



# TURKS AND CAICOS ISLANDS FINANCIAL SERVICES COMMISSION

*Regulating with Honesty, Integrity and Transparency*

**TO:** Industry Partners and Stakeholders

**DATE:** 12 February 2024

**SUBJECT: BENEFICIAL OWNERSHIP (AMENDMENT) REGULATIONS - PUBLIC  
BENEFICIAL OWNERSHIP REGISTER**

## 1.0 Purpose

To provide information to the industry on the status of the proposed public beneficial ownership register and the proposal to amend the Beneficial Ownership Regulations.

## 2.0 Overview

In 2018, the UK Parliament passed legislation requiring the preparation of a draft Order in Council by 2020 to require the implementation of a public beneficial ownership registry in British Overseas Territories (“BOTs”). The UK Government by a draft Order in Council of December 2020 required governments of BOTs that had not introduced publicly accessible registers of beneficial ownership information on companies within their jurisdiction to do so. This requirement was deferred until the end of 2023.

The TCI commenced its work on a beneficial ownership register in 2018 and the Beneficial Ownership Regulations were passed in furtherance of this goal. The first phase of this process required the establishment of a private beneficial ownership register with access to its information limited to UK Law Enforcement, through the Royal Turks and Caicos Islands Police Force.

Intervening circumstances, most notably the 2022 European Court of Justice ruling, gave pause to the meeting of the 2023 deadline for the introduction of a publicly accessible register of beneficial ownership information, as BOTs sought clarity from the UK Government on the impact, if any, of the ruling.

Noting the intention to move forward with a publicly accessible register of beneficial ownership information, on 15<sup>th</sup> December 2023 a paper was submitted to Cabinet.

At a meeting of Cabinet on 20<sup>th</sup> December 2023, Cabinet approved the policy to amend the Beneficial Ownership Regulations as proposed and requested the Attorney General to draft the relevant legislative amendment to give effect to this policy direction.



### **3.0 The Current Regime**

The Commission currently maintains and administers the TCI's Beneficial Ownership Information Register (BO Register). The BO Register is held in an electronic database. This database maintains beneficial ownership information submitted by the Registered Agents of the respective companies. The database is air-gapped and requires agents to submit the information to the Commission via a storage device or a designated email address, following which the information is uploaded to the database manually.

Information from the register is currently only accessible via request from the Royal Turks and Caicos Islands Police Force.

### **4.0 Discussion**

The proposal for the TCI is a register that is accessible to a prescribed set of stakeholders and to the public on the basis of a legitimate interest.

In reviewing the technical requirements to establish a publicly accessible BO Register, the Commission has determined that it will need to create a new module (tab) on the existing K-Registry system. However, for that to be done, the following parameters must be set/established:

- i) The definition of beneficial ownership for the purpose of the register
- ii) Whether the register will be fully open to the public or to designated segments of the public; if designated segments, the segments must be specified
- iii) Whether eligible persons (legal or natural) will be required to pay a fee to access the register; if yes, the proposed fee
- iv) Whether all information on the register will be accessible on a search or will it be select information; if only select information, what will be the selection criteria.
- v) The number of bulk searches should be accommodated
- vi) What entities will be covered by the register.

### **5.0 Input required from the industry**

The industry is asked to present its views on the implementation of a public beneficial ownership registry in the TCI. With those views you are asked to include, from your points of view the implications both negative and positive, relevant to your sector.

Further to this, you are asked to consider items i, ii, iv, v, and vi under paragraph 4.0 above.

The Cayman Islands Beneficial Ownership Transparency Act 2023 may be a useful tool in considering how several of the above were addressed in the context of a BOT. Relevant sections of that Act are



detailed in the table below, for ease of reference, in the event you may wish to consider those sections and their appropriateness in the TCI context.

Section 3- <b>meaning of legal person</b>
Section 4- <b>meaning of beneficial owner</b>
Section 12- <b>Required particulars and written confirmation required for categories of legal persons</b>
Section 22- <b>Access to beneficial ownership information</b>

## 6.0 Proposed Timeline

The Commission is of the view that it will be able to meet the proposed Q3 2024 deadline in having the database in its new format operational. However, the Commission is mindful that it will require the assistance of the Attorney General's Chambers ("AGC") in drafting the legislation to achieve this goal. Accordingly, the Q3 2024 date is tentative based on the AGC's availability.

## 7.0 Consultation Process

The Commission accordingly wishes to solicit your comments based on the above information provided.

Comments received will be considered and will form part of any recommendation to the Cabinet. All comments received will be considered by the Commission and the Attorney General's Chambers before making a recommendation to the Cabinet.

Comments should be submitted via email at address [consultation@tcifsc.tc](mailto:consultation@tcifsc.tc) to reach the Commission at or before **4.00pm, on Friday, 1<sup>st</sup> March 2024**. All submissions shall be addressed to the Commission and marked "**Public Beneficial Ownership Register 2024-Consultation**".

Submissions received after the deadline may not be considered.

We look forward to receiving your cooperation and comments.

**Turks and Caicos Islands  
Financial Services Commission**

Niguel Streete  
**Managing Director**