size of legal person registered;
- Approximate annual turnover;
- Approximate percentage of register that are “local” compared to “international” companies.

2. Legal Arrangements

- Types and description of legal arrangements;
- Number of licensed trustees or other administrators of legal persons;
- Approx. number and value of legal arrangements administered by licensed trustees or other service providers;
- Approx. number value of legal arrangements domestic vs international.

2. Inherent Vulnerability Survey

- Gather information on various attributes which may impact the inherent vulnerability associated with Legal Persons and Legal Arrangements across the region;
- Gather information, through research, including reviews of published NRA/MER reports and other sources on legal persons and arrangements across the regions.

3. Practice Survey

- Mechanisms - legal persons
- Formation of legal persons
- Formation of legal arrangements
- Post-formation BO changes

⁵ For example, the FATF Reports/research projects on ‘Best Practices on Beneficial Ownership October 2019; www.fatf-gafi.org/publications/documents/beneficial-ownership-legal-persons.html; FATF-Egmont Group (2018), Concealment of Beneficial Ownership; www.fatf-gafi.org/publications/methodandtrends/documents/concealment-beneficial-ownership.html; FATF guidance: Transparency and Beneficial Ownership October 2014.

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Annual periodic declaration of BO
Mechanisms – Information sharing
Enforcement

2.6 Challenges

In conducting the project, the project team experienced major challenges with respect to member participation, timeliness and completeness of data collection. The overall response to the questionnaire was low. Only twelve jurisdictions (48%) responded to the questionnaire. Some questionnaires were received well beyond the requested deadline, resulting in delays in the project timelines. Of the responses received, some were quite sparsely populated, adding further challenges to conducting a meaningful analysis. The team is unable to confirm the reasons for the low participation by the CFATF membership. The team recognises that in many cases responses may not have been obtained for valid reasons of non-availability of data, but this does not seem to be applicable in all cases.

2.7 Scope and Limitations of this Report

The respondents to the questionnaire were (in alphabetical order): Aruba, Bahamas, Bermuda, Cayman Islands, Curacao, Guyana, Jamaica, Montserrat, St. Vincent and Grenadines, the Turks & Caicos Islands, Trinidad & Tobago and the Virgin Islands.

As a result of the small sample size of the countries who participated in the survey and the limited response to several sections of the questionnaires, the findings and analyses of this report cannot accurately represent a holistic view of the landscape of the legal persons and arrangements in the Caribbean Region. The research findings and information revealed in this report are based on the response received from the jurisdictions noted and must therefore be considered and interpreted in the context of the survey limitations.

The CFATF Secretariat and the Project Team also wish to highlight that this project is by no means an evaluation or assessment of any country's level of compliance with FATF Recommendations 24 and 25. This project was undertaken for the sole purpose and objectives mentioned herein.

3 FATF STANDARDS AND EXPECTATIONS

3.1 Introduction

The FATF standards define “beneficial owner” as the “natural person(s) who ultimately⁶ own(s) or control(s) a customer and/or the natural person on whose behalf a transaction is being conducted. It also includes those persons who exercise ultimate effective control over a legal person or arrangement”.

Recommendations 24 and 25 establish that countries should take measures to prevent the misuse of legal persons and arrangements for money laundering or terrorist financing and ensure that there is adequate and accurate information on the beneficial ownership and control of legal persons and arrangement that can be accessed in a timely manner by competent authorities. The effectiveness of these measures is determined by whether legal persons and arrangements are prevented from being used for criminal purposes, whether these corporate vehicles are sufficiently transparent and whether accurate and up-to-date information is available on a timely basis as postulated under Immediate Outcome 5 of the FATF Methodology⁷.

The implementation of the FATF Recommendations on transparency and beneficial ownership can be challenging and depends on the collaborative efforts of relevant stakeholders within a country. This report focuses on the FATF requirements primarily related to Recommendations 24 and R.25, and highlights the context, inherent vulnerabilities and mitigants implemented and utilised by various CFATF members to ensure that legal persons and arrangements are prevented from being used for criminal purposes. It will also share participants’ responses to assure the availability of current and accurate beneficial ownership information to competent authorities in keeping with Recommendations 24 and 25 and Immediate Outcome 5.

3.2 Beneficial ownership information

In accordance with the FATF Methodology criterion 24.6, countries should ensure that information on the beneficial ownership of a company is obtained by that company and available at a specified location in their country; or can be otherwise determined in a timely manner by a competent authority. This may be achieved through the use of one or more of the following mechanisms:

- a) requiring company registries to obtain and hold up-to-date information on the companies’ beneficial ownership (Registry Approach);
- b) requiring companies to obtain and hold up-to-date information on the companies’ beneficial ownership or companies to take reasonable measures to obtain and hold up-to-date information on the companies’ beneficial ownership (Company Approach);
- c) using existing information, including (Existing Information Approach):
 - i) information obtained by FIs and/or DNFBPs, in accordance with R.10 and 22;
 - ii) information held by other competent authorities on the legal and Beneficial Ownership of companies;
 - iii) information held by the company as required; and

⁶ Reference to “ultimately owns or controls” and “ultimate effective control” refer to situations in which ownership/control is exercised through a chain of ownership or by means of control other than direct control.

⁷ <https://www.fatf-gafi.org/publications/mutualevaluations/documents/fatf-methodology.html>

- iv) available information on companies listed on a stock exchange, where disclosure requirements ensure adequate transparency of beneficial ownership.

However, it is noted in the FATF Best Practices on Beneficial Ownership for legal persons⁸ that a multi-pronged approach using several sources of information is often more effective in preventing the misuse of legal persons for criminal purposes and implementing measures that make the beneficial ownership of legal persons sufficiently transparent. The variety and availability of sources increases transparency and access to information, and helps mitigate accuracy problems with particular sources.

3.3 Accuracy and Accessibility of Beneficial Ownership Information

In addition to the requirement for the availability of BO information, countries should also ensure that the BO information is accurate and up-to-date. Therefore, mechanisms must be employed to adequately and continuously verify and monitor the BO information to ensure that the information is kept current. The effective co-ordination of the multi-pronged approach may facilitate the cross-checking of information across various sources and significantly impact on the accuracy and timeliness of existing BO information.

The timely access to BO information is paramount, as countries should have adequate mechanisms in place to ensure that competent authorities, and law enforcement in particular, are able to access BO information on legal persons and arrangements in a timely manner. The following section of this report identifies hindrances which impede the access to BO information.

3.4 Obstacles to Beneficial Ownership Information

Data protection legislation, privacy laws, lack of information sharing policies and procedures are among several of the hindrances, which severely impede the access to BO information. Further, negotiable instruments such as bearer shares and bearer share warrants and arrangements such as nominee shareholders and directors, are more often than not, created as complex structures, aimed at and are capable of obscuring identification of the natural person exercising the ultimate control and ownership of companies. The use of these mechanisms engender lack of transparency in BO and may result in the misuse of these structures if the following measures are not implemented in accordance with the FATF Methodology criteria 24.11 and 24.12:

3.4.1 Bearer shares and bearer share warrants

- i) Prohibiting them; or
- ii) Converting them into registered shares or share warrants; or
- iii) Immobilizing them by requiring bearer shares and bearer share warrants to be held with a regulated financial institution or professional intermediary; or
- iv) Requiring shareholders with a controlling interest to notify the company, and the company to record their identity; or
- v) Using other mechanisms identify by the country.

⁸ The FATF Best Practices on Beneficial Ownership for legal persons, para. 3 and 4, FATF (2019)

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3.4.2 Nominee shareholders and directors

1. Requiring nominee shareholders and directors to disclose the identity of their nominator to the company and to any relevant registry, and for this information to be included in the relevant register;
2. Requiring nominee shareholders and directors to be licensed; or
3. Using other mechanisms identified by the country.

3.5 International Cooperation

Further to criterion 24.14 of the FATF Methodology, countries should seek to facilitate the request of foreign competent authorities in relation to basic and beneficial ownership information by providing access to basic information held by company registries, exchanging shareholders' information and using their competent authorities' investigative power, in accordance with their domestic law, to obtain BO information on behalf of foreign counterparts.

However, a jurisdiction's ability to comply with the requirements of criterion 24.14 may be plagued with various drawbacks, such as, the timely access to BO information. Some difficulties might involve legal complexities and involvement of multiple agents to disclose the information. Some countries may fail to keep information on BO and language barriers may also pose a challenge in requesting and understanding the information sought⁹.

3.6 Sanctions

Countries should have effective, proportionate and dissuasive sanctions to impose on companies and trustees which fail to provide accurate and up-to-date information on BO and reporting entities which fail to apply specific CDD measures required for legal persons and arrangements.

3.7 Potential Changes to R.24 and R.25

It is important to note that the FATF, through the Policy Development Group (PDG), are actively working to review and enhance R.24 and its Interpretive Note (IN) and are targeting the February 2022 FATF Plenary meeting to finalise these changes. Draft text for the proposed changes has been published, and public consultation is ongoing at the time of publication of this report.

If a CFATF member is actively reviewing its current BO regime, it is imperative to be aware of this ongoing work at the FATF level, and to await the publication of the revised R.24 and its Interpretive Note prior to finalising any changes to existing BO legislation or regulation.

It is anticipated that a similar exercise related to R.25 will quickly follow.

⁹ The FATF Best Practices on Beneficial Ownership for legal persons, para. 30, FATF (2019)

4 LANDSCAPE SURVEY

4.1 Introduction

This section of the report is to provide general information about the relative sizes, make-up and dynamics of legal persons and legal arrangements by jurisdiction. The intention is that this information may assist member countries in identifying sister countries of similar positioning for the purposes of information exchange and collaboration and also to provide some sense of perspective on their own jurisdiction within the overall regional picture.

Most jurisdictions were found to have a Company Registry governed by a Companies Act or other law established for the purpose of registration and regulation of companies. Some Companies Acts provide for the Registrar of Companies to obtain, during the registration process, information on the ownership and control structure of a company.

Some jurisdictions have amended their Companies Acts to include provisions for the Registrars to obtain BO information¹⁰.

There are other government departments or agencies responsible for the registration of other types of legal persons, such as Non-Profit Organisations or Friendly Societies, Cooperative Societies, Credit Unions, Foundations, Trade Unions, among many others.

The responses to the questionnaires leveraged all these various sources.

¹⁰ For example, Section 470 of the Companies Act Chapter 89:01 of the Laws of Guyana.

4.2 Legal Persons

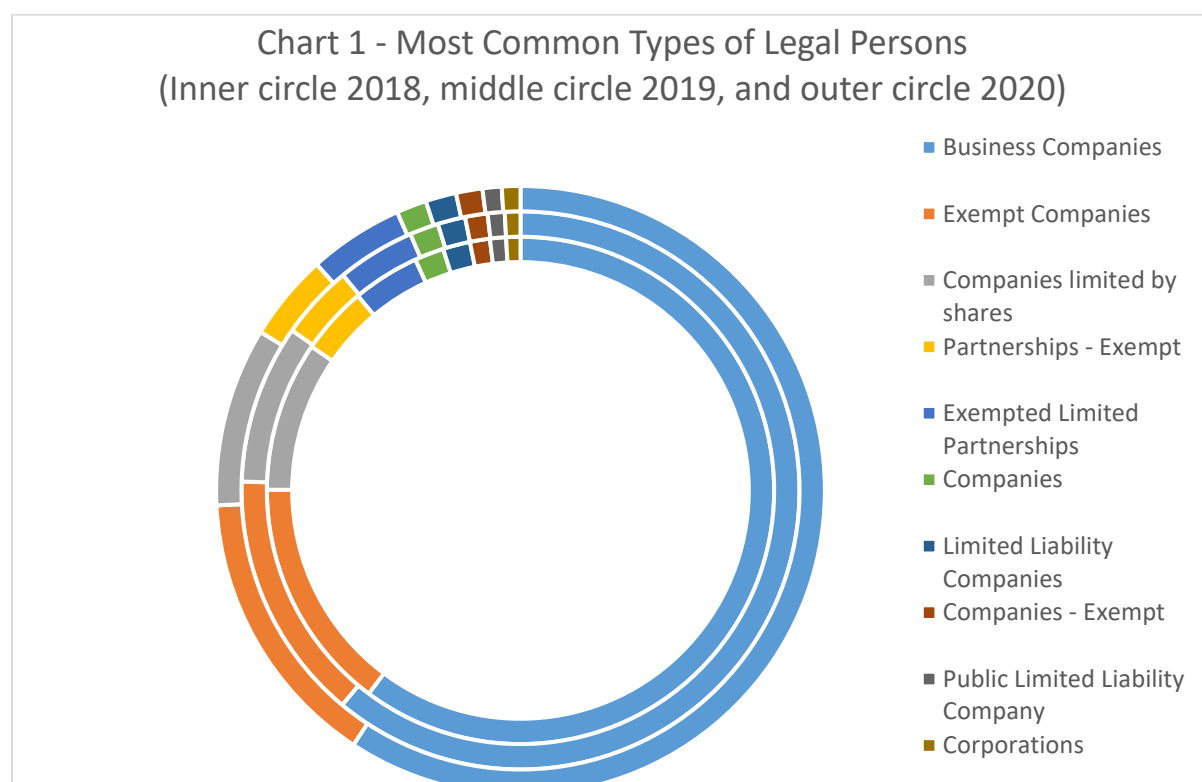
4.2.1 Types

Responses from all countries indicated that there is an extensive inventory of types of legal persons in existence. The table provided in Appendix 1 shows a detailed inventory of the types and brief descriptions of legal persons within the participating countries. The purpose of sharing this is to provide some context on the generally low number and variety of legal persons per jurisdiction. Certain types of legal persons are specific to civil law jurisdictions such as Aruba and Curacao. Other, more internationally focused jurisdictions, such as Cayman Islands, have a higher number of types of legal persons, potentially reflecting responsiveness to particular international market needs.

The types of legal persons existing within the participating countries appear to be similar (in form and description), with most forms having a requirement to be registered and regulated under various laws and/or Regulations. This is notwithstanding they are identified by different names. Chart 1 illustrates an analysis of the most common types of legal persons across the responding jurisdictions.

Each circle of the diagram represents a year (inner circle 2018, middle 2019, and outer circle 2020).

The most common types of LPs (based on average percentages) are: Business Companies representing 59% - 60%; Exempt¹¹ Companies 14% - 15%; Companies Limited by Shares 8% - 9%; Exempt Partnerships 4% - 5%; Exempt Limited Partnership with 5%; Companies and Limited Liability Companies 2% and the other types in the list with 1% each.



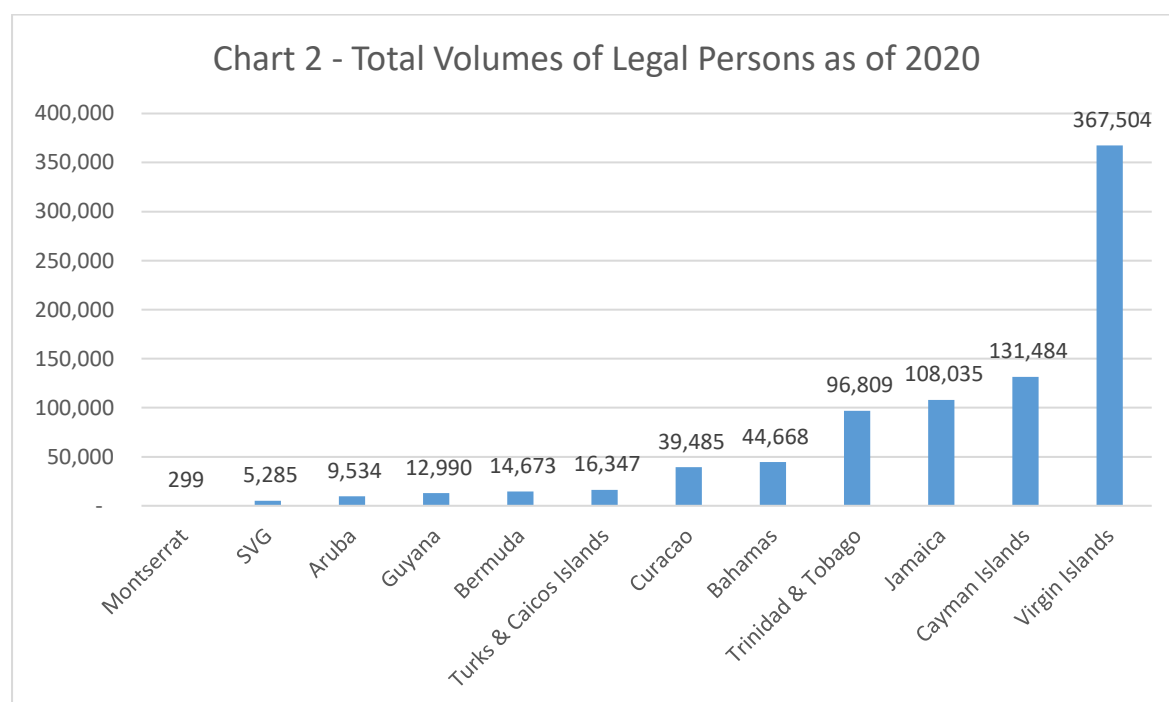
¹¹ “Exempt” has different meanings by jurisdiction, but generally connotes a legal person whose primary business activities are outside of the jurisdiction.

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4.2.2 Volumes

The volumes of Legal Persons among the participating countries range considerably as shown in Chart 2 reflecting the size of the registers from the responding countries as at the end of 2020, from small to large¹².

The primary drivers for the observed distribution would appear to be the size of the domestic economy (e.g. Jamaica and Trinidad & Tobago which have larger economies) and the positioning of the jurisdiction with respect to international business (e.g. Cayman Islands and the Virgin Islands provide more international financial services) – as further highlighted in the next section.

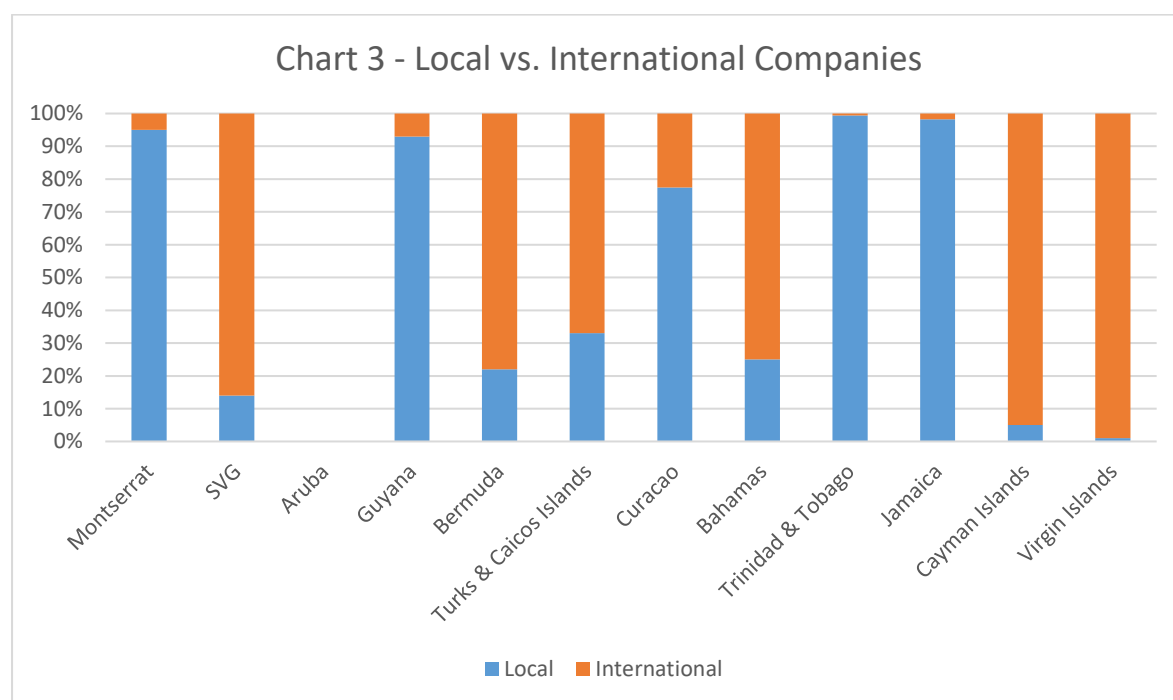


¹² For detailed supporting data for this Chart see Appendix 2.

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4.2.3 Local vs. International

The distribution of Local vs. International companies by jurisdiction is presented below in Chart 3 in the same sequence as the volume information above¹³. Five jurisdictions have a majority of local companies, and six have a predominance of international companies. This is generally reflective of the known positioning of St. Vincent and the Grenadines, Bermuda, Turks & Caicos Islands, Bahamas, Cayman and Virgin Islands as jurisdictions denominated “international financial centres”.



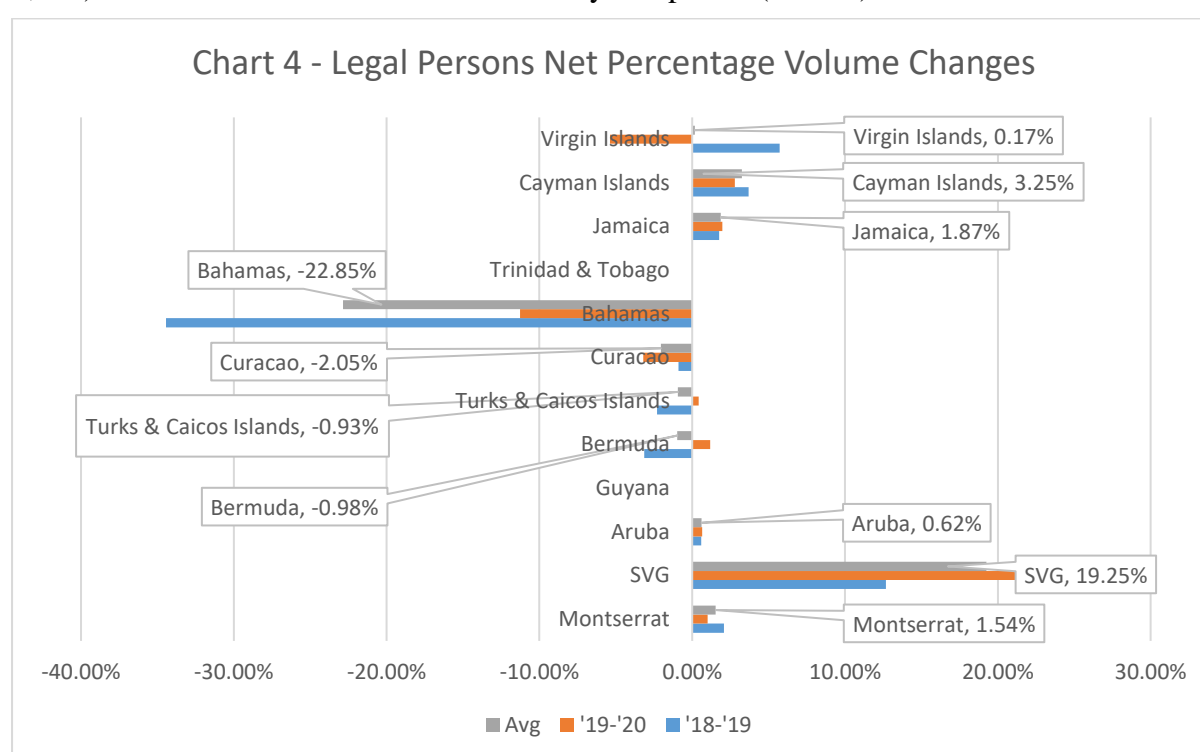
¹³ For detailed supporting data for this Chart see Appendix 3.

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4.2.4 Volume Dynamics

Chart 4 below shows the percentage net change in the volume of legal persons for 2018-2019, 2019-2020 and the two-year average, which is called-out on the graphic as supported by the data in Appendix 4. It should be considered in the context of the relative overall volumes by country presented above.

Of the ten reporting jurisdictions, seven are relatively stable over the period – defined as an average of less than 2.5% growth or shrinkage. Bahamas shows a significant drop of -22.85%. In looking at the underlying data, it can be seen that this is primarily driven by a 48% drop in international business companies from 35,700 to 22,622 over the period, coupled with a 27% drop in regular companies from 39,190 to 20,538. Cayman has a slight increase in population, primarily driven by a 9% increase in exempted limited partnerships from 26,011 to 31,144. St. Vincent and the Grenadines' significant growth is primarily driven by a 36% increase in domestic companies (283-520), a 9% increase in International Business Companies (3,225-3,829) and a 590% increase in limited liability companies (14-645).



4.2.5 Legal Persons Other than Companies

The survey found that there were several types of legal persons other than companies existing within the jurisdictions, many of which operate mainly locally. Table 1 below is a breakdown of the registered Legal Persons other than companies, showing further whether such LPs are operating locally or internationally.

Eight countries provided information for this section of the questionnaire. Of the seven countries Cayman Islands reported by far the highest volume of non-company LPs, with Curacao the second highest volume. In terms of whether non-company LPs were Local vs International, it can be observed that Cayman Islands and Bermuda have some such structures which are exclusively international with other jurisdictions such as Trinidad & Tobago, Montserrat, and St. Vincent and the Grenadines with exclusively local structures. Curacao's

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non-company structures are a mix of domestic and international, with clear leanings one way or the other dependent upon the specific structure.

Table 1 – Registered Legal Persons Other than Companies				
Country	Type	2020 Volume	Local	International
Trinidad & Tobago	Disaggregated	592	100%	0%
Cayman Islands	Limited Liability Partnership	<10	11%	89%
	Exempted Limited Partnership	31,144	0%	100%
	Limited Partnership	19	0%	100%
Bermuda	LLCs	91	19%	81%
	Partnerships	1,260	0%	100%
St. Vincent and the Grenadines	Cooperative Societies	<n/a>	100%	0%
	Building Societies	1	100%	0%
	Friendly Societies	18	100%	0%
Virgin Islands	Limited Partnerships	1,074	1% (est.)	99% (est.)
Jamaica	Partnerships	Unknown	38,038	Unknown
Montserrat	Cooperatives	<5	100%	0%
Curacao	Cooperative Societies	54	74%	26%
	Foundations	3,738	87%	13%
	Private Foundations	3,497	27%	73%
	Limited Partnerships	190	34%	66%
Turks & Caicos	Limited Partnerships	70	25%	75%

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4.2.6 Registered Foreign Legal Persons

Four countries, Cayman Islands, Bermuda, Virgin Islands and Curacao reported having foreign legal persons registered to do business in their jurisdictions as shown in Table 2 below.

In absolute terms, the numbers of such foreign companies represent very small percentages of the domestically-formed LPs in the respective jurisdictions.

Table 2 – Registered Foreign Legal Persons					
No	Country	Type	Local	International	Foreign Legal Persons as a Percentage of Domestic Legal Persons
1	Cayman Islands	Foreign Companies		5,623	4.3%
		Partnerships		570	0.4%
2	Bermuda	Overseas (Permit) Companies	N/A	397	2.7%
		Overseas (Permit) Partnerships	N/A	50	0.3%
3	Virgin Islands	Foreign Companies		66	<0.1%
4	Curacao	Dutch Private LLC	71	94	0.4%
		LTD and SA	180	305	1.2%

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4.3 Legal Arrangements

4.3.1 Summary

The information obtained for this part of the survey was very limited and therefore represents a very narrow view of the scope and landscape of the legal arrangements existing within the region. Information and data relating to the size, volume, and/or operation of legal persons, such as express trusts and similar arrangements was not forthcoming.

4.3.2 Types

The survey revealed that there are various forms of legal arrangements existing within all the jurisdictions that participated in the survey. The various forms of trusts identified from the survey include, but are not limited to, Special Trusts, Unit Trusts, Discretionary Trusts, Privately Formed Trusts, Asset Protection Trusts, Charitable Trusts and Authorised Purpose Trusts. No information was provided regarding the existence of forms of legal arrangements other than trusts, although Curacao noted that Private Foundations (a type of company) are similar to Anglo-Saxon trusts.

See Appendix 5 below for a detailed inventory relating to the types or forms of legal arrangements existing within the participating countries.

4.3.3 Licensing of Trustees or Administrators

The survey revealed that in all responding countries there is a requirement for trustees or administrators of express trusts to obtain a licence in order to act as a trustee or provide trust services. Various agencies or authorities are established for the purpose of licensing or registering trusts. The process for licensing trusts within the various jurisdictions is detailed in Appendix 6 below.

4.3.4 Value

The overall response to the question relating to the value of legal arrangements was very low. Nevertheless, there are substantial values for trusts in Cayman Islands, Bermuda, St. Vincent and the Grenadines and the Turks & Caicos Islands. Table 3 below provides details on number and value of LAs within the counties listed therein:

Table 3 – Number and Value of LAs Licensed/Registered as at 2020				
No	Country	Types/Form Legal Arrangements	Appx No.	Value (USD)
1	Cayman Islands	Trust	92	223,049 million
		Corporate Service Providers	131	821 million
2	Bermuda	Trusts (aggregate figure)	2,195	34,597 million
3	St. Vincent and the Grenadines	Trusts	52	200 million

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4	Virgin Islands	Trusts	6500	Unknown
5	Montserrat	Trust	-	561,000
6	Curacao	Company Trust Service Providers	170	
		Trusts	32	
7	Turks & Caicos	Trust	222	633 million

4.3.5 Value – Domestic vs International Settlor

Table 4 below shows the approximate numbers and values for the domestic and international settlors of trusts. International settlors predominate in Cayman Islands, Bermuda and St. Vincent and the Grenadines, with an interesting inversion for the Turks & Caicos Islands where local settlors predominate:

Table 4 – Approximate Number & Value of Domestic vs. International Settlor						
No	Country	Type LA	Locally Settled	Value (USD)	Inter-nationally Settled	Value (USD)
1	Cayman Islands	Trust	24	27,604 million	540	257,364 million
		Corporate Service Providers	1	53,437	63	830 million
2	Bermuda	Trusts	967	-	1495	-
3	St. Vincent and the Grenadines	Trusts	0	Nil	52	200 Million
4	Montserrat	Trust	1	0	2	561,000
5	Curacao	Trusts	21	11	-	-
6	Turks & Caicos	Trust	198	438 million	24	199 million

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4.4 National Risk Assessment Considerations

The survey revealed that all but one jurisdiction reported conducting a national risk assessment that included assessment of the money laundering vulnerabilities of legal persons and arrangements. These risk assessments, invariably, examined data and information relating to ‘transparency and access to beneficial ownership information and measures that are in place to mitigate associated ML risks observed.

See Table 5 below which summarises the countries’ responses to the questionnaire.

Table 5 – Risk Assessment by Country				
Country	Money Laundering Risk Assessment	Type of Money Laundering Risk Assessment	Risk Assessment Rating	Comments
Aruba	Yes	National		
Trinidad & Tobago	Yes	National		
Cayman Islands	Yes	National	NA	Misuse of LPs & LAs
Bermuda	Yes	National	High	Assessment was conducted on all legal persons registered with the Registrar of Companies. These include: Local Limited Companies, Exempted Limited Companies, Overseas Permit Companies, Local Limited Liability Companies, Exempted Limited Liability Companies, Exempted Partnerships, and Overseas (Permit) Partnerships.
Jamaica	Yes	National	Medium	
Virgin Islands	Yes	National & Sectoral	High	
Guyana	Yes	National	High	
Bahamas	Yes	National	Medium Low	
Turks & Caicos	No			

4.5 Summary

The landscape survey provided a general overview of types, volumes, local vs international vs foreign legal persons, and similar information for legal arrangements, including insights on licensing for Trustees.

Overall, the survey confirms that responding jurisdictions generally have a robust and reasonably dynamic portfolio of legal persons under their ambit. The volume of these portfolios varies considerably, reflecting a combination of the jurisdiction's domestic economy and their chosen positioning in the international financial centre sector. By far the most common form of legal persons are companies of various types. Foreign-formed legal persons are present, but not in significant volumes as compared to domestically-formed legal persons.

Data on legal arrangements is not as rich as for legal persons, with trusts dominating the types of legal arrangements in use. Some jurisdictions have a wide variety of types of trust available. Where values are available, at least four jurisdictions report significant values of trusts, generally with a predominance of international settlors vs. domestic settlors although one jurisdiction reported the inverse.

The survey revealed that all but one jurisdiction reported conducting a national risk assessment that included assessment of the money laundering vulnerabilities of legal persons and arrangements.

5 INHERENT ML/TF VULNERABILITIES

5.1 Objective

The objective of this part of the survey was to gather information on aspects of the inherent vulnerabilities that may exist across the region to provide a basis of comparison to assist members to determine where they may stand with respect to their existing registers. The intention then is to provide a baseline for consideration whether certain aspects of practices could be applicable to a given country.

5.2 Aspects of Inherent Vulnerability

The concept of inherent vulnerability is that of an assessed level of “raw” vulnerability; that is, the natural level of vulnerability inherent in a process or activity without doing anything to reduce the likelihood or mitigate the severity of a mishap, or factors driving the amount of resulting risk before the application of the risk reduction effects of controls.

In the context of beneficial ownership transparency, the inherent vulnerability considers what characteristics of an overall beneficial ownership profile may present the highest likelihood of exploitation and therefore be most important to consider – either from the perspective of appropriately focusing supervisory attention on a risk-based approach or from the perspective of potentially enhancing controls in the overall regime to assure BO transparency.

5.3 Legal Persons

5.3.1 Complex Ownership Structures

The vulnerabilities presented by complex ownership structures relate to the time, effort and persistence involved to ensure the beneficial owners are properly identified, up through the various layers of ownership. Complexities may arise where there are multiple apparently unconnected intermediate owners, with common natural persons behind them, thus leading to ownership percentages in excess of thresholds which would trigger BO reporting.

It is important to note that there is no FATF requirement to record the intermediate owners¹⁴ of a legal person – just the beneficial owners.

The results of the survey indicate that data to support an assessment of complex ownership structures was only available in 2 of the 11 respondents. This is insufficient to draw any general conclusions.

The potential consideration arising from the lack of this data is for countries to store information or data on the number of levels of ownership related to each legal person, for use as a factor in risk assessment or supervisory focus. A focus solely on ultimate BO information may not provide sufficient insights as to the risk a country may be facing with reference to complex/layered ownership structures.

¹⁴ A legal person or arrangement’ that sits between the entity and the Ultimate Beneficial Owner in the ownership structure.

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5.3.2 Nominee Shareholders

The vulnerabilities posed by Nominees Shareholders are that they may be used to disguise ownership and control, or to circumvent laws designed to manage foreign business ownership and foreign trade.

Only four responses (Aruba, Montserrat, St Vincent & the Grenadines and Turks & Caicos Islands) provided information on this inherent vulnerability factor. One country (Aruba) indicated their law does not permit legal persons to have nominee shareholders. The three other responses reported that nominee shareholders were present in 0.001%, 20% and 32% of legal persons respectively.

5.3.3 Nominee Directors

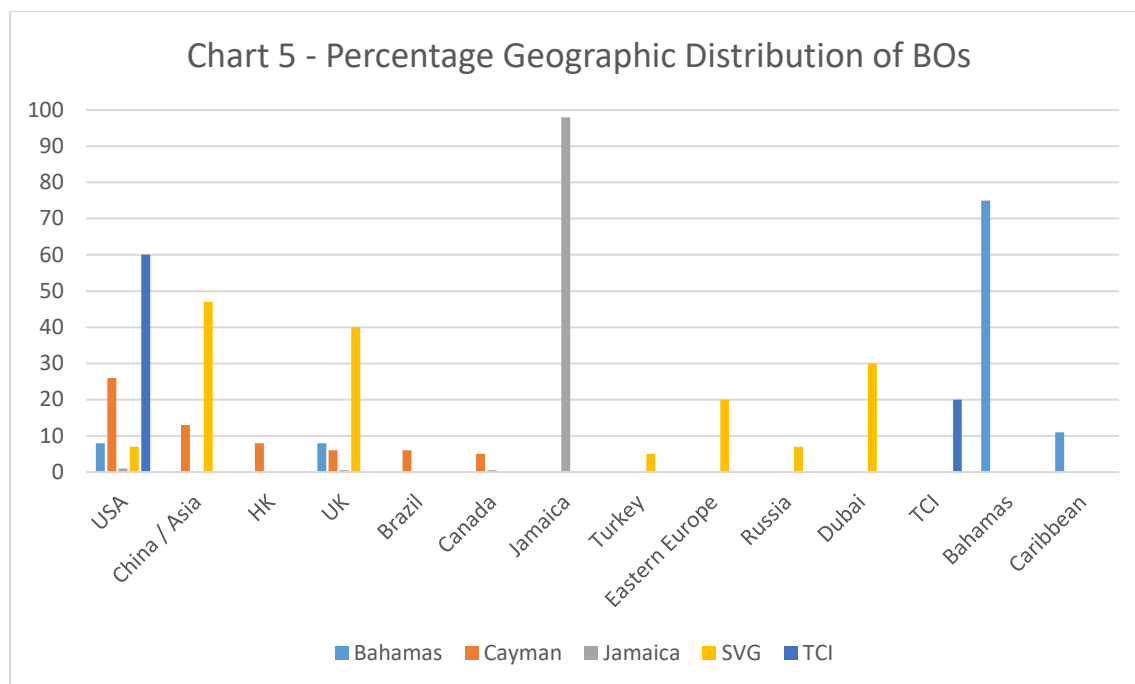
The vulnerabilities posed by Nominees Directors are that they may be used to disguise ownership and control, or to circumvent laws designed to manage foreign business ownership and foreign trade.

Again, only four responses (Aruba, Jamaica, St Vincent & the Grenadines and Turks & Caicos Islands) provided information on this inherent vulnerability factor. One country (Aruba) indicated their law does not permit legal persons to have nominee directors. The three other responses reported that nominee directors were present in approx. 4.42%, 32.5% and 16% of legal persons respectively.

5.3.4 Geographic Considerations of BO

Five respondents (Bahamas, Cayman, Jamaica, St Vincent & the Grenadines and Turks & Caicos Islands) provided information with respect to this question. (It must be borne in mind that there are different ownership thresholds implemented by jurisdictions.) The USA was featured in each response, with otherwise no discernible trends. The results are shown in Chart 5 below. However, the ability of these respondents to provide the information is encouraging, as a knowledge of where the Beneficial Owners originate may provide useful insights as to the risk associated with the legal persons, which would primarily be either Money Laundering or Tax Evasion in nature. This may also lead countries to consider their risk appetites with respect to geographic origin of their beneficial owners.

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5.3.5 Dynamics of BO Changes

Five respondents provided information on this metric. The range was from 1 to 4,500 per annum. Consideration may be given to tracking this information from a risk perspective, as the quantum of BO changes could provide meaningful insights into whether legal persons may be used to conceal ownership of assets held by the company: the assets are transferred by means of selling the company and not the assets per se.

5.3.6 Trusts in Ownership Structures

Two respondents provided information, at 10% and 16%. Another respondent noted that approximately 55.0% of their banking and fiduciary licensees providing registered office services reported legal persons as having a trust as an intermediate owner in the ownership structure.

5.3.7 Legal Person Formations without a Professional or Service Provider

Ten respondents provided information on this parameter. Seven of the ten indicated that no legal persons were formed without using the services of a lawyer, TCSP or other service provider. The remaining three responses varied widely from 3.5% to 80%.

5.3.8 Relationship with an AML/ATF RFI

A variety of responses were received on this parameter. At one extreme, one jurisdiction reported that all legal persons (companies) are required to have a Registered Agent who is licensed. Another indicated that only ordinarily resident companies (a low percentage of 3.5% of their total register) had not engaged a TCSP. Other jurisdictions reported that there is no regulatory obligation for such a relationship but that the ordinary course of business would necessitate a relationship with a bank.

5.3.9 Foreign Legal Persons

All respondents provided information on this parameter, overwhelmingly indicating that some type of registration is required for foreign legal persons. In five countries, this requires BO information to be provided, and in others the information would only be obtained if the foreign legal person engaged a local RFI's services.

5.3.10 Bearer Shares and Warrants

All respondents provided information on this parameter. Eleven respondents do not allow the issuance of bearer shares. The twelfth respondent permits them, but they must be immobilized and held with custodians authorized or approved by the Regulator and the obligation to keep ownership of the bearer shares information lies with the Registered Agent.

The conclusion from these responses is that the inherent vulnerability of Bearer Shares and Warrants is conclusively addressed in all responding jurisdictions.

5.3.11 Nominees as Directors

All respondents provided information on this parameter. One jurisdiction does not allow nominee shareholders nor nominee directors. The remaining eleven jurisdictions allow these, at least in part. Two jurisdictions (Bermuda and Cayman Islands) do not have the concept of a "nominee director". Five jurisdictions reported that Companies may be directors (Bermuda, Cayman Islands, Jamaica, Turks & Caicos Islands and Trinidad & Tobago).

5.3.12 Use of Shell or Shelf Companies

For clarity, a '**Shelf Company**' refers to an incorporated company with inactive shareholders, directors, and secretary and is left dormant for a longer period even if a customer relationship has already been established. It can be readily sold and repurposed when required. A "**Shell Company**" refers to an incorporated company with no independent operations, significant assets, ongoing business activities, or employees.

All respondents provided information on this parameter. Nine respondents reported that the use of such companies are not allowed. One respondent reported that "Shelf companies" are sometimes utilised where time is of the essence and there is an immediate transactional need. Such companies would have been established and maintained by a regulated TCSP. The final respondent noted that no known situation exists, but there are amendments to Companies Act and the AML/CFT Act which seek to prevent such a situation.

5.3.13 Other inherent vulnerability factors

Seven respondents provided information. Two indicated there were no further inherent vulnerability factors. Other responses indicated factors such as:

1. There is no requirement that legal persons register in accordance with the Companies Act (voluntary registration). Though the business eco-system makes registration the more attractive option for legal persons;
2. Insufficient information on direct foreign investors;

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3. Use of legal persons in higher risk business activities and avoidance of traditional banking service without legitimate reasons;
4. Transactions that pass through legal persons with no real economic purpose or plausible explanations; and
5. There is also the potential for risk, based on non-face to face transactions and for a number of high-risk individuals that utilize the products and services.

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5.3.14 Top Three Inherent Vulnerability Factors

Seven respondents provided information. There was no discernible trend, and responses included the following shown in Table 6:

Table 6 – Top Three Inherent Vulnerability Factors		
No	Country	Top Three Inherent Vulnerability Factors
1	Bermuda	<ol style="list-style-type: none"> 1. Geographic reach 2. Size of activities undertaken by legal persons (i.e. volume of transactions and assets) 3. Complexity of structures
2	Guyana	<ol style="list-style-type: none"> 1. ML risks 2. Concealment of ownership 3. Misuse for financial crimes
3	Jamaica	<ol style="list-style-type: none"> 1. Currently no requirement for verification of BO information provided by legal persons 2. Currently no requirement for the Registrar to be notified of changes to BO within a certain time after such changes have occurred 3. Currently no requirement that legal persons should be incorporated by licensed professional intermediaries (TCSPs) who will be responsible for performing CDD etc.
4	Montserrat	<ol style="list-style-type: none"> 1. Insufficient information on direct foreign investors 2. Vulnerability of small jurisdiction with limited capacity
5	St. Vincent and the Grenadines	<ol style="list-style-type: none"> 1. Absence of a legal requirement for legal persons formed elsewhere but who conduct substantial business within this jurisdiction to report beneficial ownership information. This leaves the sector vulnerable to abuse.
6	Turks & Caicos	<ol style="list-style-type: none"> 1. Legal persons with complex ownership that conceal beneficial ownership 2. Legal persons involved in higher risk business activities; 3. Legal persons controlled by foreign natural persons from higher risk jurisdictions
7	Virgin Islands	<ol style="list-style-type: none"> 1. Nature of business/activities 2. Geographic location 3. High risk customer

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5.4 Legal Arrangements

Information was generally sparse with respect to Legal Arrangements. This appears to be primarily attributable to the absence of requirements for maintaining a trust register or equivalent. The information collected is shared below for information.

5.4.1 Foreign Settlor

Information was requested on the number and value of trusts involving foreign settlors. The inherent vulnerability of foreign settlors may include challenges in conclusively ascertaining the source of wealth of the settlor and potentially whether the trust itself is being abused to conceal wealth or income from domestic agencies in the settlor's jurisdiction. Four responses were received, as follows in Table 7:

Table 7 - Foreign Settlers		
Country	Number	Value (USD)
Bermuda	1,495	Unknown
Cayman	662	86,815 million
Montserrat	2	561,000
St. Vincent and the Grenadines	52	200 million

5.4.2 Foreign Protector

Information was requested on the number and value of trusts involving foreign protectors. The inherent vulnerability of foreign protectors may include challenges in conclusively ascertaining whether or not any relationship exists between the settlor, trustee and protector, potentially facilitating abuse of the trust vehicle. Two responses were received, as follows in Table 8:

Table 8 – Foreign Protectors		
Country	Number	Value (USD)
Montserrat	0	0
St. Vincent and the Grenadines	40	90 million

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5.4.3 Non-Professional Trustees

Information was requested on the number and value of trusts for which the trustees are non-professional – i.e. unlicensed or unregulated. The inherent vulnerability of non-professional trustees may include unknown relationships with the settlor, potentially facilitating abuse of the trust vehicle. Two responses were received, from Montserrat and St. Vincent and the Grenadines, both indicating zero known trusts with non-professional trustees.

5.4.4 Settlor can Control/Change Trust Deed

Information was requested on the number and value of trusts for which the settlor can control or change the Trust Deed. The inherent vulnerability of such a trust structure is that it could potentially facilitate abuse of the trust vehicle by the settlor. Two responses were received, as follows in Table 9:

Table 9 – Trusts which allow a Settlor to Control or Change the Trust Deed		
Country	Number	Value (USD)
Cayman	Not currently known. However, approximately 38% of CIMA's banking and fiduciary licensees reported that trusts, for which their firms provide trustee services, permitted the settlor to control/change the trust deed.	0
St. Vincent and the Grenadines	1	50 million

5.4.5 Other Inherent Vulnerability Factors

Respondents were queried on any other inherent vulnerability factors that were perceived with respect to legal arrangements. The following responses were received per Table 10:

Table 10 – Other Inherent Vulnerability Factors		
No	Country	Other Inherent Vulnerability Factors
1	Cayman Islands	The complex cross-border international transactions facilitated and prevalence of non-face-to face transactions make legal arrangements vulnerable to ML/TF abuse or misuse.
2	Turks & Caicos Islands	Legal arrangements involved in higher risk business activities; Legal arrangements controlled by foreign natural persons from higher risk jurisdictions

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5.4.6 Top Three Inherent Vulnerability Factors

As with the legal persons' vulnerability factors, there are no discernible trends. The responses received are noted below for information in Table 11:

Table 11 – Top Three Inherent Vulnerability Factors		
No	Country	Top Three Inherent Vulnerability Factors
1	Bermuda	<ol style="list-style-type: none"> 1. Global reach of trust under administration including the risk profile of the customers who are HNWI's and PEPs (domestic and foreign) 2. The high value of assets 3. Complex ownership structures which increase the difficulty of identifying beneficial ownership or controlling interests
2	Cayman	<ol style="list-style-type: none"> 1. The size/ monetary value of the activity within the jurisdiction 2. Their use within complex corporate structures 3. Limited visibility on the nature of business activities
4	Montserrat	<ol style="list-style-type: none"> 1. Insufficient information on direct foreign investors 2. Vulnerability of small jurisdiction with limited capacity
5	St. Vincent and the Grenadines	<ol style="list-style-type: none"> 1. The main deficiency highlighted here is the absence of a legal requirement for legal persons formed elsewhere but who conduct substantial business within this jurisdiction to report beneficial ownership information. This leaves the sector vulnerable to abuse.
6	Turks & Caicos	<ol style="list-style-type: none"> 1. Legal arrangements controlled by foreign natural persons from higher risk jurisdictions 2. Legal arrangements involved in high risk business activities; 3. Legal arrangements that allow the settlor of a trust to direct the distribution of trust property
7	Virgin Islands	<ol style="list-style-type: none"> 1. Nature of business/activities 2. Geographic location 3. High risk customer

5.5 Summary

The inherent vulnerability survey was intended to provide insights into some of the underlying factors which may affect a given jurisdiction's risks with respect to its BOs. Data was sought on various parameters for legal persons including, inter alia, complex ownership structures, nominee shareholders and directors, geographic considerations of BOs.

Perhaps the most telling general finding from this aspect of the questionnaire is that many questions were left unanswered, due to a lack of granular data to support the answer.

Within this context, however, is it important to note significant areas where inherent vulnerabilities have been effectively eliminated. For example, seven respondents indicated that no legal persons may be formed without using the services of a lawyer, TCSP or other service provider. One respondent indicated that all legal persons are required to have a licensed Registered Agent. All respondents indicated that foreign legal persons require some kind of registration or control. All respondents also indicated clear and effective elimination of abuse of bearer shares and warrants, through either prohibition or in one case immobilization.

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Similarly, the use of shell or shelf companies is not allowed in nine respondents, with one respondent allowing the use of shelf companies but only by a regulated TSCP.

The recommendation arising from the inherent vulnerability survey is for jurisdictions to carefully consider the factors they would wish to include in their legal person and legal arrangement risk assessments and to then ensure that sufficient data is being captured on these factors to facilitate risk assessments. Clear consideration must be given to collecting and storing BO data in a manner that will support various analyses being undertaken in support of ML/TF risk assessments of legal persons and arrangements. This would not only include granular information on the BOs themselves, but also on key operational aspects of the overall BO register (e.g. information on the total LPs added and/or removed, size trends, dynamics, etc.).

6 BENEFICIAL OWNERSHIP PRACTICES WITHIN THE REGION

6.1 Summary

Beneficial Ownership practices, based on the questionnaire responses of twelve jurisdictions, were identified to be the following, per Table 12:

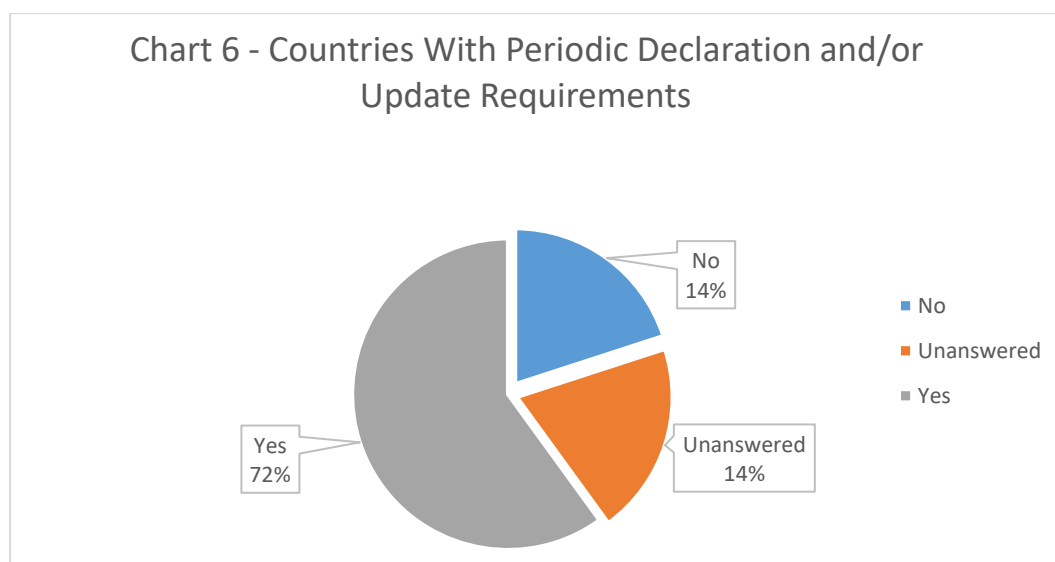
Table 12 – Beneficial Ownership Practices	
Mechanism	Total
The Company & Registry Approach	7
The Existing Information Approach	4
Multi-pronged Approach	1
Grand Total	12

6.1.1 The Company & Registry Approach

This approach is adopted by seven jurisdictions: Aruba, Curaçao, Jamaica, The Bahamas, Cayman Islands, Trinidad & Tobago and Turks & Caicos Island all indicated that companies and/or the company registry, based on legislation, were required to obtain and hold information on the companies' beneficial ownership and were required to share the information obtained with the Registrar of Companies and/ the Chambers of Commerce and/ the Financial Services Commission. In other words, all legal persons are required to maintain their own beneficial register with four of the five jurisdictions (The Bahamas, Cayman Islands, Jamaica and Curaçao), indicating that BO information is verified upon formation. Additionally, three jurisdictions (The Bahamas, Cayman Islands and Curaçao) indicated that this was also a requirement for all types of Legal Arrangements.

In an effort to maintain, accurate and current records, four jurisdictions (The Bahamas, Cayman Islands, Jamaica and Trinidad & Tobago) indicated that there is a requirement for an annual or periodic declaration of BO information. Additionally, any changes to BO information are also verified with updates required to be given to the Registrar of Companies/Chambers of Commerce/ Financial Services Commission within a given timeframe. See Chart 6 below:

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The timeline specified by the five countries varied to include:

- ✓ Once per calendar month (Cayman Islands);
- ✓ Within 14 days of an update (Jamaica and Turks & Caicos);
- ✓ Within 15 days of an update (The Bahamas); and
- ✓ Within 30 days of an update (Trinidad & Tobago)

With respect to discrepancy reporting, one country, Curaçao, indicated that there was a mechanism for RFIs to be able to report any discrepancies identified along with the legislative requirements for the Chambers of Commerce and Trade Registry to maintain current information on BO. The remaining six jurisdictions (Turks & Caicos, The Bahamas, Cayman Islands, Trinidad & Tobago, Jamaica and Aruba) did not report that any cross-referencing or discrepancy reporting mechanisms were established. Reference were only made to legislative requirements for current and accurate information to be maintained by the Company Registry, which ultimately filters the information to the Registrar of Companies/ Chambers of Commerce/Financial Services Commission.

To ensure compliance with BO requirements each country specified the agencies responsible for monitoring compliance. Most of the jurisdictions had between one and three responsible agencies, save and except for Cayman Islands, which has six different agencies engaged on this topic. See Table 13 below:

Table 13 – Agencies Responsible for BO Compliance		
Country	Responsible Agency	Total
Cayman Islands	AML supervisors CIMA	1
	Cayman Attorneys Regulation Authority	1
	Cayman Islands Institute of Professional Accountants	1
	Department of Commerce & Investment	1

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Table 13 – Agencies Responsible for BO Compliance		
Country	Responsible Agency	Total
	Registrar for NPOs	1
	The Registrar of Companies	1
Cayman Islands Total		6
Curaçao	Fiscal Affairs	1
	Supervisory authorities	1
	Tax Authority	1
Curaçao Total		3
The Bahamas	Financial Service Regulators	1
	Registrar General	1
The Bahamas Total		2
Jamaica	Companies Office of Jamaica	1
	Competent & Supervisory Authorities of FIs & DNFIs	1
Jamaica Total		2
Aruba	UBI-register will become part of the trade register of the Chamber of Commerce	1
Aruba Total		1
Turks & Caicos	Financial Services Commission	1
Turks & Caicos Total		1

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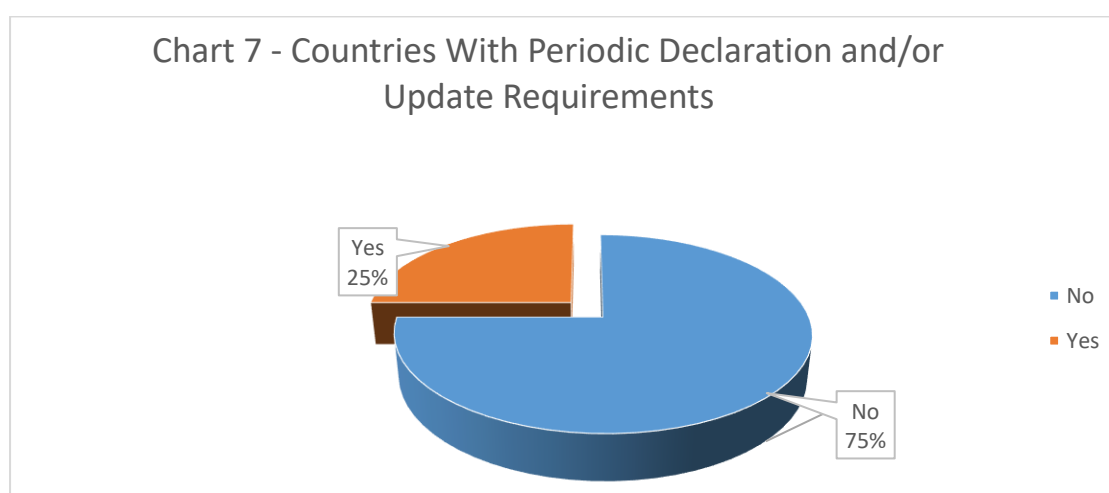
With respect to sanctions for non-compliance with BO obligations, for the period 2018 to 2020, the Cayman Islands was the only jurisdiction that recorded any sanctions, with seven. See Table 14 below:

Table 14 – Sanctions Statistics for Non-Compliance of BO Obligations			
Country	2018	2019	2020
Cayman Islands	0	1	6

6.1.2 The Existing Information Approach

The Existing Information Approach is adopted by four jurisdictions: Guyana, Montserrat, St. Vincent and the Grenadines and the Virgin Islands. All these jurisdictions indicated that regulated entities are subject to the AML/CFT regime and consequently are required to obtain and hold information on the beneficial ownership of any legal person or arrangement they have as a customer. Therefore, once a regulated entity is establishing a business relationship, all relevant beneficial ownership information must be obtained. It should be noted that all four jurisdictions have TCSPs designated as regulated entities and as a result, these TCSPs, based on the AML/CFT regime of their country, are required to keep the BO register for all Legal Persons and all types of Legal Arrangements.

With respect to periodic declarations of BO, Montserrat was the only country that had such a requirement for periodic declaration, together with updates to be informed within a specified 15-day timeline. The three remaining jurisdictions indicated that there is no requirement for any annual or periodic declaration of BO information and no obligation to declare any changes of BO information within a given timeframe. These jurisdictions stated that the BO information is verified once the business relationship is formed and where any updates/changes are provided, those changes are also verified once communicated. The Virgin Islands specified that in their jurisdiction, although there is no requirement for any periodic declaration, any changes or updates to BO are not made official until registered with the TCSP. See Chart 7 below:



With respect to cross-referencing or discrepancy reporting measures, no jurisdiction reported any such obligations, with reliance being solely on the jurisdictional AML/CFT regime, where:

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- ✓ The Virgin Islands specified that once unable to verify BO information within 30 days a SAR must be filed.
- ✓ St. Vincent and the Grenadines specified that there are provisions within their AML/CFT legislation that allow for the termination of a business relation once any discrepancy is detected and/or the regulated entity is unable to verify BO information.
- ✓ Guyana reinforced that all customer information must be verified from independent source or source document.

To ensure compliance with BO requirements, each country specified the agencies responsible for monitoring compliance. Guyana detailed four different agencies compared to the St Vincent and the Grenadines and the Virgin Islands that each specified three agencies. See Table 15 below:

Table 15 – Agencies Responsible for BO Compliance		
Country	Responsible Agency	Total
Guyana	Commercial Registry	1
	Licensing Agencies	1
	Reporting Entities	1
	Supervisory authorities	1
Guyana Total		4
St. Vincent and the Grenadines	Commerce and Intellectual Property Office (CIPO)	1
	Financial Services Authority (FSA) the Competent Authority	1
	Financial Intelligence Unit	1
St. Vincent and the Grenadines Total		3
The Virgin Islands	BVI Financial Services Commission	1
	Financial Investigation Agency	1
	International Tax Authority	1
The Virgin Islands Total		3
Montserrat	When the Bill for the Companies Act comes into force it will be the Companies Registry	1

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Table 15 – Agencies Responsible for BO Compliance		
Country	Responsible Agency	Total
Montserrat Total		1

For the period 2018 to 2020, the Virgin Islands was the only jurisdiction which used the Existing Information Approach that recorded sanctions for non-compliance with BO obligations. They recorded a total of thirty sanctions over a three-year period 2018 to 2020, per Table 16 below. Guyana indicated that whilst no sanctions were imposed on any entity, a notice was placed within the public media for the provisioning of updated BO information, failure with which would have resulted in Companies being struck from the register.

Table 16 – Sanction Statistics for Non-Compliance of BO Obligations			
Country	2018	2019	2020
The Virgin Islands	9	10	11

6.1.3 Multi-pronged Approach

This approach was adopted by Bermuda where they established several regimes that require:

- ✓ BO information to be submitted to the Bermuda Monetary Authority (BMA) for vetting and verification at formation and any changes or updates to BO information to be provided within fourteen (14) days of the update, which is covered under the Exchange Control Regime.
- ✓ Legal persons to maintain a BO register and ensure that the Central BO register is current, which are covered under the Beneficial Ownership Regime, Exchange Control Regime & the Regulatory Regime. Additionally, Legal Arrangements such as Trusts are also required to obtain and record BO information.
- ✓ Companies take reasonable measures to obtain and hold up to date BO information, which is covered under the Beneficial Ownership and Regulatory Regime.
- ✓ Information to be maintained by RFIs, DNFPBs and Stock exchanges for their customers in establishing client relationships, which is covered under the Customer Due Diligence Regime.

Bermuda has no requirement for any periodic declaration of BO information nor cross-referencing nor discrepancy reporting requirements.

Ensuring compliance with BO requirements is the responsibility of the Bermuda Monetary Authority (BMA) and the Registrar of Companies. For the period 2018 to 2020, Bermuda recorded three (3) sanctions for non-compliance for BO obligations, see Table 17 below:

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Table 17 – Sanction Statistics for Non-Compliance of BO Obligations			
Country	2018	2019	2020
Bermuda	0	1	2

6.2 Legislative Provisions

With each country adopting their own approach for obtaining and recording BO information, there are several legislative provisions that seek to reduce anonymity and the obscuring of the identity of the natural persons exercising control over a legal person or arrangement through ownership or other means. These provisions include:

1. Threshold of ownership for which Beneficial Owners are deemed to exercise control of legal persons or legal arrangement through ownership;
2. Issuance of bearer shares or warrants; and
3. Nominee directors and/or shareholders

6.2.1 Threshold for recognizing BO exercising control through Ownership

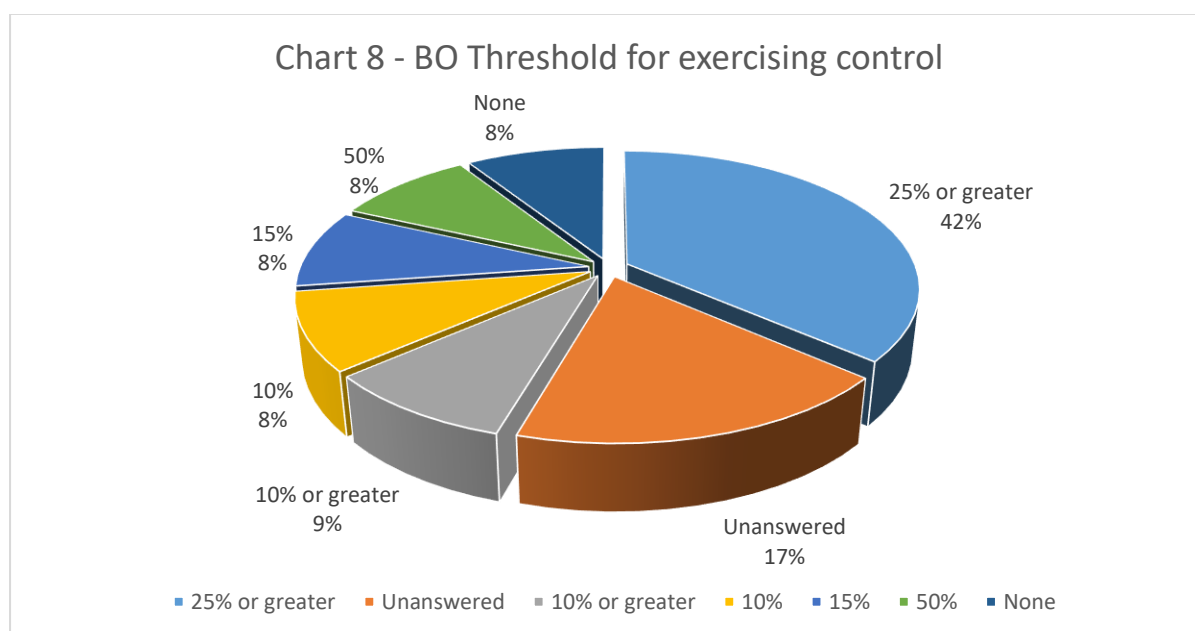
The threshold varies across jurisdictions ranging from 10% to a high of 50%. The majority of countries that reported on this, that is five, indicated a threshold of 25% while each of the other countries indicated either 10%, 10% or greater, 15% or 50 %. It should be noted that Montserrat legislation has no defined threshold, however, the new proposed Companies Act includes a threshold of 25% shareholdings and Jamaica indicated that legislative amendments are being proposed to change the threshold from 50% to 25%.

This information is presented in Table 18 and Chart 8 below:

Table 18 – Ownership Threshold for BO Exercising Control of Legal Person & Arrangements	
Threshold of Ownership	Countries
25% or greater	Bermuda, Curaçao, Guyana, Cayman Islands and Turks & Caicos
Unanswered	Aruba and Trinidad & Tobago
10% or greater	The Virgin Islands
10%	The Bahamas
15%	St. Vincent and the Grenadines
50%	Jamaica

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None	Montserrat
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6.2.2 Issuance of Bearer Shares or Warrants

Eleven jurisdictions indicated that their legislation prohibits the issuance of bearer shares or warrants with only one country, the Virgin Islands, reporting as still having bearer shares or warrants as part of their legislation.

The Virgin Islands indicated that the mechanism established for preventing the misuse of these instruments for ML/ TF purpose is that these bearer shares or warrants must be registered with a custodian, which may be a TCSP or an Attorney-at-Law.

6.2.3 Nominee Directors and Shareholders

Seven countries indicated that nominee directors and shareholders are the responsibilities of TCSPs, all of which are regulated entities, and are thereby governed by an AML/CFT regime, which requires the recording and maintenance of 'true' ownership identity. The countries that have regulated TCSPs are Bermuda, Curaçao, Guyana, Montserrat, St. Vincent and the Grenadines, the Virgin Islands and Turks & Caicos Islands. It should be noted that Aruba, the Bahamas, Cayman Islands and the Virgin Islands all have TCSPs that are governed by an AML/CFT regime, however these countries did not specify that nominee shareholders and directors were the responsibility of the TCSPs instead they specified the following:

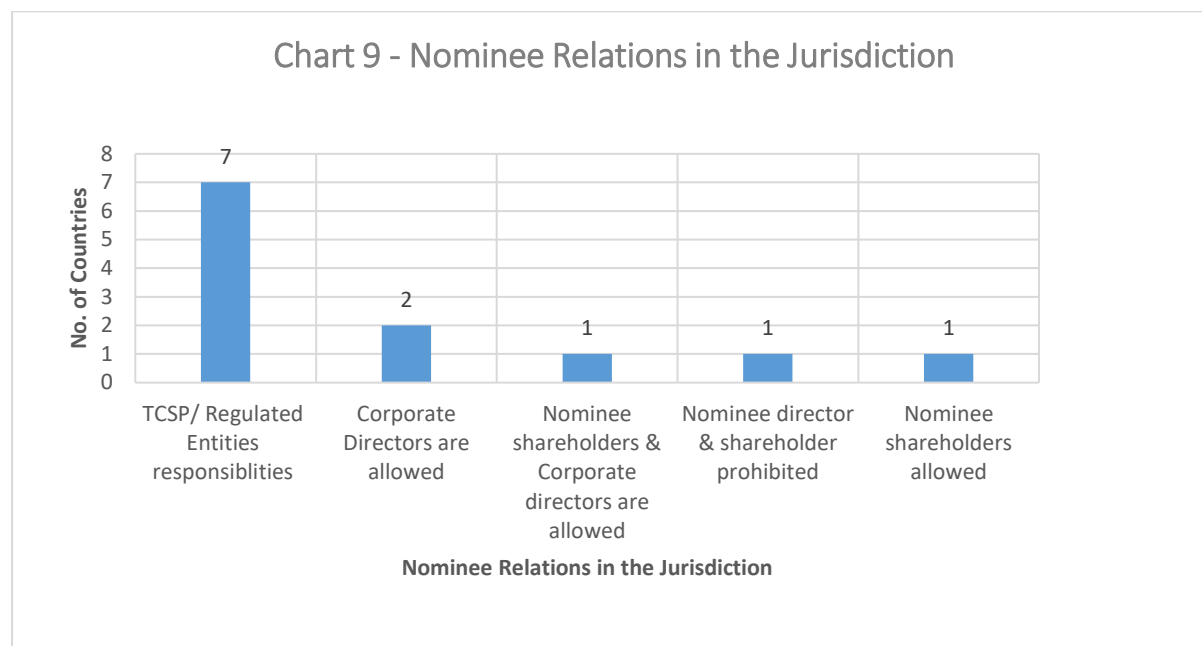
- ✓ Cayman Islands permits both Nominee Shareholders and Corporate Directors for all Cayman Entities licensed and regulated by the CIMA;
- ✓ The Bahamas permits Nominee Shareholders and requires the completion of a declaration of trust naming beneficial owners for whom shares are held; and
- ✓ Aruba indicated that nominee directors and shareholders are prohibited.

For the remaining countries:

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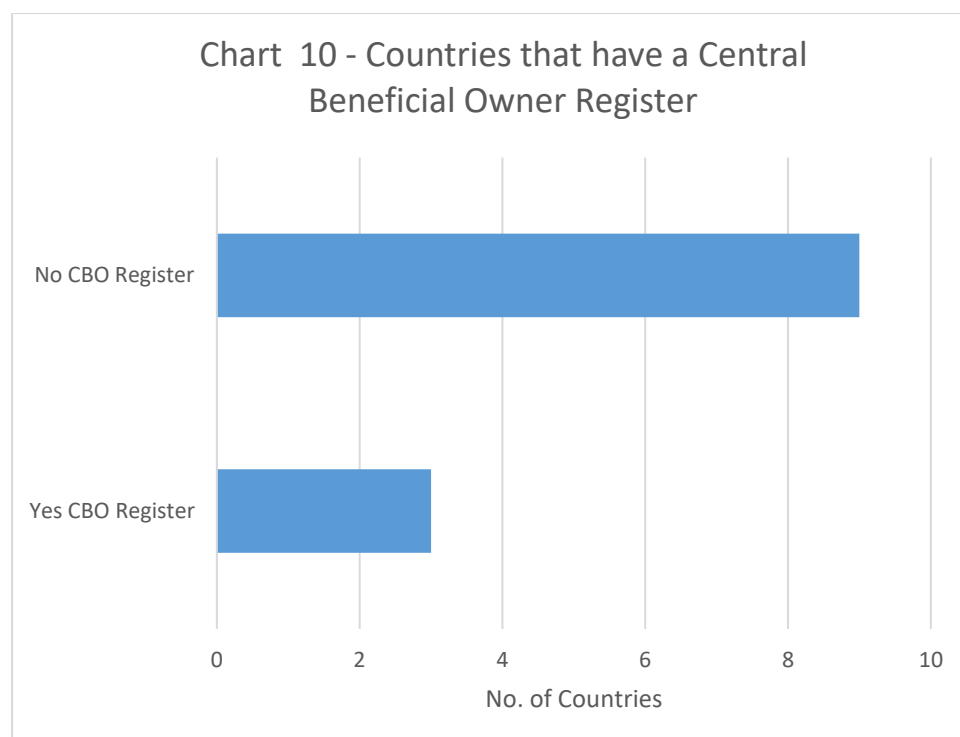
- ✓ Jamaica and Trinidad & Tobago specified that Corporate Directors are permitted in their legislation, with the requisite identifying information obtained upon incorporation at the Registrar of Companies

See Chart 9 below for the statistics regarding nominee relations within the Jurisdiction:



6.3 Central Beneficial Ownership Register

Three countries, Bermuda, Guyana and Cayman Islands reported maintaining a Central Beneficial Ownership Register. Nine countries, Curaçao, Jamaica, Montserrat, St. Vincent and the Grenadines, The Bahamas, Trinidad & Tobago, Turks & Caicos Islands and the Virgin Islands indicated that they did not maintain a Central Beneficial Ownership Register. This is presented graphically in Chart 10 below:

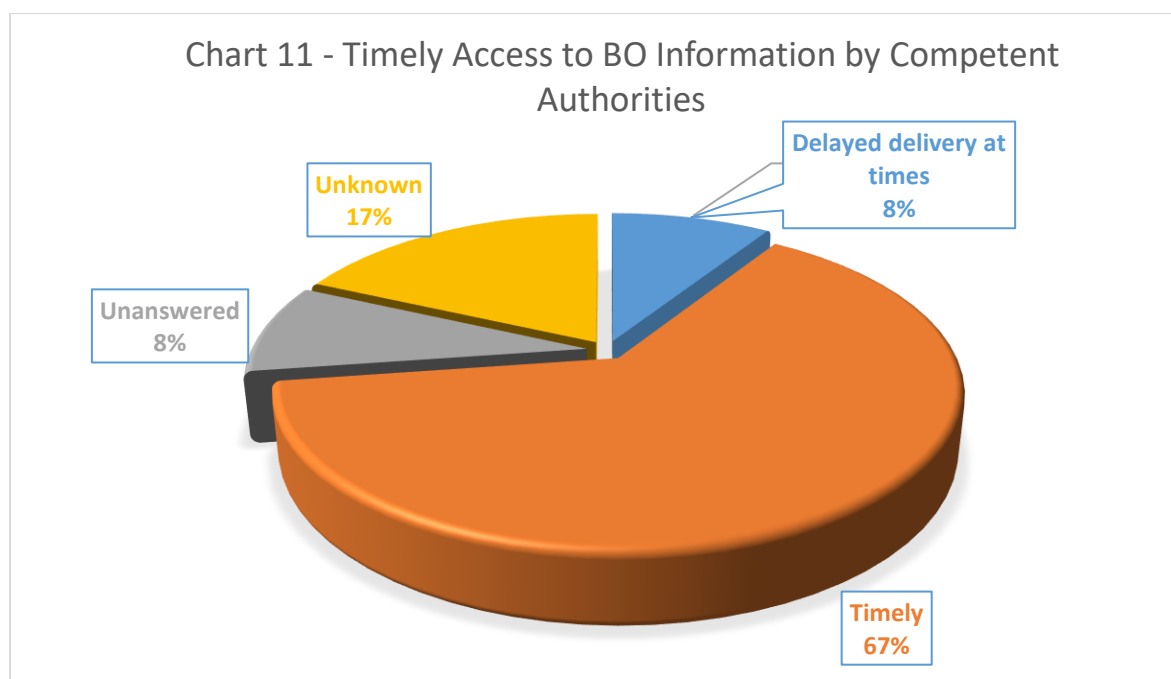


It should be noted that the Central Register is for Legal Persons as all the countries indicated there were no legislative requirements for notifying/ filing information on a Central Register for Legal Arrangements.

6.4 Sharing of BO Information with Competent Authorities

One of the most important aspects of Beneficial Ownership records is the timely access by Competent Authorities. Eight countries indicated that all BO requests by Competent Authorities were delivered or accessed in a timely manner with only one expressing occasional delays in delivery/access to BO information by Competent Authorities. See Chart 11 below:

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Some jurisdictions were able to provide statistics on international co-operation requests over a three (3) year period 2018 to 2020 with the Virgin Islands recording the highest, see Table 19 below.

It should be noted that ‘no statistics’ should not be interpreted as ‘no co-operation’. All jurisdictions respond to and share information through international agreements, examples being Egmont and MLAT requests. The contents of these requests often encapsulate requests for information on companies and associations which ultimately could contain BO information. Therefore, ‘no statistics’ suggests only that the management data related specifically to BO requests is not readily available as its not being captured or documented per se by the jurisdictions.

Table 19 – International Co-operation Statistics BO Information Sharing			
Country	2018	2019	2020
The Virgin Islands	362	302	264
Cayman Islands	134	75	39
Jamaica	0	0	0
Aruba	0	0	0
St. Vincent and the Grenadines	29	47	48
Bermuda	5	2	3

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Table 19 – International Co-operation Statistics BO Information Sharing			
Country	2018	2019	2020
Trinidad & Tobago	0	0	0
Montserrat	0	0	0
Curaçao	0	0	0
Guyana	0	0	1
The Bahamas (2020 is incl. of 2021 figures)	0	0	468
Turks & Caicos	1	3	2
Total	531	429	825

The mechanisms established for Competent Authorities to gain access to BO information vary among the jurisdiction with several instruments employed to implement the measures. See Table 20 below for details as it relates to the mechanisms and instruments employed per country:

Table 20 – Access Mechanisms to BO Information by Competent Authorities			
Mechanisms	Instruments	Country	Total
Directly from RFIs	Legislation & Memorandum of Understanding (MOU)	Curaçao	1
		Guyana	1
	Bilateral &/ Multilateral Agreements, Legislation, MOU, Standard Operating Procedures (SOP)	St. Vincent and the Grenadines	1
		The Virgin Islands	1
Directly from RFIs Total			4
Via request and directly from TCSP	Legislation	Cayman Islands	1
Via request and directly from TCSP Total			1

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Table 20 – Access Mechanisms to BO Information by Competent Authorities			
Mechanisms	Instruments	Country	Total
Via request	Unanswered	Trinidad & Tobago	1
	Legislation & MOU	Turks & Caicos	1
Via request Total			2
Publicly available & directly from RFIs	Legislation, MOU & SOP	Jamaica	1
Publicly available & directly from RFIs Total			1
Via request & directly from RFIs	Legislation & MOU	Bermuda	1
Via request & directly from RFIs Total			1
Publicly available	Bilateral &/ Multilateral Agreements, Legislation, MOU & SOP	Montserrat	1
Publicly available Total			1
Access through the Beneficial Ownership Secure Search System (BOSSs)	Bilateral &/ Multilateral Agreements, Legislation & SOP	The Bahamas	1
Access through the Beneficial Ownership Secure Search System (BOSSs) Total			1
Unanswered	Unanswered	Aruba	1
Unanswered Total			1
Grand Total			12

6.5 Challenges in Implementing BO Measures & Remedial Measures

Inherent challenges are faced by all jurisdictions presented with the obligation to implement any new measures and/or legislative requirements and include adequate human, financial and technological resources. Ten countries expressed challenges experienced and/or being experienced with the implementation of BO Measures to international standards. See Table 21 below, which highlights the challenges expressed and the remedial measures required to be implemented:

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Table 21 – Challenges & Remedial Measures for Implementing BO Measures		
Challenges Expressed	Remedial Measures	No. of Countries
Adequacy of Human & Technology Resources	Viable technology, adequate human resource, to include a dedicated unit, staffed to maintain CBO	2
Failure to comply	Legislative amendments	1
Translation from native language to English	Unanswered	1
Public and Industry wide sensitization	New technological solutions & implementation of a public registry	1
No legislative provision for BO	Legislation	1
Delay due to COVID 19 pandemic	Unanswered	1
Absence of CBO & legislative requirements	Legislation	1
Disruption of ongoing COVID 19 pandemic & sensitization of the general public	Unanswered	1
Obtaining BO information for old companies	Continue engaging the industry to encourage compliance & legislative amendments including escalating penalty scale leading to striking off a defaulting company	1
Grand Total		10

6.6 Other Information Shared

In addition to the questionnaire responses presented and summarised above, the Cayman Islands have also shared the following based on their recent experiences in the post-MER process.

There is a very strong endorsement for countries to adopt a “multi-pronged approach”, which incorporates a central registry together with statutory obligations on formation agents to hold BO info and update it and pass to central registry.

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Countries should use the BO information available to them to proactively assess and manage the risks they face from legal persons and legal arrangements established in their respective countries. Countries should ensure there are very efficient and effective mechanisms in place to share information, both domestically and internationally, in response to duly authorised enquiries from Law Enforcement Agencies or Financial Intelligence Agencies. When such information is provided internationally, countries should follow-up on the outcomes in order to further inform their risk assessments and considerations.

Finally, with respect to “accuracy” it is very important to consider accuracy from both the “identification and verification” perspective, as well as from the perspective of the true BOs of a legal person or arrangement. Evidence of enforcement where deficiencies in accuracy are detected is a critical component to demonstrate the overall effectiveness of a country’s regime.

6.7 Summary

The information ascertained from participating jurisdictions indicate that countries have various measures in place to prevent the misuse of legal persons and arrangements for money laundering or terrorist financing. The majority of respondents adopt a “company and registry” approach at present, with one adopting the “existing information” approach and one adopting the “multi-pronged” approach. Some specific practices noted which may be useful for members include: supplementing ongoing BO reporting with periodic filings; establishing discrepancy reporting; designating TCSPs as regulated entities and requiring them to maintain BO registers for legal persons and arrangements; and establishing a central BO register. Sanctions for BO breaches are relatively rare across the respondents. Thresholds for BO vary between 10% and 50% at present, with 25% being the most common across the respondents. Timely access does not appear to be a general issue across the region, with a variety of mechanisms used to facilitate the sharing of information with appropriate counterparts.

Respondents have been forthright in expressing challenges they face to establish and/or maintain effective BO regimes. Some require legislative solutions, but other challenges such as the adequacy of HR or Technology resources, public and industry sensitization to new regimes, COVID impacts on progress and digging out BO information for old companies require strategic considerations and planning to overcome. The need for insightful risk assessments is clear. Failure to understand the risks of the sector (Legal persons and Legal arrangements) severely hinder the effective implementation of risk-based policies and procedures to mitigate the money laundering and terrorist financing risks these corporate vehicles may exploit.

7 RECOMMENDATIONS

The project team has sifted through and organised a lot of data to provide the information presented in this report. As expressed at the outset, a key outcome of this exercise is to help jurisdictions assess where they are on their BO journey, and to provide perspective and ideas from sister jurisdictions around the region.

The particular information shared by the Cayman Islands is given prominence in these recommendations, given their ongoing post-MER experience. These recommendations may not flow directly from the information gathered, but the immediacy of Cayman's experience has been gratefully received and shared.

1. Countries should give clear consideration to collecting and storing BO data in a manner that will support various analyses being undertaken in support of ML/TF risk assessments of legal persons and arrangements. This would not only include granular information on the BOs themselves, but also on key operational aspects of the overall BO register (e.g. information on the total LPs added and/or removed, size trends, dynamics, etc.). Countries should use the BO information available to them to proactively assess and manage the risks they face with respect to lack of transparency for the BOs of legal persons and legal arrangements established in their respective countries.
2. There is a very strong international endorsement for countries to adopt a “multi-pronged approach”, which incorporates a central registry together with statutory obligations on formation agents to hold BO info and update it and pass to central registry.
3. Countries should ensure there are very efficient and effective mechanisms in place to share information, both domestically and internationally, in response to duly authorised enquiries from Law Enforcement Agencies or Financial Intelligence Units. When such information is provided internationally, countries should follow-up on the outcomes in order to further inform their risk assessments and considerations.
4. With respect to “accuracy” it is very important to consider accuracy from both the “identification and verification” perspective, as well as from the perspective of the true BOs of a legal person or arrangement. Evidence of enforcement where deficiencies in accuracy are detected is a critical component to demonstrate the overall effectiveness of a country's regime.

8 APPENDIX 1 – DETAILED INVENTORY OF TYPES OF LPs BY COUNTRY

Types of Legal Persons by Country			
No	Country	Types of LPs	Brief Description
1	Trinidad & Tobago	Bodies corporate incorporated by Act of Parliament	
		Companies incorporated under the Companies Act Chap 81:01	
		External Companies registered under the Co	
		Corporations Sole	
		Trade Unions, Co-operative Societies	
2	Cayman Islands	Ordinary (Resident) Company	An ordinary resident company carries on business within the Cayman Islands. Resident companies must maintain at their registered office, open for public inspection, a register of their past and present members. They must also file an annual return with the Registrar of Companies. This type of company is also allowed to hold land as defined under the Companies Act.
		Ordinary (Non-Resident) Company	An ordinary non-resident company is one that has been granted non-resident status through an application to the Minister of Finance, through the Registrar of Companies and must state that the company does not intend to carry on business within the Cayman Islands. The company may deal in shares of exempted companies, foreign corporations and partnerships, but may only carry on such other business in the Cayman Islands as

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Types of Legal Persons by Country			
No	Country	Types of LPs	Brief Description
			is necessary for the furtherance of its foreign business.
		Exempt (Segregated Portfolio) Company (“Segregated Portfolio Company”)	This type of exempt company carries out activities mainly outside of the Cayman Islands. It allows for the segregation of the assets and liabilities of individual portfolios from the general assets of the overall company as well as from other portfolios. The SPC is used to achieve legal segregation between portfolios would have separate arrangements for banking, custody and brokerage, loan agreements etc. Each portfolio, however, is not seen as a separate legal entity.
		Exempt (Limited Duration) Company	This type of exempt company carries out activities mainly outside of the Cayman Islands. The salient features are that duration of the company cannot exceed 30 years and a minimum of 2 members is required.
		Exempt Company	Exempted companies are not entitled to trade in Cayman with any person except in furtherance of business “carried on outside” Cayman. A proposed exempted company applying for registration must submit a declaration to that effect. An exempted company is not prohibited from effecting or concluding contracts in the Cayman Islands or exercising any of its powers in the Cayman Islands for the carrying on of the company’s business outside Cayman Islands. It is, however, prohibited from making any invitation to the public in Cayman to subscribe for any of its shares or debentures. The exempt

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Types of Legal Persons by Country			
No	Country	Types of LPs	Brief Description
			company can also opt into conducting business within the Cayman Islands, and must apply to all rules relating to local companies if it does so.
		Foundation Companies	These entities are formed under the Companies Act and are subject to the same disclosure requirements for Beneficial Ownership reporting. It may be formed for any lawful object, which need not be beneficial to other persons. A Cayman Foundation must be limited by shares or by guarantee but may be established with or without share capital. A Cayman Foundation is incorporated with one or more members and subject to any restrictions specified at the time of incorporation, and any person can be a member of a Cayman Foundation.
		Foreign Company	A company incorporated outside the Cayman Island that can hold land or carry on business in the Cayman Islands, or to act as a general partner of a Cayman Islands exempted limited partnership.
		Limited Liability Company	The proposed activities of a company are to be carried out mainly outside of the Cayman Islands. The LLC does not have share capital, but members acquire LLC interest. The management of an LLC rests with its members and/or managers.

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Types of Legal Persons by Country			
No	Country	Types of LPs	Brief Description
		Limited Liability Partnership	A LLP is essentially an entity where the partners retain the flexibility of partnership agreement that governs the relationship, but the entity has a legal personality which is separate and distinct from its partners. It is the LLP, rather than its individual partners, that is liable for any debts and losses of the LLP. This means that whilst partners in an LLP can actively manage the operations of the LLPs business, they will not be personally liable for the debts or losses of the LLP either jointly and/or severally (provided that such debts or losses are not caused by a negligent act or a breach of duty of care where such an express duty has been assumed). The LLP has beneficial ownership reporting and disclosures equivalent to a company.
		Foreign Partnership	A limited partnership or limited liability partnership that is established in a recognized jurisdiction outside the Islands may apply to be registered as a Foreign Limited Partnership under the Exempted Limited Partnership Act (2018 Revision) (“the Law”) upon submission of a statement giving details of the particulars including the jurisdiction of establishment, address of its registered office in the jurisdiction of establishment and full name and address of any general partners and specifying whether the entity is deemed to be a separate legal entity and, if so, the full name and address of any managing member or other person who immediately controls or directs the affairs of the foreign limited partnership.

SURVEY OF BENEFICIAL OWNERSHIP IN CFATF JURISDICTIONS

Types of Legal Persons by Country			
No	Country	Types of LPs	Brief Description
		Exempted Limited Partnerships	<p>May not undertake business with the public in the Cayman Islands, other than as necessary for the carrying on of business outside Cayman. A partner may be a general or limited partner as well as a corporation with or without limited liability.</p> <p>The Registrar is required to maintain a record for each partnership, which is to be kept open to public inspection. A statement containing the following particulars of the partnership must also be filed to affect registration.</p>
		Limited Partnership	<p>Limited Partnerships are registered with the Registrar of Limited Partnerships. A limited partnership may be established by two or more persons or entities including for the transaction of any mercantile, mechanical, land holding and development, agricultural or manufacturing business or any business for the development of tourism. It must consist of one or more general partners, who are liable for all debts and obligations, and one or more limited partners, who are not liable for more than the actual cash they contribute. A company may be a general or limited partner. Registration is affected by the filing with the Registrar and the gazettal of a declaration by all the general partners, giving the name of the partnership, the nature and principal place of business, names and addresses of all partners, and the amount of capital provided by each limited partner.</p>

SURVEY OF BENEFICIAL OWNERSHIP IN CFATF JURISDICTIONS

Types of Legal Persons by Country			
No	Country	Types of LPs	Brief Description
			A limited partnership operating a business in the Cayman Islands is required to be licensed under the Trade and Business Licensing Board, and unless the business is 60 percent Caymanian-owned, required to obtain a license under the Local Companies (Control) Act. Registration is affected by the filing with the Registrar and the gazettal of a declaration by all the general partners, giving the name of the partnership, the nature and principal place of business, names and addresses of all partners, and the amount of capital provided by each limited partner.
3	Aruba	Limited Liability Company (VBA)	The VBA is a Limited Liability Company that requires at least one incorporator for establishment, with no minimum capital. The VBA is incorporated by a Civil Notary, who provides the Deed of Incorporation. The VBA must always be represented by at least one managing director. At least one of the directors or the legal representative must be a resident of Aruba
		Public Limited Company N.V. (NV)	The Naamloze Vennootschap, abbreviated NV, is a Corporation, according to Aruban law. It is a legal person with one or more registered shares. It is incorporated by a civil notary who provides the deed of incorporation. At least two founders, whether natural persons or entities are needed to incorporate a NV. The authorized capital is distributed in shares.
			The shareholders have limited liability. There is no legal requirement as to the

SURVEY OF BENEFICIAL OWNERSHIP IN CFATF JURISDICTIONS

Types of Legal Persons by Country			
No	Country	Types of LPs	Brief Description
			nationality or residency of the shareholders.
		Foundation	A legal person created by a legal act, which has no members and aims to use an ability to achieve a particular objective for that purpose
		Association	A legal entity with members that is focused on a specific goal.
		Cooperative Society	Are understood to mean associations of persons, whereby the entry and exit of members is permitted, and whose object is the promotion of the material interests of the members
4	Bermuda	Companies - Local	Company permitted to carry on and compete for business which is in Bermuda.
		Companies - Exempt	Exempted companies may be resident in Bermuda but must carry on in connection with transactions and activities which are external to Bermuda or with other exempted companies or may carry on business with the local market if licensed to do so by the Minister of Finance.
		Limited Liability Corporations (LLCs) - Local	LLC structure, subject to same constraints as Local Company (above)
		LLCs - Exempt	LLC structure, subject to same constraints as Exempt Company (above)
		Partnerships - Exempt	Partnership structure, subject to same constraints as Exempt company (above)
		Local general partnerships	Partnership structure permitted to carry on Bermuda

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Types of Legal Persons by Country			
No	Country	Types of LPs	Brief Description
5	St. Vincent and the Grenadines	International Business Companies (IBC)	IBCs are international companies which can be registered in St. Vincent and the Grenadines to conduct any legal
		Limited Liability Companies (LLCs)	LLCs provide their members with both limited rights and liabilities.
		Mutual Funds (MF)	MF are entities which may be licensed to carry out investment activities.
		International Banks (IB)	IBs are entities that engage in international banking activities.
		International Insurance (Int'l. I)	Int'l. I are entities that provide international insurance services.
		Credit Unions (CU)	CUs are members' credit-based organisations.
		Money Service Businesses (MSBs)	MSBs are non-banking financial institutions that transfers monies to clients
		Domestic Insurance (DI)	DIs are entities that provide domestic insurance services.
		Building Societies (BS)	BS are members based non-banking financial institutions, similar to CUs
		Friendly Societies (FS)	FS are financial institutions that offer death benefits
		Non-Profit Organisations (NPOs)	is a not for profit legal person created in accordance with sections 326 to 337 of the Companies Act
		Domestic Companies	Are domestic, for profit companies created under the Companies Act and includes subsidiaries of external for-profit companies.

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Types of Legal Persons by Country			
No	Country	Types of LPs	Brief Description
6	Jamaica	Company limited by shares	A company in which the liability of its members is limited by the amount unpaid on the shares held by them.
		Company limited by guarantee	A company in which the liability of its members is limited by the amount each member undertakes to contribute in the event of the company being wound up
		Unlimited company	A company which has no limit on the liability of its members.
		Partnership	Business arrangement by which 2 or more individuals agree to share in assets, profits and financial and legal liabilities of a jointly owned business.
		Overseas company	A company incorporated outside of Jamaica but registered in Jamaica.
7	Virgin Islands	Business Companies	Established pursuant to the BVI Business Act, 2004 and may be established to be limited by shares; limited by guarantee and not authorised to issue shares; limited by guarantee and authorised to issue shares; an unlimited company that is not authorised to issue shares; or an unlimited company that is authorised to issue shares.
		Foreign Companies	A body corporate incorporated, registered or formed outside the Virgin Islands may be registered in the Virgin Islands, pursuant to the BVI Business Companies Act, 2004, as a foreign company. To be registered as a foreign company, the company must be carrying on business in the Virgin Islands, which includes establishing or having a place of business in the Virgin Islands.

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Types of Legal Persons by Country			
No	Country	Types of LPs	Brief Description
		Limited Partnership	Established pursuant to the Limited Partnership Act, 2017. They are required to have 'a written limited partnership agreement that provides for the rights and obligations of the partners.
8	Montserrat	Companies	The FSC is the Authority for incorporating local, external and non-profit Companies under the Companies Act Cqp.11.12
		International Business Companies	The FSC is the Authority for incorporating and registering International Business Companies, under the International Business Companies Act Cap.
		Limited Liability Companies	The FSC is the Authority for incorporating Limited Liability Companies, under the Limited Liabilities Act, 11.14
9	Curacao	Limited Liability Company	A company limited by shares.
		Private Limited Liability Company	flexible form of company and similar to LLC
		Foundation	The purpose to use capital for realisation of object
		Private Foundation	Comparable to the Anglo-Saxon Trust
		Association	Legal entity with members, formed multilateral legal act
		Cooperation	Legal person with members, established notarial deed
10	Guyana	Bodies Corporate	Established under various Acts
		Public Corporations	Public Corporations Act

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Types of Legal Persons by Country			
No	Country	Types of LPs	Brief Description
		Private Companies	Registered under Companies Act
		Public Companies	
		External Companies	Registered under Companies Act
		Partnership and Firms	Business Name Registration Act/Partnership Act
		Trade Unions	
		Cooperative Societies & Credit Unions	Under Cooperative Societies Act
		Friendly Societies /Charities /Associations	Friendly Societies Act
11	Bahamas	Regular Companies	Domestic companies required to have a registered office. Incorporated pursuant to s3 of the Companies Act. Organisational documents include Memorandum and Articles of Domestic companies required to have a registered office. Incorporated pursuant to s3 of the Companies Act. Organisational documents include Memorandum and Articles of Association. Some are managed by a registered agent. Ch. 308 s3
		International Business Companies	Incorporated pursuant to s3 of the International Business Companies Act, Ch. 309 s3. Must at all times have a registered agent in The Bahamas.
		Segregated Accounts Companies	Formed pursuant to ss3 – 6 of the Segregated Account Companies Act, 2004. Agreements, memorandum and articles, resolutions, registers, or other documents set out the rights, obligations,

SURVEY OF BENEFICIAL OWNERSHIP IN CFATF JURISDICTIONS

Types of Legal Persons by Country			
No	Country	Types of LPs	Brief Description
			and interests of account owners in respect of each Segregated Account.
		Foundations	Established in accordance with s6, s7 of Foundations Act, Ch. 369D. A Foundation Charter is the governing document.
		Exempted Limited Partnerships	Established/Formed pursuant to s9 of the Exempted Limited Partnerships Act, Ch. 312. Formed by way of a Certificate of IBC Incorporation of General Partners.
		Executive Entities	Established pursuant to s6 and s28 of the Executive Entities Act, 2011 by way of a Charter Statement.
		Non- Profit Company	Incorporated pursuant to s14 of the Companies Act Ch.308. Registered pursuant to section 7 of the Non-Profit Organisations Act, 2019. Section 2 of the NPO Act defines NPO to mean “a body of persons whether incorporated or unincorporated, formed and established for the purpose of promoting public policies or objects that are religious, charitable, educational, scientific, environmental, historical, cultural, fraternal, literary, sporting, artistic, athletic or promoting health, and whose gross annual income or any part thereof, if any, and other income are applied to the promotion of those objects, and there is a prohibition of any dividend or refund of contributions to its members.
12		Companies	Entities that are incorporated pursuant to the Companies Ordinance 2017

SURVEY OF BENEFICIAL OWNERSHIP IN CFATF JURISDICTIONS

Types of Legal Persons by Country			
No	Country	Types of LPs	Brief Description
	Turks & Caicos Islands	Partnerships	Established by agreement and governed by the Partnership Ordinance
		Limited Partnership	Partnership with one or more partners and one or more general partners. General partners have unlimited liability. Governed by the limited partnership Ordinance.
		Non-Profit Organisation (unincorporated)	Unincorporated Association governed by the NPO regulations
		Foreign Company	Established outside the TCI registered to conduct business in TCI.

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9 APPENDIX 2 – DETAILED LIST OF ACTIVE LPs BY TYPES

Number of Active LPs by types			
Country / Type	2018	2019	2020
Aruba	9,417	9,473	9,534
Associations	197	197	197
Corporations	6,204	6,236	6,271
Foundations	1,463	1,463	1,463
Limited Liability Companies	1,553	1,577	1,603
Bahamas	76,781	50,336	44,668
Non-Profit Company	1,093	1,263	1,281
Executive Entities	67	-	82
Exempted Limited Partnerships	213	57	-
Foundations	395	-	145
International Business Companies	35,700	18,529	22,622
Regular Companies	39,190	30,487	20,538
Segregated Accounts Companies	123	-	-
Bermuda	14,971	14,501	14,673
Companies - Exempt	10,565	10,146	10,093
Companies - Local	3,173	3,116	3,229
Limited Liability Companies	8	13	17
LLCs - Exempt	34	39	74
Partnerships - Exempt	1,191	1,187	1,260
Cayman Islands	123,347	127,903	131,484
Exempt Company	90,265	91,833	92,550
Exempted Limited Partnerships	26,011	28,649	31,144
Foreign Companies	5,029	5,326	5,623
Foreign Partnership	349	449	570
Limited Liability Companies	928	862	916
Limited Liability Partnership	-	-	1
Limited Partnership	21	21	19
Ordinary (Non-Resident) Company	15	25	13
Ordinary (Resident) Company	729	738	648

SURVEY OF BENEFICIAL OWNERSHIP IN CFATF JURISDICTIONS

Number of Active LPs by types			
Country / Type	2018	2019	2020
Curacao	27,294	27,048	26,181
Associations	595	641	347
Foundation	3,995	3,788	3,497
Foundations	3,610	3,767	3,738
LLC	11,362	10,607	9,917
PLLC	7,732	8,245	8,682
Jamaica	91,607	93,229	95,069
Company limited by guarantee	5,524	5,743	6,088
Company limited by shares	58,165	58,485	58,700
Overseas company	1,585	1,658	1,711
Partnership	26,299	27,308	28,536
Unlimited company	34	35	34
Montserrat	290	296	299
Companies - External	15	15	15
Companies - Local	245	247	245
International Business Companies	3	3	3
Limited Liability Companies	27	31	36
St. Vincent and the Grenadines	3,728	4,201	5,285
Building Societies (BS)	1	1	1
Credit Unions (CU)	4	4	4
Domestic Companies (DC)	283	409	520
Domestic Insurance (DI)	22	22	21
Friendly Societies (FS)	17	18	18
International Banks (IB)	4	3	3
International Business Companies	3,225	3,442	3,829
International Insurance (Int'l)	5	5	5
Limited Liability Companies	14	115	645
Money Service Businesses (MSBs)	2	2	2
Mutual Funds (MF)	71	74	75
Non-Profit Organisations (NPOs)	80	106	162
Virgin Islands	367,364	388,385	367,504

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Number of Active LPs by types			
Country / Type	2018	2019	2020
Business Companies	366,364	387,344	366,364
Foreign Companies	60	63	66
Limited Partnership	940	978	1,074
Turks & Caicos Islands	16,659	16,277	16,347
Companies	16,589	16,206	16,277
Limited Partnerships	70	71	70
Grand Total	731,458	731,649	711,044

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10 APPENDIX 3 – LOCAL VS. INTERNATIONAL COMPANIES

Local vs. International Companies			
No	Country	Appx % of Local Companies	Appx % of International companies
1	Trinidad & Tobago	99%	1%
2	Cayman Islands	5%	95%
3	Bermuda	22%	78%
4	St. Vincent and the Grenadines	14%	86%
5	Jamaica	98%	2%
6	Virgin Islands	99%	1%
7	Montserrat	95%	5%
8	Curacao	77%	23%
9	Guyana	93%	7%
10	Bahamas	25%	74 %
11	Turks & Caicos	33%	67%

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11 APPENDIX 4 – VOLUME DYNAMICS DATA FOR LPs

Volume Dynamics of Legal Persons by types within participating countries								
No	Country	Type	2018		2019		2020	
			Added	Removed	Added	Removed	Added	Removed
1	Aruba	Corporations	95	84	80	101	22	114
		Corporation by Foreign law	12	4	3	6	6	9
		Limited Liability Companies	420	26	498	32	289	33
		Partnership	10	17	19	14	11	9
2	Trinidad & Tobago	Companies	4741	660	5170	1161	4746	543
3	Cayman Islands	Ordinary (Resident) Company	726	202	738	757	648	161
		Ordinary (Non-Resident) Company	15	356	25	479	13	183
		Exempt (Segregated Portfolio) Company (“Segregated Portfolio Company”)		33		46		44
		Exempt (Limited Duration) Company		53		11		22
		Exempt Company	13812	7642	10448	9016	9360	7887
		Foundation Companies						
		Foreign Company	761	43	694	350	751	472
		Limited Liability Company	928	97	862	137	976	220
		Foreign Partnership	90	10	110	7	154	19

SURVEY OF BENEFICIAL OWNERSHIP IN CFATF JURISDICTIONS

Volume Dynamics of Legal Persons by types within participating countries								
No	Country	Type	2018		2019		2020	
			Added	Removed	Added	Removed	Added	Removed
		Exempted Limited Partnerships	4917	1197	4218	1658	4355	1620
		Limited Partnership	0	1	0	0	1	2
4	Bermuda	Companies - Local	184	128	162	213	135	18
		Companies - Exempt	611	734	549	911	542	587
		Limited Liability Corporations (LLCs) - Local	6	0	9	4	16	12
		LLCs - Exempt	15	2	8	3	37	1
		Partnerships - Exempt	183	38	125	129	134	62
		Local general partnerships						
5	St. Vincent and the Grenadines	International Business Companies (IBC)	819	1068	472	797	400	1109
		Limited Liability Companies (LLCs)	6	14	136	27	538	37
		Mutual Funds (MF)	3	3	5	10	3	8
		Friendly Societies (FS)			1			
		Non-Profit Organisations	35		26		56	
		Domestic Companies (DC)	104	1	126		111	
6	Jamaica	Company limited by shares	2671	2629	3258	2958	3422	3221
		Company limited by guarantee	413	206	483	265	487	142
		Unlimited company	1	1	1			1

SURVEY OF BENEFICIAL OWNERSHIP IN CFATF JURISDICTIONS

Volume Dynamics of Legal Persons by types within participating countries								
No	Country	Type	2018		2019		2020	
			Added	Removed	Added	Removed	Added	Removed
		Partnership	1698	750	1816	824	1999	794
		Overseas company	75		77		55	
7	Virgin Islands	Business Companies	37415	101049	26150	92179	22434	90767
		Foreign Companies	5		3	1	3	3
		Limited Partnership	220	89	194	143	217	98
8	Montserrat	Companies - Local	16	12	14	14	7	0
		Companies - External	1	0	0	0	0	0
		Limited Liability Companies (LLC)	5	0	4	0	5	0
9	Curacao	LLC	237	0	300	0	261	0
		PLLC	945	0	898	0	783	0
		Foundation	138	0	335	0	112	0
		P Foundation	213	0	181	0	131	0
		Association	47	0	50	0	62	0
10	Bahamas	Regular Companies	1078	48	954	14269	794	8972
		International Business Companies	2262	3922	1719	3506	1329	3113
		Segregated Accounts Companies	10	3	15	5	11	2
		Foundations	38	84	38	50	28	44

SURVEY OF BENEFICIAL OWNERSHIP IN CFATF JURISDICTIONS

Volume Dynamics of Legal Persons by types within participating countries								
No	Country	Type	2018		2019		2020	
			Added	Removed	Added	Removed	Added	Removed
		Exempted Limited Partnerships	7	4	5	6	1	17
		Executive Entities	15	8	13	14	6	14
		Non-Profit Companies	19	0	49	1	44	0
		Investment Condominium	6	6	10	4	8	6
11	Turks & Caicos	Companies	1104	386	1252	1635	966	895
		Limited Partnerships	5	0	1	0	1	2

12 APPENDIX 5 – DETAILED INVENTORY OF TYPES OF LAs BY COUNTRY

Types of Legal Arrangements			
No	Country	Type	Brief Description
1	Aruba	Trade Register Regulation (Handelsregisterverordening)	The Trade Register Ordinance contains all provisions relating to the trade register.
		Trade Register Decree (Handelsregisterbesluit)	The Trade Register Regulation 2020 (the HRV 2020) sets new rules with regard to the registration in the trade register of companies and legal entities, of trusts and of the registration of the ultimate beneficial owner or beneficial owners of these companies, legal entities and trusts
		Civil Code, Book 2 (Burgerlijk Wetboek, Boek 2)	The Civil Code 2 regulates all provisions relating to legal persons.
2	Cayman Islands	Exempted Trust	Exempted trusts are registered with the Registrar of Trusts, and the beneficiaries are not and will not include any person at any time resident or domiciled in the Cayman Islands. The trustee is usually a corporate trustee that is licensed by CIMA. An exempted trust may also benefit from a tax exemption undertaking from any estate or inheritance tax for a period not exceeding 50 years
		Special Trust (Alternative Regime)	Non-charitable trusts which can be created for any objects, whether persons, purposes or both and for an unlimited duration, provided they are lawful and not contrary to public policy. It is a requirement for at least one trustee to either be licensed in the Cayman Islands or a controlled subsidiary or a private trust company registered in the Cayman Islands. A STAR trust is required to have an enforcer, who does not have to be the beneficiary, and the trust instrument can specify whether the enforcer is subject to a duty

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Types of Legal Arrangements			
No	Country	Type	Brief Description
			to enforce the trust or whether then enforcer is free from any such duty. A special trust cannot hold real estate in the Cayman Islands, but may hold an interest in a corporation, partnership, or other entity which owns land in the Cayman Islands. A special trust may also apply to be an exempted trust.
		Unit Trusts	A unit trust is a form of express trust whereby the interest in the underlying assets is unitised under the terms of the trust instrument. A unit trust is typically established through the execution of a trust deed that documents the terms on which the trustee will hold the trust assets on trust. At the end of a unit trust's life, a unit trust can be terminated by either repurchasing all of the units in issue or by the trustee paying a final distribution to unitholders, either of which would mean that two of the three certainties are no longer present: no trust property (fund assets) and no beneficiaries (unitholders).
		Discretionary (ordinary) trusts	The trustee is usually given an absolute discretion as to how to manage and invest the trust estate and how much and to which beneficiary/ies distributions should be made. Under the Trusts Act there are a number of statutory limitations which can be imposed on the trustee's discretionary powers and settlors are able to reserve to themselves, or to others, a range of different powers such as the ability to amend the trust, revoke the trust and powers to direct investments
3	Bermuda	Trusts	A fiduciary relationship established in accordance with the principles of common law,

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Types of Legal Arrangements			
No	Country	Type	Brief Description
4	St. Vincent and the Grenadines	Trusts	a type of legal arrangement used in estate planning
5	Jamaica	Trusts	A Trust is a complex concept that refers to a legal relationship created either inter vivos or on
6	Virgin Islands	Trusts	Trusts as stipulated in the Trustee Act are not required to be registered but Trust service business is regulated under the Banks and Trust Companies Act as well as AML legislation.
		Virgin Islands Special Trusts (VISTAs)	Created by the Virgin Islands Special Trusts Act, 2003, where at least one trustee of Virgin Islands Special Trusts (VISTAs) must be a BVI licensed trust company or BVI Private Trust Company
7	Montserrat	Trust Companies	Trust Companies are licenced under Section 15 of the International Banking and Trust Companies Act and is obligated under the Proceeds of Crime Act Cap.04.04 to AML/CFT requirements.
8	Curacao	Trust	That is the Anglo-Saxon trust with settlers, beneficiaries and protectors
9	Guyana	Trust Companies	Companies licensed and registered BOG;
		Privately formed Trusts	Trusts Deeds /Instruments registered at Deeds Registry-
10	Bahamas	Asset Protection Trusts	The Purpose Trust Act, 2004 (amended 2011)
		Authorised Purpose Trusts	The Trustee Act, 1998 (amended 2011)
		Charitable Trusts	

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Types of Legal Arrangements			
No	Country	Type	Brief Description
11	Turks & Caicos	Asset Protection Trusts	A trust which is aimed specifically at the protection of a person's assets/property
		Charitable Trusts	Sect 2 of the Trust Ordinance: A trust which is created exclusively for charitable purposes
		Educational Trusts	Set up to provide either for the education of family members or to benefit a class of persons such as, for example, the children of employees of a firm.
		Estate Planning	A trust created to govern the management of personal affairs and the disposition of property in the event of a person's incapacitation or death.
		Employee Trusts	Set up to protect the interest of employees, particularly expatriate employees. They can also protect the employer from the adverse actions of its employees.
		Private Trusts, Special Trusts	Private trust company - As described in Sections 44 to 53 of the Trust Companies (Licensing and Supervision) Ordinance. Special Purpose trust as described in Section 45 of the Trust Ordinance.
12	Trinidad & Tobago	<not reported>	

13 APPENDIX 6 – TRUSTEES/ADMINISTRATORS LICENSING REQUIREMENTS

Trustees / Administrators Licensing Requirements			
No	Country	Licensing Agency	Licensing Process
1	Aruba	CBA & FIU	The CBA contributes by assessing financial institutions and DNFBPs on the one hand for compliance with their legal obligations and, on the other hand by providing information for support to promote compliant behaviour. The FIU receive reports of unusual transactions for the financial institutions and DNFBPs, analysing the data it obtains to see whether this data can be important for the detection of crime and disseminating this information to law enforcement authorities and the PPO. At the back is the investigation and prosecution of persons. Preventing and combating financial crime and the confiscation of criminally acquired assets.
2	Trinidad & Tobago	<Information not known>	
3	Cayman Islands	Cayman Islands Monetary Authority (“CIMA”)	Any company engaged in the business of acting as a trustee, executor, or administrator, including for an express trust, must be licensed and regulated by the Cayman Islands Monetary Authority (“CIMA”) as a trust company under the Bank and Trust Companies Act. All Trustees of Cayman Islands trusts are subject to the Trust Act (2021 Revision) and the Trust Transparency Regulations (2021 Revision) which prescribes transparency measures including those related to beneficial owners.
4	Bermuda	Bermuda Monetary Authority	Trustees offering their services as a business must be licensed and are subject to both prudential and AML/CFT legislation/regulation. Licensing applications must include AML/CFT policies and procedures which are reviewed as part of the internal review mechanisms required to issue a licence.
5	St. Vincent and the Grenadines	Financial Services Authority (FSA)	A person who intends to act as a registered trustee in St. Vincent and the Grenadines, must obtain a Registered Trustee License pursuant to the Registered Agent & Trustee (Licensing) Act No.15 of 1996. In all cases, the applicant is also a licensed registered agent/service provider. The

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Trustees / Administrators Licensing Requirements			
No	Country	Licensing Agency	Licensing Process
			FSA undertakes a thorough fit and proper assessment of the applicant prior to granting a license.
6	Virgin Islands	BVI Financial Services Commission	There is no registration process but there is a licensing process utilizing an application process where applicants are evaluated based on legislative and fit and proper requirements to obtain a licence. Once the completed application is evaluated, it is submitted to the Licensing and Supervisory Committee for consideration and approval or rejection.
7	Montserrat	Financial Services Commission	Section 14 of the International Banking and Trust Companies (IBTC) Act CAP. 11.04 states that no person shall carry on, or hold himself out as carrying on trust business in or from within Montserrat unless he holds a licence that is not suspended. Section 15 of the Act states that "A Company, a foreign Company or, subject to section 17(2), an international business company may apply for a licence which must contain the information and be in form prescribed in the regulations to the Act and be accompanied by the documentation and the non-refundable fee prescribed in the IBTC Regulations. In considering an application for a licence, the Commission may review and investigate the information provided for in regulation 2 of the regulations but is not limited to information contained in that regulation." International trust companies must have a registered agent
8	Curacao	According to the Commercial Register Act all business established in Curacao must register with the Commercial Register, there are no exceptions.	Service providers can provide services with a license. National Ordinance on the Supervision of Trust Service Providers.

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Trustees / Administrators Licensing Requirements			
No	Country	Licensing Agency	Licensing Process
9	Guyana	Trusts Companies Licensed by Bank of Guyana	Registered and licensed under the Financial Institutions Act and the Securities Industry Act to conduct its business.
		Private Trusts registered -Trust Deeds	<p>A written Trust Deed is prepared and registered at the Deeds Registry.</p> <p>Private Trusts may be through a will (takes effect upon death of settler) or it may be for Charitable purposes.</p>
10	Bahamas	The Central Bank of The Bahamas	<p>In accordance with the Bank and Trust Regulations Act. Any person or company wishing to carry on banking or trust business is required to make an application to the Governor of the Central Bank for the grant of a license.</p> <p>An applicant for licensing must apply in writing to the Bank Supervision Department in providing all information required (general information; ownership information; character references; police certificates; etc.).</p> <p>Additionally, the Central Bank may require the applicant to provide such further information as it considers necessary to enable it to determine the application. Once the information provided meet domestic regulatory requirements, a meeting is held between the applicant and the Central Bank. The application is then reviewed and decided upon internally within two (2) months.</p>
11	Turks & Caicos	The Turks & Caicos Islands Financial Services Commission	Applicants are required to first meet with the Commission to discuss/describe their intentions, complete an application and submit along with relevant supporting documents, based on the licensing guideline. The responsible department reviews and assesses the application and make a recommendation to the Commission's Licencing Committee (LC). The LC deliberates and make a decision on whether a license should be granted.

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Trustees / Administrators Licensing Requirements			
No	Country	Licensing Agency	Licensing Process
12	Jamaica	<No licensing or registration required>	

14 ACRONYMS AND ABBREVIATIONS

AML	Anti-Money Laundering
BMA	Bermuda Monetary Authority
BO	Beneficial Ownership
CA	Competent Authorities
CDD	Customer Due Diligence
CFATF	Caribbean Financial Action Task Force
CFT	Countering the Financing of Terrorism
CRTMG	CFATF Risk, Trends and Methods Group
FATF	Financial Action Task Force
FIU	Financial Intelligence Unit
FSRB	FATF-Style Regional Body
INR	Interpretative Note to Recommendation
IO	Immediate Outcome
LAs	Legal Arrangement
LEA	Law Enforcement Authority
LCC	Limited Liability Company
LPs	Legal Persons
MER	Mutual Evaluation Report
NPO	Non-Profit Organisation
NRA	National Risk Assessment
R.	Recommendation
RAPF	Royal Anguilla Police Force
TCSPs	Trusts and Company Service Providers

15 REFERENCES / BIBLIOGRAPHY

1. FATF (2012 – Updated June 2021), Recommendations FATF, Paris France
www.fatfgafi.org/topics/fatfrecommendations/documents/fatf-recommendations.html
2. FATF Methodology for Assessing Compliance (November 2020);
3. FATF ‘Best Practices on Beneficial Ownership October 2019/[www.fatf-gafi.org/publications/documents/beneficial-ownership-legal persons.html](http://www.fatf-gafi.org/publications/documents/beneficial-ownership-legal-persons.html);
4. FATF-Egmont Group (2018), Concealment of Beneficial Ownership;www.fatf-gafi.org/publications/methodandtrends/documents/concealment-beneficial-ownership.html
5. FATF Guidance: Transparency and Beneficial Ownership October 2014
6. OECD, 2001: Behind the Corporate Veil, Using Corporate Entities for Illegal Purpose/ <https://www.oecd.org/corporate/ca/43703185.pdf>
7. Freedom from Fear Magazine, Issue 7, Crime and Policy in the Virtual World/<http://f3magazine.unicri.it/?p=360>
8. Mutual Evaluation Report Cayman Islands (2019), <https://www.fatf-gafi.org/publications/mutualevaluations/documents/mutualevaluationofthecaymanislands.html>