

Identifying Ultimate Beneficial Owners (UBOs) and Persons with Significant Control (PSCs)

In Jersey

An ultimate beneficial owner (UBO) of a company is the person, or people, who ultimately control and benefit from a company's activity. To incorporate a Jersey company you must either be a Jersey resident individual or use a Jersey regulated Trust and Company Service Provider (TCSP) with a specific licence – this is known as meeting economic substance requirements.

The Jersey Financial Services Commission (JFSC) collects and maintains information on beneficial ownership and control of Jersey incorporated companies. The JFSC also maintains information on other legal entities such as Jersey registered partnerships in Jersey and Jersey Foundations.

All beneficial owner and controller information is held in a central registry which is updated when any changes to beneficial ownership or control of an entity (i.e. a company or foundation) take place, and these must be notified to the Registry within 21 days of the change.

Jersey follows the standards and interpretation of beneficial ownership and controllers set out by the Financial Action Task Force (FATF).

See the flow chart on the next page for the Jersey process.

The Jersey Process

A non-Jersey resident contacts a Jersey TCSP to set up a company in Jersey (Company).

Non-Jersey residents must use a regulated TCSP as its company formation agent.



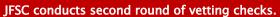
TCSP carries out due diligence checks, according to FATF recommendations.

Includes applying a risk-based approach and the relevant FATF test to determine UBO(s) or Controller(s).



TCSP submits application to JFSC.

Includes: full name (including any aliases), residential address, nationality, date of birth, country and place of birth, and occupation of each UBO or Controller.



This include cross-checking UBO or Controller information against the consolidated List of Persons subject to sanctions legislation in Jersey, WorldCheck, internet searches and JFSC's regulatory databases.

If UBOs, Controllers or activities of the entity **are not** considered 'sensitive', JFSC approves Company or entity formation and informs the TCSP.

The Company or entity is formed and appears on the Companies Registry at the JFSC.

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If UBOs/Controllers or activities of the Company or entity **are** considered 'sensitive', the JFSC either requests more information from the TCSP or rejects the application.



TCSP must satisfy the JFSC that the sensitivities identified are acceptable and will be managed if the Company or entity is formed.

TCSP may request further information from the applicant.



If the JFSC is satisfied with the additional information provided, then Company or entity formation is approved.

Once the company is formed...

TCSP carries out ongoing monitoring

TCSP ensures UBO or Controller documents, data or information are kept up-to-date and relevant. TCSPs must support a Company or entity log any to UBO or Controller (e.g. name, residential address) with the JFSC within 21 days of the change being known.

JFSC conducts routine on-site and remote examinations of TCSP

JFSC monitors company formation data provided by TCSP, UBO and Controller updates and other risk data provided to the JFSC on request.

UK law enforcement authorities can request and receive UBO and Controller information on Jersey's central Registry in 24 Hours or within one hour if urgent. Registry office is accessible for this purpose 365 days a year, 24 hours a day.

In the UK

A Person with Significant Control (PSC) is an individual who directly or indirectly holds more than 25% of the company's shares or voting rights; has the right directly or indirectly to appoint or remove a majority of directors; has the right to exercise or is exercising significant influence or control over the activities of a trust or firm which is not a legal entity.

A registrable relevant legal entity (RRLE) is a legal entity that (1) meets one of the conditions listed above as if it was an individual PSC; (2) is subject to its own disclosure requirements (i.e. it is 'relevant'); and (3) is the first relevant legal entity in a company's ownership chain. An RRLE must have its details recorded in a company's PSC register. References to PSCs below include RRLEs unless the context requires otherwise.

The UK has kept a register of individuals (PSCs) or legal entities (RRLEs) that have significant control over companies since 6 April 2016.

See the flowchart on next page for the UK process

The UK Process

A non-UK resident or foreign national completes the online registration process.

This is the application to register a private limited company with Companies House.



Company is added to the central public register at Companies House.

This is available online at www.gov.uk/companieshouse



An officer of the company confirms details with the PSCs or RRLEs.

This includes: name, date of birth, nationality, country or state of residence, service address, usual residential address (which is not disclosed when making the register available for inspection), the date they became a PSC in relation to the company, which of the five conditions for being a PSC they meet and whether the PSC is protected from public disclosure.

For RRLEs, details of their legal form and, if applicable, where they are registered (including registration number) must be provided.





If PSCs do not provide or confirm the required information, the Company must still make an entry on the PSC register.

A Company cannot enter incomplete or unconfirmed information about the PSC but it must explain the status of its investigations.

This means the register might say that the company is taking reasonable steps to identify its PSCs, or why information cannot be confirmed, or that the person or entity the Company thinks is a PSC is not responding to notices.



Once the Company is formed...



If a PSC provides or confirms the required information, the Company makes an entry on the PSC register.

Almost all information on PSCs is available on the central public register at Companies House.

The only information that will not be publicly available is the PSCs usual residential address and the day of their date of birth. All information held by Companies House is available to law enforcement agencies.

The Company makes its own PSC register available for inspection.

This is available on request at the Company's registered office or must be provided on request.

The Company must enter new information or changes on its own PSC register within 14 days of the changes being known.

The Company must provide updated information to Companies House within a further 14 days, including removing PSCs from the register or when there is an error.