

LEGAL UPDATE

REGISTER OF BENEFICIAL OWNERSHIP ACT, 2018

The Register of Beneficial Ownership Act (the "Act") came into force on the 20 December, 2018. The Act provides for the Competent Authority to establish a secure system to enable each Registered Agent to maintain a database of required particulars on the beneficial owner(s) of a legal entity for which it has responsibility.

A legal entity is defined as an entity incorporated, registered, continued or otherwise established in accordance with the Companies Act or the International Business Companies Act.

The secure system will only be accessible by a designated person from a designated secured location within The Bahamas. The database will be subject to search by either the name of an individual or the name of a legal entity, and the fact that a search has been requested/made will not be communicated to any person except in accordance with the Act.

The following information will be kept in the database:

a) **With respect to the legal entity:**

The name, incorporation number, date of incorporation, status, registered address and any other particulars as the Minister may by Order specify.

b) **With respect to each beneficial owner of the legal entity:**

The full legal name, residential address and address for the service of notices, country of ordinary residence or domicile, date of birth and nationality, and information identifying the person from their passport, driver's license or other government-issued document.

c) **With respect to each registrable legal entity of the legal entity:**

The details of the registrable legal entity; the jurisdiction in which the registrable legal entity is formed; the basis upon which the legal entity is designated as a registrable legal entity; where the registrable legal entity is a foreign regulated person, the name of the jurisdiction of regulation and the name of the foreign regulator; where the registrable legal entity is a foreign state or a wholly-owned subsidiary of a foreign state, the name of that foreign state and/or wholly-owned subsidiary.

d) **With respect to an exempt person:**

The details of the exempt person and the basis upon which the exempt person is designated as an exempt person.

Who can request a search:

The Register of Beneficial Ownership is not accessible to the public. Only a designated officer of a regulatory authority may request a search.

Regulatory authorities in the Bahamas include:

- The Office of the Attorney General
- The Financial Intelligence Unit
- The Central Bank of The Bahamas
- The Compliance Commission
- The Securities Commission

The Registered Agent is required to keep the information maintained in the database for five years after the legal entity has been dissolved, ceases to be a legal entity or the Registered Agent ceases to be the Registered Agent of the legal entity.

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