

Office of the Governor

Licence Application Form

This form should be used by individuals or entities seeking a licence from the **Governor of the Virgin Islands** to allow an activity or transaction to take place that would otherwise be prohibited under asset freezing measures implemented by way of the UK Overseas Territories Orders. The Government Gazette website lists all of the United Nations (UN) and European Union (EU) sanctions regime-related Overseas Territories Orders in force in Virgin Islands.

This form should **not** be used for export control licence applications or other non-asset-freeze matters.

Licence applications can be legally and/or commercially complex, and in certain circumstances require clearance or prior notification internationally (e.g. UN level). There is a requirement for the Governor to seek consent from the Secretary of State prior to the issue of any licence under the Order. This is to enable the Foreign and Commonwealth Office to complete any approval or notification process at the international level prior to consenting to the issue of the licence by the Governor, thereby **complying with the UK's international obligations**.

The time it will take for the Foreign Secretary to decide on whether to consent to the licence will vary according to the international exemption procedure to be followed. Accordingly you should apply at least four weeks before a licence is needed and preferably even further in advance if practicable. It is not for the Governor to decide on whether a licence is required. You may wish to consider taking independent legal advice before applying for a licence.

The Governor can only issue a licence where there are grounds to do so. These grounds will be set out in the relevant legislation. In each application consideration should be given to the grounds on which the licence is sought and reference should be made to the relevant licensing ground as set out in the relevant legislation. Applications which do not do so will be returned with a request that a suitable licensing ground be added.

Ongoing Monitoring and Reporting

Licences issued by the Governor's Office may be unconditional or may come with conditions that require information to be reported within a specific time frame. These will likely include reporting every time a transaction is made under the licence.

A failure to comply with these reporting requirements may result in the **revocation, suspension or termination** of a licence or **further restrictions** being included in it. It may also result in a criminal prosecution or monetary penalty.

The completed form should be submitted via e-mail to: govoffice.tortola@fco.gov.uk. Please forward a copy to:

[Governor's Office](#)
Waterfront Drive,
Road Town, Tortola
British Virgin Islands

Please read the notes before completing the form.

PART 1 –UNDER WHICH REGIME IS THE LICENCE IS SOUGHT

<p>The Order under which the application is made /Name of regime in respect of which a licence is sought (Egypt, Libya, etc.)</p>	
<p>URGENCY Please provide any details that may help us determine the urgency of the case (e.g. deadlines, impact on your business if a licence cannot be granted by a given date).</p>	

PART 2 – DETAILS OF THE LICENCE APPLICANT

<p>Date of application</p>	
<p>Name of applicant (to whom the Licence will be granted) (Individual / Company Name etc.)</p>	
<p>Are you/is your company a “designated person” (that is, subject to an asset freeze), or owned or controlled by a designated person? <i>If so, please provide details</i></p>	<p>YES NO</p>
<p>Nature of business</p>	
<p>Address</p>	
<p>Contact Name</p>	
<p>Telephone number</p>	
<p>Email address</p>	

PART 3 – ABOUT THE LICENCE SOUGHT

Name of Designated Person		
<p>Licence required to release frozen funds or economic resources, or make them available, directly or indirectly, to or for the benefit of a designated person, to meet:-</p> <p>PLEASE TICK WHICHEVER APPLIES</p> <p>Note: Those grounds marked * are licensing grounds only relating to the release of frozen funds. Funds or economic resources cannot be made available to listed persons under those licensing grounds.</p>	Basic expenses of the designated person or his or her dependent family members	
	Legal Fees: Reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services	
	Routine maintenance of funds/assets: payments of fees or service charges for the maintenance of frozen funds or economic resources	
	Extraordinary expenses	
	*Obligations due under a contract or agreement entered into, or an obligation which arose prior to the designation of the person or entity in question	
	*Obligations arising in connection with certain judicial, administrative or arbitral liens, decisions or judgments	
	Other (please specify, including relevant legislation reference)	
Specify the legal basis for licensing – see note 4 (i.e. the relevant Overseas Territories Order, article and paragraph).		
Please give the licence number(s) of any licence(s) already received by the applicant, (if applicable).		

PART 4 – OVERVIEW

Briefly outline the transaction and your role in it. What is the prohibited act that the licence is for?	
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PART 5 – DETAILS OF THE TRANSACTION(S) CONCERNED

Date of the intended transaction(s).		
Description of funds, goods or services to be supplied or obtained.		
Are the goods or services for humanitarian purposes (e.g. delivering or facilitating the delivery of assistance, including medical supplies, food, the provision of electricity, or other humanitarian purposes)?	YES	NO (If 'Yes' please explain the humanitarian purpose fully)
Value of the goods or services to be supplied or obtained.		
Names of the parties to the contract.	Seller / supplier	
	Buyer / customer	
	Agent / broker / other intermediary	
Is the end user different to the contract customer?	YES	NO If "Yes", please provide details of the end user (if known)
Is the end user owned or controlled by a designated person?	YES / NO If "Yes", please provide details of the ownership or control	
Do you know or have reasonable suspicion that the funds, goods or services will be used by a designated person, or by a person acting on their behalf or at their direction, or by entities owned or controlled by them?	YES	NO If "Yes" who is the individual or entity?
Dates of any transactions / shipments / payments already made.		
Dates of any future transactions / shipments/ payments.		

PART 6 – BANKING DETAILS

Method of payment (e.g. cash, cheque, bank transfer, confirmed or unconfirmed letter of credit, or other method).		
The banks (including correspondent, intermediary and confirming banks, if applicable) through which payment will be made. Please provide a/c numbers if they are available.	Correspondent bank	
	Intermediary bank	
	Confirming or advisory bank	
Are payment instructions/funds available for this transaction?	YES	NO

PART 7 – Further details

Please provide any additional background information or explanation that would be helpful for the Governor to have.	
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You may wish to submit copies of documents that support your application or help us to understand it. Please indicate below if additional documentation has been provided and list attachments.

	YES	NO
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PART 8 – Confirmation of information

I confirm that the above information is true to the best of my knowledge and belief. I will inform the Governor of the Virgin Islands if there are any changes to this information.

Signed..... Dated.....

1. This form is designed to be used for all financial sanctions regimes.
2. Licences can only be issued where there is a legal basis to do so. The legal basis will usually be set out in the relevant Overseas Territory Order that established the sanctions regime in question.
3. The form has been developed with commercial arrangements in mind (i.e. sales of goods or services etc.). It should be adapted and used (for example) for gifts or humanitarian transactions where funds, goods or services are donated. Whatever the nature of the arrangements please provide a full explanation of what is happening and how much and who is involved.

1. The form is in **EIGHT** parts:

- a. **Part 1** asks for the name of the regime under which the licence is sought – this will be the regime under which sanctions otherwise apply. You should refer to any special factors effecting the urgency of your application here.
- b. **Part 2** asks for the details of the person on whose behalf the licence is sought and of a person to contact (who should be familiar with the transaction involved).
- c. **Part 3** is about the licence sought – the type of licence sought. Please note that the Governor can only issue a licence if there is a legal basis to do so. The grounds for issuing a licence are found in the EU Regulation imposing sanctions.
- d. **Parts 4 and 5** are about the transaction involved. Please make it clear if a transaction is a one-off or if it will be repeated. If regular or repeat payments are involved, please explain how often those payments will be made.
- e. **Part 6** is about the banking details of the transaction.
- f. **Part 7** provides the applicant with an opportunity to add any additional background. You should also attach and list any additional documents you are sending that will make it easier for the Governor to understand the application. For example, where a licence is sought on the basis that a contract was entered into before sanctions were imposed it is essential to provide a copy of that contract.
- g. **Part 8** requires the applicant to confirm that the information being submitted is true to the best of his/her knowledge and belief; and will inform the Governor if there have been any changes.