



Beneficial Ownership: Do we have it?

Glenford Malone

Financial Services Commission





The Law

- 2015 Amendments to the AMLR and AMLTFCOP
- Requires all relevant licensees to have beneficial ownership information in the BVI
- For all existing business relationship a deadline of 31 December 2016
- Commencing 1 January 2016 for any new business relationship





Verifying Compliance: Why?

- To ensure that BO information is available to competent authorities
- Ensure we comply with international obligations on exchange of information
- Ensure we satisfy international standards such as FATF Recommendations



Verifying Compliance: The Process

- Questionnaire sent to all Registered Agents requesting details of the number of companies for which they have BO information
- Desk based reviews and onsite inspections to verify reported level of compliance
- Take enforcement action for non-compliance



Questionnaire: Period Covered

- Initial Period
 - As of 31 December 2016
 - All Active companies on the register that were incorporated prior to 31 December 2015
 - All active companies incorporated since 1 January 2016
- Final Period
 - Level of compliance as of 31 January 2018



Results: The BAD

- 26 Directives were issued
- 25 Administrative penalties were issued for significant non-compliance (\$5,000-\$30,000)
- 2 Warning Letters



Results: The BAD

- There were a significant number of “end-user” client companies for which BO Information was not initially available
- Some records were maintained in paper format or other electronic format (PDF) which made it difficult to access





Results: The Good

- BO Information reported for 96% of all active companies
- BO Information appears easily accessible
- Licensees have a better appreciation for the requirements to obtain and maintain BO Information





Results: The Good

- Territory in better position to demonstrate compliance with FATF Recommendation
- Territory has a relatively good story to tell on BO Information availability
- Territory in better position to satisfy its international exchange obligations





Implications for Results

- Findings built into Commission's risk assessment framework
- Will lead to some entities being inspected more regularly
- Need for ongoing monitoring and continuous dialogue on compliance
- Need for ongoing training





Questions

