Commencement: 27 June 2014

ANTI-MONEY LAUNDERING AND COUNTER-TERRORISM FINANCING REGULATION

Order 122 of 2014
Order 2 of 2015
Order 153 of 2015
Order 37 of 2017
Order 72 of 2017

ARRANGEMENT OF CLAUSES

ANTI-MONEY LAUNDERING AND COUNTER-TERRORISM FINANCING REGULATION

1. Interpretation

In this Regulation, unless the contrary intention appears:

"Act" means Anti-Money Laundering and Counter-Terrorism Financing Act No. 13 of 2014;

"ML" and "TF" means Money Laundering and Terrorism Financing.

1A. Prescribed person

(1) For the purpose of paragraph (e) of the definition of "customer under section 1 of the Act, the following persons are prescribed as "customer":

(a) in the case of a Charitable Association, a Credit Union or a Cooperative Society – the person who provide funds to these entities;

(b) in the case of a Real Estate Agent, a Motor Vehicle Dealer, a Property Dealer under paragraph 2(r)(xii) or a Lawyer, Accountant or Notary under paragraph 2(o) – the purchaser and/or vendor of properties.

(2) For the purpose of paragraph (f) of the definition of "law enforcement agency" under section 1, "law enforcement agency" also includes a person appointed by a competent authority under relevant laws of Vanuatu to:

(a) collect information on; or

(b) inspect; or

(c) investigate; or

(d) prosecute,

An offence under the laws of Vanuatu or laws of another country, if that offence is also an offence under the laws of Vanuatu.

2. Application form for registration

The application form of a reporting entity for registration under subsection 9(3) of the Act is set out in Schedule 1.

3. Customer identification process

For the purpose of section 12 of the Act, the customer identification processes for the following types of customers are set out below:

(a) For an individual as a customer – a reporting entity must:

(i) collect the following customer information set out in Table A of Schedule 2; and

(ii) at a minimum collect the following information:

(A) the customer's full name; and

(B) the customer's date of birth; and

(C) the customer's residential address; and

(D) the customer's occupation; and

(E) the purpose and intended nature of the business relationship with the reporting entity; and

(F) authorization of any person purporting to act for or on behalf of the customer, and the identity of the person.

(iii) have understanding on:

(A) the purpose and intended nature of the business relationship with the reporting entity; and

(B) the customer's beneficial ownership and control structure.

(b) For Legal person as customer – a reporting entity must:

(i) collect the following customer information set out in Table A of the Schedule 2; and

(ii) at a minimum collect the following information:

(A) the full registered name of the customer; and

(B) if foreign formed, incorporated and registered - the country of registration and full registration detail of the customer; and

(C) the legal form, registered address and address of principal place of business (if different) of the customer; and

(D) the nature of customer's business; and

(E) the full name and address of the directors of the customer and the secretary of the customer or similar positions of the customer; and

(F) the full name and address of each beneficial owners and control structure; and

(G) the provisions regulating the power to bind the customer; and

(H) the authorization of any person purporting to act for or on behalf of the customer, and the identity of the persons: and

(I) the purpose and intended nature of the business relationship with the reporting entity.

(iii) have understanding on:

(A) the purpose and intended nature of the business relationship with the reporting entity; and

(B) the customer's beneficial ownership and control structure.

(c) For Legal arrangement as customer – a reporting entity must:

(i) collect the following customer information set out in Table A of Schedule 2; and

(ii) at a minimum collect the following information:

(A) the full business name of the customer; and

(B) the full business address of the customer; and

(C) the type of customer; and

(D) the country in which the customer was established; and

(E) the full name and address of each of the trustee or similar positions of the customer; and

(F) the full name and address of each of the settlor or similar position, the protector (if any) or similar position and each beneficiaries (including through a chain of control/ownership) of the customer; and

(G) the authorization of any person purporting to act for or on behalf of the customer, and the identity of the persons; and

(H) the purpose and intended nature of the business relationship with the reporting entity.

(iii) have understanding on:

(A) the purpose and intended nature of the business relationship with the reporting entity; and

(B) the customer's beneficial ownership and control structure.

4. Prescribed customer verification process

(1) A reporting entity must, for the purpose of section 16 of the Act:

(a) verify the identification information collected in subparagraph 3(a)(i), (b)(i) and (c)(i); and

(b) include appropriate risk-based systems and controls for the reporting entity to determine:

(i) what reliable and independent documentation the reporting entity will require a customer to produce for the purpose of verifying the customer's name and date of birth and/or residential address (as the case may be);

(ii) if any other customer information collected from a customer is to be verified – what reliable and independent documentation may be used to verify that information;

(iii) whether, and in what circumstances, the reporting entity is prepared to rely upon a copy of a reliable and independent document;

(iv) in what circumstances a reporting entity will take steps to determine whether a document produced by a customer may have been forged, tampered with, cancelled or stolen and, if so, what steps the reporting entity will take to establish whether or not the document has been forged, tampered with, cancelled or stolen;

(v) whether the reporting entity will use any authentication service that may be available in respect of a document;

(vi) whether, and how, to confirm customer information collected from a customer by independently initiating contact with the person that the customer claims to be.

(2) If a reporting entity relies on reliable and independent electronic data for the verification of identification information collected, the reporting entity must include appropriate risk-based systems and controls to determine:

(a) whether the electronic data is reliable and independent, taking into account the following factors:

(i) the accuracy of the data;

(ii) how secure the data is;

(iii) how the data is kept up-to-date;

(iv) how comprehensive the data is (for example, by reference to the range of persons included in the data and the period over which the data has been collected);

(v) whether the data has been verified from a reliable and independent source;

(vi) whether the data is maintained by a government body or pursuant to legislation;

(vii) whether the electronic data can be additionally authenticated; and

(b) what reliable and independent electronic data the reporting entity will use for the purpose of verification;

(c) the reporting entity's pre-defined tolerance levels for matches and errors; and

(d) whether, and how, to confirm customer information collected from a customer independently.

(3) A reporting entity must satisfactorily verify its customer by, at least one photographic verification document and at least one non-photographic verification document, all from a reliable and independent source.

(4) If a photographic verification document is unattainable and if so proven, then at least 3 non-photographic verification documents is satisfactory.

5. Appropriate risk-based systems and controls

(1) Subject to clause 3, 4 and 8, a reporting entity must:

(a) put in place appropriate risk-based systems and controls to adequately identify and verify its customer and understand the customer; and

(b) include appropriate risk-based systems and controls that are designed to enable it to be reasonably satisfied with the identification, verification and knowledge of its customer.

(2) When determining and putting in place appropriate risk-based systems and controls, the reporting entity must understand and have regard to the nature, size and complexity of its business and the type of ML and TF risk that it might reasonably face in identifying its ML and TF risk, the reporting entity must consider the risk posed by the following factors:

(a) its customer types, including any politically exposed persons; and

(b) the types of designated services it provides; and

(c) the methods by which it delivers designated services including any development of new products, business practices and use of new or developing technologies; and

(d) the foreign jurisdictions with which it deals including high risk jurisdictions as identified by Financial Action Task Force; and

(e) organisational structure and staff recruitment or retention.

(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.

(5) A reporting entity must put in place effective risk-based systems and controls to deal with subclauses 7(2) and (3).

(6) The risk-based systems and controls implemented and enforced by the reporting entity must incorporate the risks identified and mitigation measures recommended by the Vanuatu National Risk Assessment and the entity's own risk assessment.

6. Enhanced customer identification and verification process

A reporting entity must have in place an enhanced identification and verification process for customer, service, designated delivery method or jurisdiction which are deemed to be high ML and TF risk and must, in addition to the normal identification and verification process under clause 3 and 4 conduct the following:

(a) collect and verify additional information on the intended nature of the business relationship;

(b) collect and verify information on the source of funds or source of wealth of the customer and beneficial owner of the customer;

(c) collect and verify information on the ultimate beneficial owner of the customer (if legal person or arrangement);

(d) collect and verify information on the reasons for intended or performed transactions;

(e) obtaining the senior management's approval of the reporting entity to commence or continue the business relationship.

7. Timing of identification and verification process

(1) For the purpose of subsection 16(1) of the Act, a reporting entity must identify its customer before a business relationship is established between itself and its customer, offerings its service to the customer or opening an account for the customer.

(2) The following are verification requirements to identify a customer:

(a) Prescribed event - a reporting entity must, within 2 working days verify the identification of customer undertaking the transaction specified under paragraph 12(3)(b) or (c) of the Act;

(b) Prescribed circumstance - a reporting entity in circumstances where it suspects on reasonable grounds that the customer is not the person that he or she claims to be. The reporting entity must, within 3 working days commencing after the day on which the circumstance comes into existence, take one or more of the actions below:

(i) collect the necessary customer identification information in respect of the customer; or

(ii) verify, from a reliable and independent source, certain customer information that has been obtained in respect of the customer; to ensure it is reasonably satisfied that the customer is the person that he or she claims to be.

(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.

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

(a) whose customer type, designated or service, designated deliver method, foreign jurisdiction it deals with, organisational structure or staff recruitment and retention has been assessed and approved by the Director to have overall low or medium-low ML and TF risk, must verify the identification of its customer with a timeframe specified by the Director.

(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.

(6) A reporting entity may carry out the prescribed identification and verification processes on senior management officials of the customer if it reasonably proved that there is doubt on the identification and verification of the beneficial owners.

8. Prescribed on-going due diligence process

(1) For the purpose of subsection 17(1) of the Act, a reporting entity must put in place appropriate risk-based systems and controls to determine whether any further customer information (including updating existing customer information) is required for its ongoing due diligence purposes:

(a) Transaction Monitoring process - a reporting entity must have a transaction monitoring system (which must include appropriate risk-based systems and controls) to scrutinize transactions that are inconsistent with information held about the business relationship with the reporting entity. The transaction monitoring system must be able of identifying any transaction that appears to be suspicious, complex, unusual, and have no apparent visible economic or lawful purpose;

(b) Customer Monitoring Process - a reporting entity must have a customer monitoring process where it can monitor its relationship with its customer to ensure that the customer's activities being conducted is consistent with its knowledge of the customer, the customer's business, source of funds and risk profile;

(c) Enhanced Customer Due Diligence process - a reporting entity must apply the enhanced customer due diligence program when:

(i) it determines under its risk-based systems and controls that the ML and TF risk is high; or

(ii) a suspicion has arisen for the purposes of sections 20, 21, 22, 23 or 24 of the Act; or

(iii) a party to the transaction, which the reporting entity is entering into or proposing to enter into, is physically present in, or is a business incorporated in, a high risk jurisdiction as identified by Financial Action Task Force.

(2) In addition to paragraph (c), the reporting entity must include the following when undertaking appropriate risk-based systems and controls:

(a) regularly collect information from the customer or from third party sources in order to update its knowledge (derived from the enhanced identification and verification process) of the customer;

(b) undertake more detailed analysis of the customer information including examining as far as possible the background and purpose of the transaction and business relationship;

(c) regularly verify or re-verify the customer information in accordance with the customer identification process;

(d) undertake more detailed analysis and monitoring of the customer's transactions – both past and future, including, but not limited to:

(i) the purpose or nature of specific transactions; or

(ii) the expected nature and level of transaction behaviour;

(e) seek senior management approval for:

(i) establishing, or continuing with a business relationship with a customer; or

(ii) whether a transaction on an account should be processed; or

(iii) whether the service should commence to be provided or continue to be provided to the customer;

(3) A reporting entity must carry out its on-going due diligence process regularly not later than 6 months from the last on-going due diligence that have been taken.

(4) In addition to paragraphs 7(3)(a) and (b), a reporting entity may carry out the on-going due diligence process not later than 12 months from the last on-going due diligence that have been taken.

(5) In addition to paragraph (1)(c), a reporting entity must carry out its on-going due diligence process on all transactions conducted or attempted and not later than 3 months intervals for customer monitoring.

9 Record keeping of prescribed information

For the purpose of subsection 19(2), a reporting entity must contain in its record the following information:

(a) the nature of the transaction;

(b) the amount of the transaction and the currency in which it was denominated;

(c) the date on which the transaction was conducted;

(d) the name, address and occupation, business or principal activity, as the case requires, of each person:

(i) conducting the transaction; and

(ii) for whom, or for whose ultimate benefit, the transaction is being conducted, if the reporting entity has reasonable grounds to believe that the person is undertaking the transaction on behalf of any other person;

(e) the type and identifying number of any account/service with the reporting entity involved in the transaction;

(f) if the transaction involves a negotiable instrument other than currency:

(i) the drawer of the instrument; and

(ii) the name of the institution on which it is drawn; and

(iii) the name of the payee (if any); and

(iv) the amount and date of the instrument; and

(v) the number (if any) of the instrument and details of any endorsements appearing on the instrument;

(g) the name and address of the reporting entity, and of each officer, employee or agent of the reporting entity who prepared the relevant record or a part of the record;

(h) account files, business correspondence and findings of Customer Due Diligence analysis relating to the transaction;

(i) any other information relating to that transaction.

10. Prescribed form for a suspicious transaction or activity

The prescribed forms for a suspicious transaction report or suspicious activity report under sections 20, 21, 23, 24 and 25 of the Act are set out in Schedule 3 and 4.

11. Prescribed entity conducting suspicious transactions

For the purposes of subsection 22(1) of the Act, the following group is deemed as a prescribed entity:

A person or group that has been designated by the Security Council of the United Nations, acting under Resolutions of the Security Council relating to terrorism, to be a person or entity associated with the Taliban or an Al Qaida terrorist group.

12. Prescribed threshold for large cash transaction

(1) For the purpose of section 27 of the Act, the prescribed threshold for large cash transaction is VT 1 million or its equivalent in foreign currency.

(2) If a person:

(a) carrying on a business required under paragraph 2(d),(e) and (f) of the Act, the prescribed threshold is VT 300,000 or its equivalent in foreign currency;

(b) carrying on a business required under subparagraph 2(n)(i) or (ii) of the Act, the prescribed threshold is VT 200,000 or its equivalent in foreign currency;

(c) carrying on a business of dealing in sale or hire of motor vehicle required under subparagraph 2(r)(xi) of the Act, the prescribed threshold is VT 500,000 or its equivalent in foreign currency.

(3) A reporting of large cash transaction must be made and submitted to the Director within the following timeframe:

(a) In the case of transaction or transfer in Vatu, within 10 working days after the transaction or transfer is made; and

(b) In the case of transaction or transfer in a foreign currency, within 2 working days after the transaction or transfer is made.

(4) The prescribed form for reporting large cash transaction is set out in Schedule 5.

13. Prescribed threshold for international currency transfer

(1) The prescribed threshold, required under section 28 of the Act, for international currency transfer is VT 1 million or its equivalent in foreign currency.

(2) A reporting of international currency transfer must be made and submitted to the Director within the following timeframe:

(a) In the case of transaction or transfer in Vatu, within 10 working days after the transaction or transfer is made; and

(b) In the case of transaction or transfer in a foreign currency, within 2 working days after the transaction or transfer is made.

(3) The prescribed form for reporting international currency transfer is set out in Schedule 6.

14. Prescribed timeframe and form for reporting cross-border currency

(1) For the purpose of subsection 30(2) of the Act, a reporting of cross-border movement of currency must be made and submitted to the Director within the following timeframe:

(a) In the case of transaction or transfer in Vatu, within 3 working days after the transaction or transfer is made; and

(b) In the case of transaction or transfer in a foreign currency, within 2 working days after the transaction or transfer is made.

(2) The prescribed form for reporting cross-border movement of currency is set out in Schedule 7.

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.

15. Prescribed form for notice to collect information

For the purposes of subsection 45(3) of the Act, the prescribed notice must be under the official letterhead and official stamp of the Financial Intelligence Unit and must contain adequate information on the following:

(a) the reason for the notice; and

(b) a brief description of the suspected activity and grounds for suspicion; and

(c) Details of the persons (including legal persons and arrangements) involved as well as transactions and accounts/services used; and

(d) the power or authorization of such notice under the Act; and

(e) the type and manner of information required to be collected from the requested person; and

(f) submission of copies of documents, data or record of the information requested; and

(g) the prescribed timeframe within which the requested information and copy of the information is required to be delivered to the Director; and

(h) the signature of the Director.

15A Prescribed form

For the purpose of section 35, the prescribed form for Terrorism Financing Risk Assessment is set out in Schedule 9.

15B Prescribed criteria for fitness and suitability

For the purposes of paragraphs 9(4)(c) and 9(5)(b), subparagraph 9B(1)(b)(i) and paragraph 50J(1)(h) the following are the fit and proper criteria:

(a) whether the person has been convicted of any criminal offence particularly dishonesty, fraud, financial crime or offence against legislation relating to banking, financial services, legal person, legal arrangement, insurance and high value property and fund management; and

(aa) whether the person is listed on a United Nations financial sanctions list, a financial sanctions list under the United Nations Financial Sanctions Act No.6 of 2017 or a financial sanctions list under the law of any jurisdiction; and

(b) whether the person is or has been the subject of any proceedings of a disciplinary or criminal nature, or has been notified of any potential proceedings or of any investigation which might lead to those proceedings; and

(c) whether the person has been dismissed, or asked to resign and resigned, from employment or from a position trust, fiduciary appointment or similar; and

(d) whether the person has ever been disqualified from acting as a director or disqualified from acting in any managerial position; and

(e) whether, in the past 10 years, the person has been honest and truthful in all his dealings with any regulatory body and whether the person demonstrates a readiness and willingness to comply with the requirements and standards of the Vanuatu Financial Intelligence Unit and with other legal, regulatory and professional requirements and standards; and

(f) whether the person has contravened any of the requirements and standards of the Vanuatu Financial Intelligence Unit or equivalent standards or requirements of other regulatory authorities, professional bodies, or government bodies or agencies; and

(g) whether the person has actual or potential conflicts of interest that are likely to influence their ability to carry out their role and functions with appropriate probity and competence; and

(h) whether the person has adequate experience and demonstrated competence and integrity in the conduct of business duties; and

(i) whether the person is of bad repute with the financial and business community.

15C Prescribed amount

For the purpose of subsection 50A(7), the prescribed amount in respect of an offence committed under a provision of the Act is set out in Columns 3, 4, 5 and 6 of the Table in Schedule 10.

SCHEDULE 1 – REGISTRATION FORM FOR REPORTING ENTITY

Vanuatu Financial Intelligence Unit

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

PART A: DETAILS OF APPLICATION

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):
   ____

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 entitle 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. Disclose the business's source of funds. equity/capital (Include supporting documents/proof of source of funds/equity/capital):

____

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

____

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. For each person listed under 15, 16 and 17, disclose their immediate family members (Parents, Siblings, Spouse, Children and Dependents):

____

19. For each person listed under 15, 16 and 17, disclose their close associates that have been subject to adverse reporting/record (in the past 10 years) and those who are classified as PEPs (in the past 10 years):

____

20. Name persons under 15, 16 and 17 subject to adverse reporting in the past 10 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 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*):

____

21. 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:

____

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

____

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

____

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

____

25. Business CT No:

____

26. VFSC Registration No., RBV Licence No. etc…

____

27. Overseas Registration or Licensing Detail:

____

28. Business Telephone No.
____

29. Business Facsimile No.
____

30. Business Email Address:
____

31. Business Postal Address:
____

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

33. Date on which the applicant commenced or is to commence offering the registrable business:
____

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

PART D: DETAIL OF AUTHORIZED PERSONAL IN THE APPLICANT'S AFFILIATE

35. Name, Address and percentage of Beneficial Owners of the Affiliate (*including copy of passport or other ID*):
____

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

37. For each person listed under 35 and 36, disclose their immediate family members (Parents, Siblings, Spouse, Children and Dependents):
____

38. For each person listed under 35 and 36, disclose their close associates that have been subject to adverse reporting/record and those who are classified as PEPs:
____

39. Name persons under 35 and 36 subject to adverse reporting in the past 10 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 and 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 E: CONSENT OF REGISTRATION

40. Name of person completing the registration form:
____

41. Position of person within the business:
____

42. Whether management approval has been sought:
____

43. Signature of Person, Applicant and Management:

____

SCHEDULE

	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)
	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
	Financial Futures and option
	Commodities future trading
	Participation in securities issues
	Mutual funds, individual or collective portfolio management
	Insurer
	Insurance Brooker
	Insurance Agent
	Insurance Re-Insurer
	Insurance Manager
	Loss Adjuster
	Charitable Associations
	Founder, councillor, secretary or guardian of Foundation
	Securities Dealers
	Administering of 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 safe keeping of case and liquid securities
	E-Business

SCHEDULE 2 – TABLE A AND B

TABLE A – COLLECTION OF CUSTOMER INFORMATION

Individual Identification

(1) In relation to a customer who is an individual:

(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:

(i) the purpose of specific transactions; or

(ii) the expected nature and level of transaction behavior;

(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.

(2) In relation to a customer who is a sole trader:

(a) The full name of the sole trader as registered under VFSC

(b) The full address of the business or customer's residential address;

(c) Business License, CT number issued to the business;

(d) Nature of the business activities conducted by the sole trader;

(e) full name and address of beneficial owners of the customer.

Legal person

(1) In relation to a customer who is a company:

(a) the full name of the company as registered by VFSC;

(b) the full address of the company's registered office;

(c) the full address of the company's principal place of business (if any);

(d) the VFSC, Business License and CT number issued to the company;

(e) company structure;

(f) the name of each director of the company;

(g) the name of the company secretary

(h) the date upon which the company was registered by VFSC;

(i) the name of any company secretary;

(j) the nature of the business activities conducted by the company;

(k) the full name and address of each beneficial owner of the company;

(2) In relation to a customer who is a foreign registered Company:

(a) full name of the foreign company:

(b) the full address of the company's registered office and registered agent in Vanuatu;

(c) the full address of the company's principal place of business in Vanuatu;

(d) the company structure;

(e) name of each company director and secretary;

(f) nature of the business activities conducted by the company (1)in country of registration, formation, incorporation; (2) in Vanuatu;

(g) name and address of beneficial owners of the company;

(h) the country in which the company was formed, incorporated or registered;

(i) whether the company is registered by the relevant foreign registration body and if so, its the company structure;

(j) the name of the relevant foreign registration body;

(k) any identification number issued to the company by the relevant foreign registration body upon the company's formation, incorporation or registration;

(l) the date upon which the company was formed, incorporated or registered in its country of formation, incorporation or registration;

(m) the full address of the company in its country of formation, incorporation or registration as registered by the relevant foreign registration body.

(3) In relation to a customer who is an unregistered foreign Company:

(a) the full name of the company:

(b) full address of the company's registered office and registered agent in Vanuatu;

(c) the full address of the company's principal place of business in Vanuatu;

(d) company structure;

(e) name of each company director and secretary;

(f) the country in which the company was formed, incorporated or registered;

(g) whether the company is registered by the relevant foreign registration body and if so:

(i) any identification number issued to the company by the relevant foreign registration body upon the company's formation, incorporation or registration;

(ii) the full address of the company in its country of formation, incorporation or registration as registered by the relevant foreign registration body; and

(iii) company structure;

(h) the name of the relevant foreign registration body;

(i) the date upon which the company was formed, incorporated or registered in its country of formation, incorporation or registration;

(j) the full address of the company's principal place of business in that country; and

(k) the name and address of any beneficial owner of the company.

(4) In relation to a customer who is a partner of a partnership:

(a) the full name of the partnership;

(b) the full business name of the partnership as registered under VFSC;

(c) the Business' license and VAT number

(d) the country in which the partnership was established;

(e) the full name and residential address of any partner;

(f) the respective share of each partner in the partnership;

(g) the nature of business of the partnership;

(h) the date upon which the customer was established;

(i) the full name and address of any beneficial owners of the customer.

(5) In relation to a customer who is an incorporated association:

(a) the full name of the association as registered under VFSC;

(b) the full address of principal place of administration or registered office (if any) or the residential address of the association‘s public officer or (if there is no such person) the association‘s president, secretary or treasurer;

(c) registration number issued by VFSC or any unique identifying number issued to the association upon its incorporation;

(d) the full name of the chairman, secretary and treasurer or equivalent officer in each case of the association;

(e) country in which the association was incorporated;

(f) the date upon which the association was incorporated;

(g) the objects of the association;

(h) in respect of any member – the information required to be collected from an individual under the reporting entity‘s customer identification program in respect of individuals; and

(i) the full business name, if any, of the association.

(6) In relation to a customer who is a registered co-operative:

(a) the full name of the co-operative as registered with the Registrar of Co-operatives;

(b) the full address of the co-operatives registered office or principal place of operations (if any) or the residential address of the co-operatives secretary or (if there is no such person) the co-operatives president or treasurer;

(c) any unique identifying number issued to the co-operative upon its registration by the relevant registration body;

(d) the full name of the chairman, secretary and treasurer or equivalent officer in each case of the co-operative;

(e) in respect of any member – the information required to be collected from an individual under the reporting entity‘s customer identification program in respect of individuals;

(f) the full business name, if any, of the co-operative;

(g) the country or province in which the co-operative is registered;

(h) the objects or similar objects of the customer;

(i) the full name and address of any beneficial owners of the customer.

(i) the objects of the co-operative; and

(j) a certified copy or certified extract of the rules of the co-operative.

(7) In relation to a customer who is a government body:

(a) the full name of the government body;

(b) the full address of the government body‘s principal place of operations;

(c) whether the government body is an entity or emanation, or established under legislation;

(d) information about the ownership or control of a government body that is an entity or emanation or established under legislation of a foreign country; and

(e) the name of any legislation under which the government body was established.

Legal arrangement

(1)	In relation to a customer who is a trustee of a trust:	
	(a)	customer's full name or full business name (if any);
	(b)	customer's full business address or residential address in Vanuatu;
	(c)	the type of the trust;
	(d)	the country in which the trust was established;
	(e)	if any of the trustees is an individual – in respect of any of those individuals, the information required to be collected from an individual under the reporting entity's customer identification program in respect of individuals;
	(f)	if any of the trustees is a company **–** in respect of any those companies, the information required to be collected from a company under the reporting entity's customer identification program in respect of companies;
	(g)	the full name and address of any trustee in respect of the trust;
	(h)	the full name of any beneficiary in respect of the trust;
	(i)	if the terms of the trust identify the beneficiaries by reference to membership of a class – details of the class;
	(j)	the date upon which the trust was established;
	(k)	the full name of the trust manager (if any) and settlor in respect of the trust.

TABLE B- VERIFICATION DOCUMENTS

Category A – Official Document		**Category B – Identifying Documents for individual person**	**Category C – Identifying Documents for Corporate Body**	
Photo bearing document	*Non-photo document*	*Document*	*Document*	
			Group 1	*Group 2*
• Current passport (all countries) • Current driver's license (all countries) • Government identification documents • Employment Identification document • Vanuatu Fire Arms Licence • Student Photo Identification Card • VNPF or superannuation	• Certificate of Christening/Baptism • Citizenship Certificate • Birth Certificate • Employment identification • Employment records • Employment pay slips • Other official records from the Government of the Republic of Vanuatu • An existing customer who is known favorably to the financial institution	A written reference confirming the customer's full name, date of birth, occupation, and residential address from one of the following acceptable referees: • A senior bank employee • A lawyer or legal practitioner • A registered medical	• Certificate of incorporation and any change of name certification • Certificate of business name • Address of the registered office • Name and address of registered agent • Address of the principal place of business • Memorandum and articles of association or	• Verified identity of each beneficial owner of the business who hold an interest of 10% or more in the business. •Verified identity of the persons on whose instruction the directors, signatories on the account or the individuals authorised to deal with the financial institution are

Membership Card	and who has established a relationship with the financial institution for more than 2 years (verified by a financial institution signature). • • Foreign pensioner's card • Vanuatu work permit • Marriage certificate • Educational institution certificates • Student registration document from an educational institution • Government health card • License or permit issued by the Government of the Republic of Vanuatu • Public utilities record (such as an electricity or telephone bill) • Current records of membership of professional or trade organisation • Records from a bank (including bank or credit cards such as Visa, Diners Club, Mastercard, American Express; or statements for an account or credit card) • Mortgage or other security document over the customer's property	practitioner or dentist • A qualified pharmacist • A Court Magistrate • A senior public servant • A Customs or Immigration officer • A Minister of Religion • A Church leader (Elder, Deacon) • A Court Judge • A local level Government Councilor • A Notary • A Headmaster of a primary or secondary school • A serving Member of Parliament • A Police officer • An accountant who is a member of an association of accountants • A senior Government employee • A statutory declaration from a person who has known the customer for 5 years or more • A village leader	by-laws of the company	empowered to act; • In the case of a bank account, the verified identity of the account signatories or the persons authorised to deal with the financial institution • In the case of a bank account, copy of power of attorney or other similar instructions given by the directors • Recent business annual return (as filed with VFSC) • Written resolution or bank mandate, signed application or other form of authority • Recent and available financial statements • A statement signed by a director setting out the nature of the business of the company, the reason for existence, the expected turnover of the business and source of funds

SCHEDULE 3 - SUSPICIOUS TRANSACTION REPORT (STR)

VANUATU FINANCIAL INTELLIGENCE UNIT

PLEASE WRITE IN BLOCK LETTERS

Reporting of suspicious transaction is required under sections 20, 22, 23, 24 and 25 of the AML&CTF Act No. 13 of 2014. Failure to report or reporting false or misleading information may result in fines of up to VT 25 million or 5 years imprisonment or both; or a fine of up to VT 100 million for a corporate body.

PART A – IDENTITY OF CUSTOMERS INVOLVED IN THE SUSPICIOUS TRANSACTION

Person(s) Conducting the Transaction

1. Full name (title, given name and surname)		
2. Date of Birth		
3. Occupation, Business or principal activity		
4. Business Address (physical and PO Box	PO Box: Country:	Phone:
5. Residential Address (cannot be a PO Box)	Country:	Phone:
6. Resident of Vanuatu	*(Please circle the correct answer)*	Yes No
7. Non-Resident- Vanuatu contact address		
8. How was the identity of the person confirmed	*a) ID Type:*	b) ID Number:
	c)Issuer	

9. Is a photocopy of ID document attached? Yes No

(please circle the correct answer)

PART B – IDENTITY OF PERSON(S) ON WHOSE BEHALF THE TRANSACTION WAS CONDUCTED

10. Full name (title, given name and surname)	
11. Date of Birth	
12. Occupation, Business or principal activity	
13. Business Address (physical and PO Box	PO Box: Country: Phone:
14. Residential Address (cannot be a PO Box)	Country: Phone:
15. Resident of Vanuatu	*(Please circle the correct answer)* Yes No
16. Non-Resident- Vanuatu contact address	

PART C – IDENTITY OF BENEFICIARY OF THE TRANSACTION

17.Full name (title, given name and surname)	
18. Date of Birth	
19. Occupation, Business or principal activity	
20. Business Address (physical and PO Box	PO Box: Country: Phone:

21. Residential Address (cannot be a PO Box)	Country: Phone:
22. Resident of Vanuatu	*(Please circle the correct answer)* Yes No
23. Non-Resident- Vanuatu contact address	
24. Is this Person a signatory to/ an account/service (s) affected by this transaction	*(Please circle the correct answer)* Yes No

PART D – DETAIL OF TRANSACTION

25. Transaction Type *(eg. Deposit/Withdrawal, Purchase, Sale, Foreign Exchange, Telegraphic Transfer, EFTPOS, etc)*	
26. Transaction Date(s)	
27. Currency	
28. Amount	
29. Drawer / Ordering Name	
30. Payee / Beneficiary Name	

Give Details of account, service or relationship affected by this transaction

Account Title / Name		Relationship Name	
Account Number		Relationship Number	
Branch		Branch	
Reporting Entity		Reporting Entity	
Name of Signatories		Name Signatories	

NOTE: FOR MULTIPLE TRANSACTIONS OR MULTIPLE FACILITIES PLEASE RECORD DETAILS ON A SEPARATE SHEET

PART E – GROUNDS FOR SUSPICION

Give details of the nature of and circumstances surrounding the transaction and the reason for suspicion

If insufficient space, attach supplementary sheet. Number of additional pages

PART F – PERSONAL DESCRIPTION

Please attached a copy of any visual data of the conductor (if available)

Sex: Male / Female	Race	Clothing
Eye Color	Hair Color	
Build	Age	Distinguishing marks/identifying features (tattoos, facial hair, accent, etc.)

Hair Length/Style	Height (cm)	

PART G – REPORTING ENTITY DETAILS AND PLACE OF TRANSACTION

Institution Type: (eg. Bank, Solicitor Insurance Company)	
Institution Name	
Bank Name: (if a Bank, include Bank & Brach No.)	
Address	
Telephone	
Fax	

Please forward to: **The Financial Intelligence Unit**
PMB 9048, Port Vila
Telephone: 23518
Facsimile: 25473
E-mail: rfay@vanuatu.gov.vu Or
vfiu@vanuatu.gov.vu

FIU REFERENCE NUMBER

PART H – CONFIDENTIAL

Your identity will not be disclosed except for law enforcement purposes or by order of a Court.

Details of Staff Member Conducting Transaction

Full Name	
Title/Position	
Signature	Date / /

Details of Person Making Report

Full Name	
Title/Position	
Signature	Date / /
Telephone	
Fax	

SCHEDULE 4 - SUSPICIOUS ACTIVITY REPORT (SAR)

VANUATU FINANCIAL INTELLIGENCE UNIT

PLEASE WRITE IN BLOCK LETTERS

Reporting of suspicious activity is required under section 21 of the AML&CTF Act No. 13 of 2014. Failure to report or reporting false or misleading information may result in fines of up to VT 25 million or 5 years imprisonment or both; or a fine of up to VT 100 million for a corporate body.

PART A – IDENTITY OF CUSTOMERS INVOLVED IN THE SUSPICIOUS ACTIVITY

Person(s) Conducting the Activity

1. Full name (title, given name and surname)		
2. Date of Birth		
3. Occupation, Business or principal activity		
4. Business Address (physical and PO Box	PO Box: Country:	Phone:
5. Residential Address (cannot be a PO Box)	Country:	Phone:
6. Resident of Vanuatu	*(Please circle the correct answer)*	Yes No
7. Non-Resident- Vanuatu contact address		
8. How was the identity of the person confirmed	a) ID Type:	b) ID Number:
	c)Issuer	

9. Is a photocopy of ID document attached? Yes No
(please circle the correct answer)

PART B – IDENTITY OF PERSON(S) ON WHOSE BEHALF THE ACTIVITY WAS CONDUCTED

10. Full name (title, given name and surname)	
11. Date of Birth	
12. Occupation, Business or principal activity	
13. Business Address (physical and PO Box	PO Box: Country: Phone:
14. Residential Address (cannot be a PO Box)	Country: Phone:
15. Resident of Vanuatu	*(Please circle the correct answer)* Yes No
16. Non-Resident- Vanuatu contact address	

PART C – IDENTITY OF BENEFICIARY OF THE ACTIVITY

17. Full name (title, given name and surname)	
18. Date of Birth	
19. Occupation, Business or principal activity	
20. Business Address (physical and PO Box	PO Box: Country: Phone:
21. Residential Address (cannot be a PO Box)	Country: Phone:
22. Resident of Vanuatu	*(Please circle the correct answer)* Yes No
23. Non-Resident- Vanuatu contact address	
24. Is this Person a signatory to/ an account/service (s) affected by this transaction	*(Please circle the correct answer)* Yes No

PART D – DETAIL OF ACTIVITY

25. Activity Type *(eg. Deposit/Withdrawal, Purchase, Sale, Foreign Exchange, Telegraphic Transfer, EFTPOS, etc)*	
26. Activity Date(s)	

27. Currency	
28. Amount	
29. Drawer / Ordering Name	
30. Payee / Beneficiary Name	

Give Details of account, service or relationship affected by this activity

Account Title / Name		Relationship Name	
Account Number		Relationship Number	
Branch		Branch	
Reporting Entity		Reporting Entity	
Name of Signatories		Name Signatories	

NOTE: FOR MULTIPLE TRANSACTIONS OR MULTIPLE FACILITIES PLEASE RECORD DETAILS ON A SEPARATE SHEET

PART E – GROUNDS FOR SUSPICION

Give details of the nature of and circumstances surrounding the activity and the reason for suspicion

If insufficient space, attach supplementary sheet. Number of additional pages

PART F – PERSONAL DESCRIPTION

Please attached a copy of any visual data of the conductor (if available)

Sex: Male / Female	Race		Clothing
Eye Color	Hair Color		
Build	Age		Distinguishing marks/identifying features (tattoos, facial hair, accent, etc.)
Hair Length/Style		Height (cm)	

PART G – REPORTING ENTITY DETAILS AND PLACE OF TRANSACTION

Institution Type: (eg. Bank, Solicitor Insurance Company)	
Institution Name	
Bank Name: (if a Bank, include Bank & Brach No.)	
Address	
Telephone	
Fax	

Please forward to: **The Financial Intelligence Unit**
PMB 9048, Port Vila
Telephone: 23518
Facsimile: 25473
E-mail: rfay@vanuatu.gov.vu Or vfiu@vanuatu.gov.vu

FIU REFERENCE NUMBER

PART H – CONFIDENTIAL

Your identity will not be disclosed except for law enforcement purposes or by order of a Court.

Details of Staff Member Conducting Transaction

Full Name	
Title/Position	
Signature	Date / /

Details of Person Making Report

Full Name	
Title/Position	
Signature	Date / /
Telephone	
Fax	

SCHEDULE 5 – CASH TRANSACTION REPORT (CTR)

OFFICE OF THE ATTORNEY GENERAL

Vanuatu Financial Intelligence Unit

Reporting of "significant" cash transactions is required by Section 27 of the AML&CTF Act No. of 2014. Penalties exist for failure to report or to supply full and incorrect information.

PART A – IDENTITY OF PERSON CONDUCTING THE TRANSACTION

1 Full name (title, given names and surname):

Also known as:

2 Date of birth: / /
Day/Month/Year

3 Country of Birth:

4 Occupation, business or principal activity:

5 Business address (physical and PO Box):

PMB: **Phone:**

Country:

6 Residential address (cannot be a PO Box):

Country: **Phone:**

7 NON RESIDENT - Vanuatu contact address:

Country: **Phone:**

8 Give details if this person is a signatory to account affected by this transaction
Account Title/Name:

Bank: **Branch:**

Account Number:

9 How was the identity of this person confirmed?

ID Type: **ID Number:**

Issuer:

10 Is a photocopy of ID document/s attached?

Yes ◯ **No** ◯

If more than one person involved please provide same details contained in Sections 1 - 11 for each person, where appropriate, and attached

PART B - DETAILS OF PERSON/ORGANISATION ON WHOSE BEHALF THE TRANSACTION WAS CONDUCTED (if applicable)

11 Full name of person/organisation:

12 Business address (physical and PO Box):

PMB: **Phone:**

Country:

13 Occupation, business or principal activity:

14 Give details if this person is a signatory to account affected by this transaction

Account Title/Name:

Bank:

Branch:

Account Number:

PART C - DETAILS OF THE TRANSACTION

15 Date of transaction:

/ /

Day/Month/Year

16 Total amount of this transaction (include cash and any other components of the transaction - If a foreign currency is involved, convert the amount to Vatu).

17 If a foreign currency was involved in this transaction, specify: *(eg Australian Dollars, AUD$ 4000 etc)*

Place an 'X' in the appropriate box

☐ **Cash paid IN**

☐ **Cash paid OUT**

18 Type of transaction(s) involved

Transfer to another bank	
Travellers Cheques	
Foreign currency	
Bank Cheque	
Account Deposit	
Account Withdrawal	
Bank draft	
Securities	
Precious Stones/ metals/ Pearls	
Other	

19 If a cheque/bank draft/money order/telegraphic transfer/transfer of currency or purchase or sale of any security was involved in this transaction, please specify:
Drawer/Ordering Customer:

Payee/Favouree/Beneficiary:

20 If another financial institution was involved in this transaction, please specify:
Name of financial institution:

Branch: **Country:**

PART D - DETAILS OF THE RECIPIENT PERSON/ORGANISATION (If applicable)

21 Full name of person/organisation:

22 Business address (physical and PO Box):

PMB: **Phone:**

Country:

23 Occupation, business or principal activity:

24 Reason for transaction (eg payment for imports):

25 Details of recipient account (if not already provided):
Account Title/Name:

Bank: **Branch:**

Account Number:

PART E - EXPLANATORY NOTES

26 Give details of the nature and circumstances surrounding the transaction if required.

PLEASE PRINT IN BLOCK LETTERS.

27 Is additional information attached to this report?

☐ **Yes** ☐ **No**

If yes, please Specify:

PART F - REPORTING FINANCIAL INSTITUTION

28 Type of Financial Institution (eg bank):

29 Name of Financial Institution (eg bank):

30 Name of branch or office where transaction was conducted:

31 Business address (physical and PO Box):

PMB: **Phone:**

Country:

PART G - FINANCIAL INSTITUTIONS STATEMENT

32 Details of authorised person:
Given Name and Surname:

Job title:

Phone number: **Fax number:**

33 This statement is made pursuant to the requirement to report "significant" cash transactions under Vanuatu laws on the grounds detailed in this report.

Signature of authorised person:

(Sign here)

……………………………………………………………………..

Date:

34 Financial Institutions internal reference number (if applicable).

Send completed forms to:

Vanuatu FIU
PMB 9048
Port Vila
VANUATU

For assistance contact:

Financial Intelligence Unit
Phone: +(678) 23518
Fax: +(678) 25473
Email 1: kbellam@vanuatu.gov.vu

VANUATU FINANCIAL INTELLIGENCE UNIT USE ONLY

Report Number	
Authorisation:	
Comments:	

SCHEDULE 6 – INTERNATIONAL FUNDS TRANSFER REPORT (IFTR)

Reporting of electronic funds transfers into or out of Vanuatu of VUV 1 million or more required by Section 28 of the AML&CTF Act No. 13 of 2014. Penalties for failure to report or supply full and correct information.

PART A - DETAILS OF THE TRANSACTION	**1**	**Initiating Office**	
	2	**Date of transmission**	
	3	**Direction of transmission**	
		In	
		Out	
	4	**Transaction Ref No:**	
	5	**Sending Institution:**	
		Name of Bank:	
		City	
		Country:	
	6	**Receiving Institution:**	
		Name of Bank:	
		City:	
		Country:	
	7	**Amount Involved. If a foreign Currency was involved in the transaction, specify:**	
		Currency:	
		Amount:	
PART B - INVOLVED PARTY & INSTITUTION DETAILS	**8**	**Ordering Customer/organisation**	
		Name:	
		Occupation:	
		Address:	
		PO Box:	
		Country:	
		Phone:	
		Account Details:	
		Account Name:	
		Bank:	
		Branch:	
		Account Number:	
		Person who authorised Transfer:	
		Title	
		Name:	
		Position:	
	9	**Beneficiary customer/organisation**	
		Name:	
		Occupation:	
		Address:	
		PO Box:	
		Country:	
		Phone:	
		Account Details:	

		Account Title:	
		Bank:	
		Branch:	
		Account No:	
		Person identified to receive payment:	
		Title:	
		Name:	
		Position:	
PART C- ADDITIONAL PAYMENT DETAILS	**10**	**Details of payment**	
	11	**Any other information**	
PART D - REPORTING FINANCIAL INSTITUTIONS	**12**	**Type of Financial Institution**	
	13	**Name of Financial Institution**	
	14	**Name of branch or office**	
	15	**Business Address:**	
		PO Box:	
		Country:	
		Phone:	
PART E - FINANCIAL INSTITUTIONS STATEMENT	**16**	**Details of authorised person**	
		Given names and surname:	
		Job Title:	
		Phone No:	
		Fax Number:	
	17	**This statement is made pursuant to the requirement to report international Funds Transfers under Vanuatu laws on the ground as detailed in Part E.**	
		Signature of Authorised person:	
	18	**Financial Institutions internal reference:**	

Send completed forms to:
Vanuatu FIU
PMB 9048
Port Vila
VANUATU

For assistance contact:
Financial Intelligence Unit
Phone: +(678) 23518
Fax: +(678) 25473
Email: kbellam@vanuatu.gov.vu

VANUATU FINANCIAL INTELLIGENCE UNIT USE ONLY

Report Number	
Authorisation:	
Comments:	

SCHEDULE 7 – BORDER CURRENCY REPORT (BCR)

OFFICE OF THE ATTORNEY GENERAL

Vanuatu Financial Intelligence Unit

Declaration of currency (VT1 million or its equivalent in foreign currency) to the Border Officials is a requirement under section 2 of the Currency Declaration Act No. 7 of 2007. Penalties exist for failure to declare or to supply full and correct information.

Currency includes cash, monetary instruments, precious stones, precious metals and electronic currency

PART A – DETAIL OF TRAVEL

1 Are you carrying cash:

Into Vanuatu ☐ **Out of Vanuatu** ☐

2 Date of Arrival: / /

Day/Month/Year

3 Flight Number or Name of Vessel:

PART B – DETAIL OF PERSON CARRYING THE CURRENCY

4 Full Name (as per passport):

Surname **Given Name**

5 Date of Birth (dd/mm/yyyy):

6 Country of Birth (Place):

Country: **Place:**

7 Passport Detail
Passport Number:

Date of Expiry **Country of Issue**

8 Permanent Residential address in home country (not a postal address)

Address: **Country:**

Phone:

9 Occupation, Business or Principle Activity

10 Business Address (physical and postal):

11 Are you a Vanuatu Resident?

Yes ☐ **No** ☐

12 If answered No, contact details while in Vanuatu:

13 Purpose of Travel

14 Travel Itinerary – where travel commenced, where cash was obtained, where travel continues to, final destination:
e.g. Hong Kong-Nadi-Port Vila

15 Are you travelling alone?

Yes ☐ **No** ☐

16 If answered NO, please indicate name of person(s) travelling with you

Name

PART C – IF THE CURRENCY IS NOT YOUR OWN, ON WHO'S BEHALF ARE YOU CARRYING THE CURRENCY

17 Full Name of Person or Organisation on whose behalf you are carrying the currency for

18 Business/Residential Address of person:

19 Occupation, Business or Principle Activity of this person:

Address:

PO Box: **Country:**

PART D - DETAILS OF THE CURRENCY

20 Source of the Currency:

21 Purpose of the Currency:

22 Country of the currency's source:

23 Detail of currency:

PART E – IF NOT FOR YOURSELF, TO WHOM ARE YOU DELIVERING THE CURRENCY

24 Full Name of Person or Organisation receiving the currency:

25 Business/Residential Address:

26 Occupation, Business or Principle Activity:

PART F – PASSENGER DECLARATON

27 **I confirm that the information in this form is true and correct to the best of my knowledge:**

(Sign here) …………………………………………………………………….. **Date:**

PART G – CURRENCY VERIFICATION FORM (Border Official Use ONLY)

Cash

Currency	Amount	Total
e.g AUD	19,000	19,000

Monetary Instrument

Drawer	Currency	Amount
e.g. Traveller cheque	USD	20,000

Precious Metal or Stone

Type	Origin	Value
e.g. Gold Trophy	Australia	21 million Vatu

Send completed forms to:

Vanuatu FIU
PMB 9048
Port Vila
VANUATU

For assistance contact:

Financial Intelligence Unit
Phone: +(678) 23518
Fax: +(678) 25473
Email 1: kbellam@vanuatu.gov.vu

VANUATU FINANCIAL INTELLIGENCE UNIT USE ONLY

Report Number	
Authorisation:	
Comments:	

SCHEDULE 8 – COMPLIANCE REPORT

Vanuatu Financial Intelligence Unit

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.

Division 1 – COMPLIANCE DIRECTION

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.

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…):

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. Submit with a copy of the audited financial report for the last 3 financial year

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…

B.8 Please provide a copy of your business' Business Name Certificate, Business Licence/Registration Certificate, Annual Returns (for previous 3 financial years) etc…

Part C – REPORTING ENTITY DETAIL

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

Date: **Signature:**

SCHEDULE 9 – ML AND TF RISK ASSESSMENT REPORT

Vanuatu Financial Intelligence Unit

Pursuant to section 35 of the Anti-Money Laundering & Counter-Terrorism Financing Act No. 13 of 2014, reporting entity must submit its ML & TF Risk Assessment Report to the Director if the Director requests the entity to do so.

PART 1 – PREFACE
Section A – Background:

Section B – Scope:

Section C – Methodology:

Section D – Vanuatu National Risk Assessment:

PART 2 – IDENTIFICATION AND UNDERSTANDING OF ML & TF THREATS:
Section E – Customer Type:

Section F – Designated Products/Services:

Section G – Delivery Method/Channel:

Section H – Jurisdiction/Geography:

Section I – Organisational Structure:

Section J – Staff Structure:

PART 3 – MITIGATIVE MEASURES
Section K – Immediate Priority

Section L – Short-Term Measures

Section M – Long Term Preventive Measures

PART 4 – RECOMMENDATION/WAY FORWARD

PART 5 – SIGN OFF

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

Date: **Signature:**

CUSTOMER - INDIVIDUAL

CUSTOMER TYPE	VOLUME	VALUE	ACCEPTANCE POLICY	IDENTIFICATION	VERIFICATION	ONGOING CDD	THREAT ASSESSMENT
Minor							
Local							
Expart Resident							
Non-resident							
Introduced							
PEP							
High Risk							
Etc…							

CUSTOMER - LEGAL PERSON

CUSTOMER TYPE	VOLUME	VALUE	ACCEPTANCE POLICY	IDENTIFICATION	VERIFICATION	ONGOING CDD	THREAT ASSESSMENT
Local company							
Int'l Company							
Partnership							
High Risk							
Etc…							

CUSTOMER – LEGAL ARRANGEMENT

CUSTOMER TYPE	VOLUME	VALUE	ACCEPTANCE POLICY	IDENTIFICATION	VERIFICAITON	ONGOING CDD	THREAT ASSESSMENT
Trust							
Expressed							
High Risk							
Etc…							

PRODUCT/SERVICES

PRODUCT/SERVICE TYPE	VOLUME	VALUE	ACCESSIBILITY	EASE OF USE	THREAT ASSESSMENT
Lending					
Money Exchange					
Deposit taking					
Etc….					

DELIVERY METHOD

METHOD	VOLUME	VALUE	ACCESSIBILITY	EASE OF USE	LOCATION	THREAT ASSESSMENT
Over-the-counter						
Electronic						
Mobile						
Outpost/rural						
Etc…						

JURISDICTION

ISSUES	FINDINGS	THREAT ASSESSMENT
LAWS/REGULATION		
TAX REGIME		
SECRECY IN BANKING & FINANCE		
SOURCE/TRANSIT COUNTRY FOR ILLICIT COMMODITIES & SERVICES		
PERCEIVED LEVEL OF CORRUPTION		
ABILITY OF LEA & BORDER AGENCIES		
ASSET FORFEITURE & SEIZURE POWERS		

ORGANISATIONAL STRUCTURE

ISSUES	FINDINGS	THREAT ASSESSMENT
ORGANISATIONAL STRUCTURE (E.G BOARD, COMPANY, TRUST)		
CHAIN OF COMMAND/REPORTING STRUCTURE		
KNOWN BENIFICIARY & CLEARED		
SENIOR MANAGEMENT OFFICIAL CLEARED		
SENIOR MANAGEMNT OFFICIAL QUALIFICATION/EXPERIENCE		

STAFFING

ISSUES	FINDINGS	THREAT ASSESSMENT
RECRUITMENT PROCESS (E.G PUBLIC ADVERT; SELECTION PANEL, TRANSPARENT)		
QUALIFICATION/SKILLS		
POLICE/CLEARANCE CLEARED		
ASSOCIATION & CLEARED		

SCHEDULE 10 - PENALTY NOTICE TABLE

Column 1 Items	**Column 2 Provisions of the AML&CTF Act No. 13 of 2014**	**Column 3 Prescribed Amount for first offence by individual**	**Column 4 Prescribed Amount for second offence by individual**	**Column 5 Prescribed Amount for first offence by body corporate**	**Column 6 Prescribed Amount for second offence by body corporate**
1	9(5) contravenes the registration requirements	VT5,000,000	VT8,300,000	VT20,000,000	VT33,000,000
2	12(4) contravenes the customer identification obligation	VT500,000	VT830,000	VT2,000,000	3,300,000
3	13(3) contravenes the reporting of unsatisfactory id and verification processes	VT500,000	VT830,000	VT2,000,000	3,300,000
4	14(2) contravenes the maintenance of business relationship under true name	VT500,000	VT830,000	VT2,000,000	3,300,000
5	15(4) contravenes the establishment of business relationship	VT2,000,000	VT3,300,000	VT10,000,000	VT16,600,000
6	16(2) contravenes the customer verification obligation	VT200,000	VT330,000	VT1,000,000	VT1,600,000
7	17(3) contravenes the regular due diligence obligation	VT200,000	VT330,000	VT1,000,000	VT1,600,000
8	18(3) contravenes the intermediary or	VT200,000	VT330,000	VT1,000,000	VT1,600,000

	third party obligation				
9	19(9) contravenes the record keeping obligation	VT500,000	VT830,000	VT2,000,000	3,300,000
10	20(3) contravenes the suspicous transactions reporting obligation	VT5,000,000	VT8,300,000	VT20,000,000	VT33,000,000
11	21(3) contravenes the suspicous activity reporting obligation	VT5,000,000	VT8,300,000	VT20,000,000	VT33,000,000
12	22(3) contravenes the suspicous transactions reporting obligation by prescribed entity	VT5,000,000	VT8,300,000	VT20,000,000	VT33,000,000
13	23(3) contravenes the suspicous transactions reporting obligation involving terrorist property	VT5,000,000	VT8,300,000	VT20,000,000	VT33,000,000
14	24(4) contravenes the suspicous transactions reporting obligation	VT5,000,000	VT8,300,000	VT20,000,000	VT33,000,000
15	25(3) contravenes the suspicous transactions reporting obligation	VT5,000,000	VT8,300,000	VT20,000,000	VT33,000,000
16	26(4) contravenes the reporting form requirement	VT500,000	VT830,000	VT2,000,000	3,300,000
17	27(5) contravenes	VT500,000	VT830,000	VT2,000,000	3,300,000

	the large cash transaction reporting obligation				
18	28(3) contravenes the international currency transfer requirement	VT500,000	VT830,000	VT2,000,000	3,300,000
19	29(2) contravenes the currency reporting obligation	VT500,000	VT830,000	VT2,000,000	3,300,000
20	31(3) contravenes the Compliance report submission obligation	VT200,000	VT330,000	VT1,000,000	VT1,600,000
21	32(2) contravenes the submission of addition information	VT500,000	VT830,000	VT2,000,000	3,300,000
22	33(4) contravenes the procedure manual obligation	VT500,000	VT830,000	VT2,000,000	3,300,000
23	33A(6) contravenes the group-wide AML&CTF program	VT500,000	VT830,000	VT2,000,000	3,300,000
24	34(4) contravenes the compliance office appointment	VT2,000,000	VT3,300,000	VT10,000,000	VT16,600,000
25	35(3) contravenes the risk assessment requirements	VT500,000	VT830,000	VT2,000,000	3,300,000
26	36(4) contravenes the corresponding banking requirement	VT200,000	VT330,000	VT1,000,000	VT1,600,000

27	37(5) contravenes the originator information requirement	VT200,000	VT330,000	VT1,000,000	VT1,600,000
28	38(5) contravenes the disclosure of information requirement	VT5,000,000	VT8,300,000	VT20,000,000	VT33,000,000
29	38(6) contravenes the disclosure of information requirement	VT10,000,000	VT16,600,000	VT40,000,000	VT66,000,000
30	39 fails to provide true and leading information	VT500,000	VT830,000	VT2,000,000	3,300,000
31	40A(4) contravenes the protection of persons requirement	VT5,000,000	VT8,300,000	VT20,000,000	VT33,000,000
32	41(4) contravenes the secrecy provision	VT500,000	VT830,000	VT2,000,000	3,300,000
33	45(4) contravenes the collection of information requirement	VT500,000	VT830,000	VT2,000,000	3,300,000
34	46(5) contravenes the power to examine requirement	VT500,000	VT830,000	VT2,000,000	3,300,000
35	48(6) contravenes the power to remove requirement	VT500,000	VT830,000	VT2,000,000	3,300,000
36	49(3) contravenes the disqualified person requirement	VT500,000	VT830,000	VT2,000,000	3,300,000
37	49(4) contravenes the disqualified person requirement	VT500,000	VT830,000	VT2,000,000	3,300,000

Table of Amendments

1A	*Inserted by Order 153 of 2015*
3 (heading)	*Amended by Order 2 of 2015*
3	*Amended by Order 2 of 2015*
3(a)(ii)	*Substituted by Order 153 of 2015*
3(b)(ii)	*Substituted by Order 153 of 2015*
3(b)(ii)(A)	*Amended by Order 2 of 2015*
3(c)(ii)	*Substituted by Order 153 of 2015*
4 (heading)	*Amended by Order 2 of 2015*
4(1)(a)	*Amended by Order 153 of 2015*
5(1)	*Amended by Order 2 of 2015*
5(1)(a), (b)	*Amended by Order 2 of 2015*
5(2)	*Amended by Order 2 of 2015*
5(2)(c)	*Amended by Order 2 of 2015*
5(2)(d)	*Amended by Order 2 of 2015*
5(2)(e)	*Inserted by Order 2 of 2015*
5(3), (4)	*Inserted by Order 2 of 2015*
5(5), (6)	*Inserted by Order 153 of 2015*
6 (heading)	*Amended by Order 2 of 2015*
6	*Amended by Order 2 of 2015*
6(a) – (d)	*Amended by Order 2 of 2015*
6(b)	*Amended by Order 153 of 2015*
7(2)(c)	*Substituted by Order 2 of 2015*
7(3) – (5)	*Inserted by Order 2 of 2015*
7(3)(a)	*Substituted by Order 153 of 2015*
7(6)	*Inserted by Order 153 of 2015*
8(1)	*Amended by Order 2 of 2015*
8(1)(c)(iii)	*Amended by Order 2 of 2015*
8(2)	*Amended by Order 2 of 2015*
8(2)(a)	*Amended by Order 2 of 2015*
8(3) – (5)	*Inserted by Order 153 of 2015*
9(h)	*Substituted by Order 2 of 2015*
14A	*Inserted by Order 2 of 2015*
15A – 15C	*Inserted by Order 153 of 2015*
15B	*Amended by Order 72 of 2017*
15B(aa)	*Inserted by Order 72 of 2017*
Schedule 1	*Substituted by Orders 2 of 2015, 37 of 2017*
Schedule 2	*Amended by Orders 2 of 2015, 153 of 2015*
Schedule 3	*Substituted by Order 153 of 2015*
Schedule 4	*Substituted by Order 153 of 2015*
Schedule 8	*Inserted by Order 2 of 2015* *Substituted by Order 153 of 2015*
Schedule 9	*Inserted by Order 153 of 2015*
Schedule 10	*Inserted by Order 153 of 2015*