

SANCTIONS ACT 2019

SECTIONS 10(1) and 10(3)

GENERAL LICENCE – WIND DOWN OF TRUST SERVICES PROVIDED TO DESIGNATED PERSONS

In exercise of his powers under section 10(1) and 10(3) of the Sanctions Act 2019, the Chief Minister hereby issues a General Licence, on the terms set out in paragraphs 1 to 5 below, to exempt any act which would otherwise breach the prohibitions imposed by international sanctions, as defined and in force pursuant to sections 6 and 7 of the Sanctions Act 2019, from those prohibitions to the extent required to give effect to the permissions in this General Licence.

Definitions.

1.(1) In this General Licence-

“Trust” means Trusts or similar arrangements.

“Trust Services” means services which would otherwise breach international sanctions, as defined and in force pursuant to sections 6 and 7 of the Sanctions Act 2019, consisting of:

- (a) the creation of a trust or similar arrangement;
- (b) the provision of a registered office, business address, correspondence address or administrative address for a trust or similar arrangement;
- (c) the operation or management of a trust or similar arrangement; or
- (d) acting or arranging for another person to act as trustee of a trust or similar arrangement.

“Person” means an individual, a body of persons corporate or unincorporate, any organisation or any association or combination of persons.

“Designated Person” means any Person to whom international sanctions apply, including any person owned or controlled directly or indirectly by such a person.

“Relevant Institution” means a relevant institution or relevant business or profession as defined in Schedule 4 of the Sanctions Act 2019.

“Participants to the Trust” means beneficiaries, trustees, settlors, protectors and any other Person who has control over the Trust. This also includes a Person who holds a similar position in a similar arrangement.

“for the benefit of a Designated Person” means where Trust Services are provided for the benefit of a person (“B”) where:

- (a) B is beneficiary of a trust or similar arrangement;
- (b) B is referred to as a potential beneficiary in a document from the settlor relating to a trust or similar arrangement; or
- (c) having regard to all the circumstances, B might reasonably be expected to obtain, or to be able to obtain, a significant financial benefit from the trust or similar arrangement.

“day” means any day including Saturday, Sunday, Christmas Day, Good Friday, and any day which is a bank holiday under the Banking and Financial Dealings Act in Gibraltar.

(2) For the avoidance of doubt, the phrase “any Person to whom international sanctions apply” in this General Licence means any person designated under international sanctions, as defined and in force pursuant to sections 6 and 7 of the Sanctions Act 2019, for the purposes of international sanctions on Trusts Services.

Permissions.

2.(1) Under this General Licence, subject to the conditions in subparagraph (3) below, any activity may be undertaken by a Person necessary to terminate an arrangement between them and a Designated Person for that Person to provide Trust Services including:

- (a) the continued provision of Trust Services being provided to a Designated Person on the date they were designated; and
- (b) Trust Services provided to a Designated Person after the date they were designated.

(2) A Relevant Institution may conduct activities including processing payments made in accordance with subparagraph (1) above.

(3) The permissions in this General Licence do not authorise any act which would otherwise breach international sanctions, as defined and in force pursuant to sections 6 and 7 of the Sanctions Act 2019.

Reporting Requirements.

3. Within 30 days of undertaking an activity under this General Licence, the Person must report to the Chief Minister, with details and supporting evidence of:

- (a) details of the Designated Persons;
- (b) details of any Participants to the Trust who:
 - (i) are owned or controlled by a Designated Person; or
 - (ii) are not owned or controlled by a Designated Person but provide Trust Services to or for the benefit of a Designated Person.

- (c) value and type of any assets dealt with pursuant to the activity undertaken; and
- (d) details of the activity undertaken pursuant to this General Licence, including but not limited to the Trust Services provided, and in respect of any payments made:
 - (i) the date payment was made;
 - (ii) the amount of the payment;
 - (iii) the reason for the payment; and
 - (iv) the payment route used.

Record-keeping requirements.

4. A Person must keep accurate, complete and readable records, on paper or electronically, of any activity purporting to have been permitted under this General Licence for a minimum of 6 years.

General provisions.

5.(1) The permissions in this General Licence do not authorise any act which the Person carrying out the act knows, or has reasonable grounds for suspecting, will result in a breach of any part of international sanctions, as defined and in force pursuant to sections 6 and 7 of the Sanctions Act 2019, save as permitted under this or other licences granted under the Sanctions Act 2019.

(2) Information provided to the Chief Minister in connection with this General Licence shall be disclosed to third parties only in compliance with the Gibraltar General Data Protection Regulation and the Data Protection Act 2004.

(3) This General Licence takes effect from the date of issue. It will expire, in respect of each Designated Person with whom a Person has an arrangement to provide Trust Services, at 23:59 on the 90th day from 00:01 on the date that person is designated for the purposes of international sanctions, as defined and in force pursuant to sections 6 and 7 of the Sanctions Act 2019.

(4) The Chief Minister may vary, revoke or suspend the use of this General Licence at any time.

Dated 21 March, 2023.

F R PICARDO,
Chief Minister.