



REPUBLIC OF VANUATU

ANTI-MONEY LAUNDERING AND
COUNTER-TERRORISM FINANCING
ACT NO. 13 OF 2014

Anti-Money Laundering and Counter-Terrorism
Financing Regulation (Amendment)
Order No. 2 of 2015

In exercise of the powers conferred on me by section 53 of the Anti-Money Laundering and Counter-Terrorism Financing Act No. 13 of 2014, I, the Honourable JOE NATUMAN, Prime Minister, make the following Order.

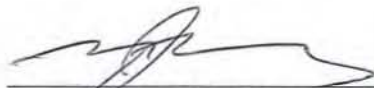
1 Amendments

The Anti-Money Laundering and Counter-Terrorism Financing Regulation Order No. 122 of 2014 is amended as set out in the Schedule

2 Commencement

This Order commences on the day on which it is made.

Made at Port Vila this 30th day of January, 2015.


Honourable JOE NATUMAN
Prime Minister



SCHEDULE

AMENDMENTS OF THE ANTI-MONEY LAUNDERING AND COUNTER-TERRORISM FINANCING REGULATION ORDER NO. 122 OF 2014

1 Clause 3 (heading)

After "Prescribed", insert "customer"

2 Clause 3

Delete "identified", substitute "identification"

3 Sub-subparagraph 3(b)(ii)(A)

After "licensing", insert "authority"

4 Clause 4(heading)

After "Prescribed", insert "customer"

5 Subclause 5(1)

(a) Delete "and", substitute " , ";

(b) After "4", insert "and 8".

6 Paragraph 5(1)(a)

After "customer", insert "and understand the customer"

7 Paragraph 5(1)(b)

(a) Delete "and" (second occurring), substitute " , ";

(b) After "verification", insert "and knowledge".

8 Subclause 5(2)

After "must" (first occurring), insert "understand and"

9 Paragraph 5(2)(c)

After "services", insert "including any development of new products, business practices and use of new or developing technologies"

10 Paragraph 5(2)(d)

(a) After “deals”, insert “including high risk jurisdictions as identified by Financial Action Task Force”

(b) Delete “.”, substitute “; and”

11 At the end of subclause 5(2)

Add

“(e) organisational structure and staff recruitment or retention.”

12 At the end of clause 5

Add

“(3) A reporting entity must have in place risk-based systems and controls to deal with political exposed persons who are customer and must include the enhanced customer identification process, enhanced customer verification and enhanced on-going due diligence processes.

(4) The reporting entity must have in place appropriate risk-based systems and controls to identify, verify and understand whether the customer or the beneficial owner of the customer is a political exposed person or a immediate family member of a political exposed person or a close associate of a political exposed person.”

13 Clause 6 (heading)

After “identification”, insert “and verification”

14 Clause 6

(a) After “identification” (wherever occurring), insert “and verification”;

(b) After “customer”, insert “, service, designated delivery method or jurisdiction”;

(c) After “3” insert “and 4”.

15 Paragraph 6(a), (b), (c) and (d)

After “Collect”, insert “and verify”

16 Paragraph 7(2)(c)

Repeal the paragraph, substitute

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“(c) Prescribed period - a reporting entity must verify the identification of customer undertaking the transaction specified under section 12 of the Act, except paragraph 12(3)(b) and (c) of the Act, as soon as reasonably practical but not more than 5 working days so essentially not to disrupt the normal conduct of business.”

17 At the end of clause 7

Add

“(3) Despite paragraph (2)(c), a reporting entity:

(a) that has been assessed and approved by the Director to have an overall low or medium-low ML and TF risk, must within 15 working days verify the identification of its customer; or

(b) may exempt from the customer verification process if it reasonably believe that by doing so may inform the customer of its suspicions.

(4) Paragraph (3) (a) does not apply if the customer undertakes or attempt to undertake a transaction specified under paragraph 16(a) or (b) of the Act.

(5) In addition to paragraph (3)(b), a report entity must prepare a suspicious transaction report for the Director as if the transaction were a transaction made under subsection 13(1) of the Act.”

18 Subclause 8(1)

After “existing”, insert “customer”

19 Subparagraph 8(1)(c)(iii)

Delete “prescribed foreign country”, substitute “high risk jurisdiction as identified by Financial Action Task Force”

20 Subclause 8(2)

Delete “one or more of”

21 Paragraph 8(2)(a)

After “identification”, insert “and verification”

22 Paragraph 9(h)

Repeal the paragraph, substitute

- “(h) account files, business correspondence and findings of Customer Due Diligence analysis relating to the transaction;
- (i) any other information relating to that transaction.”

23 After clause 14

Insert

“14A. Prescribed form for compliance report

- (1) The prescribed form required under paragraph 31(2)(a) of the Act is set out in Schedule 8.
- (2) A reporting entity must submit its completed compliance form to the Director not more than 21 working days from the date requested by the Director.”

24 Schedule 1

Repeal the Schedule, substitute

REGISTRATION FORM FOR REPORTING ENTITY

Pursuant to section 9(3) of the Anti-Money Laundering & Counter-Terrorism Financing Act No. 13 of 2014, persons carrying on a business stipulated under section 2 of the said Act are required to register the business with the Director.

PART A: Detail of Applicant

1. **Name of Applicant:** _____

2. **Name of the Business** (under which the applicant is carrying on a business or proposes to carry on a business and registered under Business Name Act):

3. **Business Structure** (sole trader, partnership, company or legal arrangement):

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4. **Full Business Address** (unit no, floor level, Building, Compound, Street, location proximity, CBD, Island, Province):

5. **Business CT No.:**

6. **VFSC Registration No., RBV Licence No.**
etc...:

7. **Overseas Registration or Licensing Detail:**

8. **Business Telephone No.s:**

9. **Business Facsimile No.s:**

10. **Business Email Address:**

11. **Business Postal Address:**

12. **Description of the Business** carried on or proposed to be carried on (refer to schedule 1):

13. **Detail of Business** (whether it is a subsidiary of another entity and controlled by another entity):

14. **Detail and location** (full street address) **of Business' affiliates, branches, subsidiaries and/or agents in Vanuatu:**

PART B: Detail of Business Ownership

15. **Name and Residential Address of Business Owners** or similar positions (including copy of passport or other ID) and **corresponding percentage of the ownership:**

16. **Name, Residential Address and percentage of the beneficial owners** of the business, if different to 13, including copy of passport or other ID):

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17. **Name, Title, Residential Address and brief role/responsibility description of each senior management officials** or similar positions of the business (including copy of passport or other ID):

18. **Named persons under 15, 16 and 17 subject to adverse reporting in the last 5 years:** *(charged, prosecuted and/or convicted in relation to money laundering, financing of terrorism and other serious offence under the Penal Code, Counter Terrorism & Transnational Organised Crime or the AML&CTF Act; or has been the subject of civil or criminal proceedings or enforcement action, in relation to the management of an entity, which were determined adversely to the mentioned person(s) and which reflected adversely on the applicant's or the named persons' competence, diligence, judgment, honesty and integrity)*

PART C: Detail of Applicant's Affiliate (complete if business is affiliated to another entity)

19. **Full name of the person** who is proposed to be registered as an affiliate of the applicant or which the applicant wishes to affiliate with:

20. **Business Name** under which the other person is carrying on a business or proposes to carry on a business:

21. **Business Structure** (sole trader, partnership, company or legal arrangement):

22. **Full Business Address** (unit no, floor level, Building, Compound, Street, location proximity, CBD, Island, Province):

23. **Business CT**
No.: _____

24. **VFSC Registration No., RBV Licence No.**
etc., _____

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25. Overseas Registration or Licensing

Detail: _____

26. Business Telephone

No.: _____

27. Business Facsimile

No. _____

28. Business Email

Address: _____

29. Business Postal

Address: _____

30. Description of the Business carried on or proposed to be carried on:

31. Date on which the applicant commenced or is to commence offering the registrable business: _____

32. Detail of Business whether it is a subsidiary of another entity, and controlled by another entity:

PART E: Detail of Authorized Personal in the Applicant's Affiliate

33. Name, Address and percentage of Beneficial Owners of the Business (including copy of passport or other ID):

34. Name, Address and role/responsibility of each senior management officials of the Business (including copy of passport or other ID):

35. Named persons under 33 and 34 subject to adverse reporting (*charged, prosecuted and/or convicted in relation to money laundering, financing of terrorism and other serious offence under the Penal Code, Counter Terrorism & Transnational Organised Crime or the AML&CTF Act; or has been the subject of civil or criminal proceedings or enforcement action, in relation to the management of an entity, which were determined adversely to the named person(s) and which reflected adversely on the named persons' competence, diligence, judgment, honesty and integrity*)

PART G: Consent of Registration

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42. Name of person completing the registration form: _____

43. Position of person within the business: _____

44. Whether management approval has been sought: _____

45. Signature of Person, Applicant and management:

Schedule 1

	Domestic Bank
	Offshore Bank
	Casinos, Gaming (e.g. slot machines),
	Lottery (e.g. "chances")
	Interactive Gaming (e.g. online betting)
	Real Estate
	Vehicle Dealership
	Credit Union
	Co-operative Society
	Law Firm (managing of funds, accounts, securities or property)
	Accounting Firm (managing of funds, accounts, securities or property)
	Trust & Company Service Provider
	Nominee shareholder for another person
	Precious Metal & Stone Dealer
	Property in excess of a million vatu (e.g. yachts)
	Acceptance of Deposit
	Lending
	Financial Leasing
	Money or Value Transfer
	Issuing & Managing means of payment
	Financial Guarantees and Commitment
	Money Market Instrument
	Foreign Exchange,
	Money Exchange and value exchange (e.g. pawn shops)
	Exchange rate instruments
	Interest rate instruments
	index instruments
	Transferrable security
	Futures trading

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Financial Futures and option
Commodities futures trading
Participation in securities issues
Mutual funds, individual or collective portfolio management
Insurer
Insurance Broker
Insurance Agent
Insurance Re-Insurer
Insurance Manager
Loss Adjuster
Charitable Associations
Founder, councilor, secretary or guardian of Foundation
Securities Dealers
Administering or managing funds on behalf of international companies or any other persons
Manager of Unit Trust
Futures Broker
Delivery of currency & payroll
Superannuation (apart from VNPF)
Money brokering
Administration and safekeeping of cash and liquid securities
E-Business

25 Schedule 2 (Table A - Collection of Customer Information)

Repeal the table, substitute

TABLE A – COLLECTION OF CUSTOMER INFORMATION

Individual Identification	<p>(1) In relation to a customer who is an individual:</p> <ul style="list-style-type: none"> (a) the customer's name; (b) the customer's residential address; (c) the customer's date of birth; (d) any other name that the customer is known by; (e) the customer's country(ies) of citizenship; (f) the customer's country(ies) of residence; (g) the customer's occupation or business activities; (h) the nature of the customer's proposed relationship with the reporting entity - including:
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	<p>(i) the purpose of specific transactions; or (ii) the expected nature and level of transaction behavior;</p> <p>(i) the income or assets available to the customer; (j) the customer's source of funds including the origin of funds; (k) the customer's financial position; (l) the beneficial ownership of the funds used by the customer; (m) the beneficiaries of the transactions being facilitated by the reporting entity on behalf of the customer including the destination of funds.</p> <p>(2) In relation to a customer who is a sole trader:</p> <p>(a) the customer's name as registered under VFSC (b) the customer's full business address and residential address; (c) customer's business license and CT number; (d) Nature of the business activities conducted by the customer; (e) Beneficial owners of the customer.</p>
<p>Legal person</p>	<p>(1) In relation to a customer who is a Vanuatu registered legal person – company or other legal formation:</p> <p>(a) the customer's full name as registered by VFSC; (b) the customer's full business address and residential address; (c) the full address of the customer's principal place of business (if any); (d) the customer's VFSC registration, business license and CT number; (e) customer's structure; (f) the full name of each director or senior management official of the customer; (g) the full name of each secretary or similar position of the customer; (h) the date upon which the customer was registered by VFSC; (i) the nature of the business activities conducted by the customer; (j) the full name and address of each beneficial owner of the customer.</p> <p>(2) In relation to a customer who is a foreign registered legal person – Company or other legal formation:</p> <p>(a) the customer's full name; (b) the customers full address of its registered office and registered agent in Vanuatu; (c) the customer's full address of its principal place of business in Vanuatu; (d) the customer's structure in Vanuatu; (e) full name of each director and secretary or similar positions of the customer;</p>

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	<p>(f) nature of the business activities conducted by the customer:</p> <p style="padding-left: 40px;">(1) in country of registration, formation, incorporation;</p> <p style="padding-left: 40px;">(2) in Vanuatu;</p> <p>(g) full name and address of beneficial owners of the customer;</p> <p>(h) the country in which the customer was formed, incorporated or registered;</p> <p>(i) whether the customer is registered by the relevant foreign registration body and if so, its structure;</p> <p>(j) the name of the relevant foreign registration body as stated under paragraph (i);</p> <p>(k) customer's identification number issued by the relevant foreign registration body its formation, incorporation or registration;</p> <p>(l) the date upon which the customer was formed, incorporated or registered in its country of formation, incorporation or registration;</p> <p>(m) the customer's full address in its country of formation, incorporation or registration as registered by the relevant foreign registration body.</p> <p>(3) In relation to a customer who is an unregistered foreign legal person - Company:</p> <p>(a) the customer's full name;</p> <p>(b) the customer's full address of its registered office and registered agent in Vanuatu;</p> <p>(c) the customer's full address of its principal place of business in Vanuatu;</p> <p>(d) the customer's structure;</p> <p>(e) the name of each of the customer's directors or senior management officials and secretary or similar position;</p> <p>(f) the customer's country formation, incorporated or registered;</p> <p>(g) whether the customer is registered by the relevant foreign registration body and if so:</p> <p style="padding-left: 40px;">(i) any identification number issued to the customer by the relevant foreign registration body upon the customer's formation, incorporation or registration;</p> <p style="padding-left: 40px;">(ii) the customer's full address in its country of formation, incorporation or registration as registered by the relevant foreign registration body; and</p> <p style="padding-left: 40px;">(iii) the customer's structure;</p> <p>(h) the name of the relevant foreign registration body;</p> <p>(i) the date upon which the customer was formed, incorporated or registered in its country of formation, incorporation or registration;</p> <p>(j) the full address of the customer's principal place of business in that country; and</p>
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	<p>(k) the full name and address of any beneficial owner of the customer.</p> <p>(4) In relation to a customer who is a legal person - partnership:</p> <p>(a) the customer's full name as registered under VFSC;</p> <p>(b) the customer's full business address and residential address;</p> <p>(c) the customer's business license and CT number</p> <p>(d) if foreign, the customer's country of establishment;</p> <p>(e) the full name and residential address of any partner or similar position;</p> <p>(f) the respective share of each partner or similar position in the customer;</p> <p>(g) the customer's nature of business;</p> <p>(h) the date upon which the customer was established.</p> <p>(5) In relation to a customer who is a legal person - incorporated association:</p> <p>(a) the customer's full name as registered under VFSC;</p> <p>(b) the customer's full address of principal place of administration or registered office (if any);</p> <p>(c) the customer's VFSC registration number or any unique identifying number issued;</p> <p>(d) the full name and residential address of the chairman, secretary and treasurer or similar positions in the customer;</p> <p>(e) country in which the customer was incorporated;</p> <p>(f) the date upon which the customer was incorporated;</p> <p>(g) the objects or similar of the customer;</p> <p>(h) in respect of any member - the information required to be collected from an individual or legal person under the reporting entity's respective customer identification program in respect of individuals and legal persons.</p> <p>(6) In relation to a customer who is a legal person - registered co-operative:</p> <p>(a) the customer's full name as registered with the Registrar of Co-operatives;</p> <p>(b) the customer's full address of its registered office or principal place of operations (if any);</p> <p>(c) any unique identifying number issued to the co-operative upon its registration by the relevant registration body;</p> <p>(d) the full name and residential address of the chairman, secretary and treasurer or similar positions in the customer;</p> <p>(e) in respect of any member - the information required to be collected from an individual or legal person under the reporting entity's customer identification program in respect of individuals or legal person;</p> <p>(f) the country or province in which the customer is registered;</p>
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	<p>(g) the date upon which the customer was registered; and (h) the objects or similar of the customer.</p> <p>(7) In relation to a customer who is a government body:</p> <p>(a) the customer's full name; (b) the customer's full address of its principal place of operations; (c) whether the customer is an entity or emanation, or established under legislation; (d) information on the ownership or control of customer that is an entity or emanation or established under legislation; and (e) the name of any legislation under which the customer was established.</p>
<p>Legal arrangement</p>	<p>In relation to a customer who is a legal arrangement:</p> <p>(a) the customer's full name; (b) the customer's full business name (if any); (c) the type of the customer e.g. express trust etc...; (d) the country in which the customer was established; (e) if any of the trustees or similar position is an individual - in respect of any of these individuals, the information required is to be collected under the reporting entity's individual identification program; (f) if any of the trustees or similar positions is a legal person - in respect of any of these legal persons, the information required is to be collected under the reporting entity's legal person identification program; (g) the full name and address of any trustee or similar position, protector or similar position, settler or similar position in the customer; (h) the full name of any beneficiary or similar positions in the customer; (i) if the customer identify its beneficiary or similar positions by reference to membership class - the full detail of the class; (j) the date upon which the trust was established; (k) the full name of the trust manager (if any) or similar position.</p>

26 At the end of Schedule 7

Add

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Vanuatu Financial Intelligence Unit

COMPLIANCE REPORT

Pursuant to section 31 of the Anti-Money Laundering & Counter-Terrorism Financing Act No. 13 of 2014, persons carrying on a business stipulated under section 2 of the said Act are required to complete and submit this report to the Director.

Part A – AML&CTF compliance issue (identified by VFIU):

1.
2.

Part B – AML&CTF Compliance Direction (issued by VFIU):

1.
2.

Part C – Timeframe by which Compliance Direction be achieved (set by VFIU):

1.
2.

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Part D – Compliance Direction Implementation – Completion Update

1.
2.

Part E – Compliance Direction Implementation – Action Plan

1.
2.

Part F – Completion Direction Implementation – Anticipated timeframe of completion

1.
2.

Part G – Reporting Entity Sign Off

Name of authorised Person	
Title/Position	
Name of Reporting Entity	
Address	

Date:

Signature:

DIVISION 2 - BUSINESS DETAIL

Part A - OPERATION

Business's legal name and Head Office address:

Type of services offered (bank, casino, CTSP etc...):

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Contact information:

Business telephone:

Business fax:

E-mail:

A.1 Does your business have branches, other than the head office, operating in Vanuatu?

A.2 If you answered yes to A1, please list the locations of the branches (include address, town, province, etc.). If there is not enough space below, attach a separate sheet to provide all the relevant information. Make sure to indicate that this information belongs in answer A2

A.3 Does your business have branches outside Vanuatu?

A.4 If you answered yes to question A3, please list the other countries where the branches are located. If there is not enough space below, attach a separate sheet to provide all the relevant information. Make sure to indicate that this information belongs in answer A4

A.5 Does your business have its parent organization outside of Vanuatu?

A.6 If you answered yes to A5, please list the name(s) and location(s) (include address) of the parent body(s) outside of Vanuatu. If there is not enough space below, attach a separate sheet to provide all the relevant information. Make sure to indicate that this information belongs in answer A6.

- A.7** Is your business a subsidiary of any other entity subject to the AML&CTF Act or equivalent AML/CFT laws (if the parent organization is in a foreign jurisdiction)? If so, please provide the title of these AML/CFT laws (foreign jurisdiction)?
- A.8** Does your business own any other entities that are subject to the AML&CTF Act? If so, what are the name and address of these entities? If there is not enough space here, attach a separate sheet to provide all the relevant information. Make sure to indicate that this information belongs in answer A8.
- A.9** Are you an agent of any other business (as captured under section 2 of the AML&CTF Act)?
- A.10** If you answered yes to question A9, please list the name(s) of the business(s) you are an agent for? If there is not enough space below, attach a separate sheet to provide all the relevant information. Make sure to indicate that this information belongs in answer A10.
- A.11** How many employees (staff, contractors, casual, permanent) are there in your business (at time of form completion)

Part B - TRANSACTIONAL

- B.1** For the previous fiscal year, please indicate the approximate annual value of operational asset, liabilities, owner's equity, profit/turnover the business conducted.

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B.2 For the same previous fiscal year, please indicate the approximate value of all deposits received by your business from customers and payouts to customers (in line with each type of service you offered).

B.3 What is the average size of these transactions – customer deposits and withdrawal?

B.4 What is your business's primary bank?

B.5 What is your business's secondary bank?

B.6 Mode of customer payments (deposit, transfer etc...) made to the business e.g. bank account deposit/transfer, cash/cheque acceptance

B.7 Mode of business payments made to the customer e.g. cash/cheque, account transfer, transfer of value to other services provided by same business etc...

Part C – REPORTING ENTITY DETAIL

Name of authorised Person	
Title/Position	
Name of Reporting Entity	
Address	

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Date:

..

Signature: