



## BENEFICIAL OWNER(S) QUESTIONNAIRE AND DECLARATION

Note: See page 5 for INSTRUCTIONS FOR IDENTIFYING THE BENEFICIAL OWNER(S)

### SECTION 1: GENERAL INFORMATION

1. Name of the Person or Entity Operating the

Business: \_\_\_\_\_  
\_\_\_\_\_

2. Country of Incorporation/Registration: (if applicable): \_\_\_\_\_

3. Business Incorporation Registration Number (if applicable): \_\_\_\_\_

4. Tax Identification Number (if applicable): \_\_\_\_\_

5. Name of the Business: (Note: If the person or entity operates more than one business, please list all businesses)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### SECTION 2: OWNERSHIP STRUCTURE

6. Is the business owned by an Individual? Tick one: YES, \_\_\_\_\_ NO \_\_\_\_\_

If you ticked YES, the Individual is the Beneficial Owner. Please go to **SECTION 5: DECLARATION** (page 7) and complete the Declaration details.

If you ticked NO, please go to Question 7.

#### 7. Entity Type

If the business is not owned by an Individual, what type of entity is it? Tick one:

- Company (not including a Foundation) \_\_\_\_\_
- Foundation \_\_\_\_\_
- Partnership \_\_\_\_\_
- Trust \_\_\_\_\_

### SECTION 3: BENEFICIAL OWNER SCHEDULE

Note 1. See page 5 for INSTRUCTIONS FOR IDENTIFYING THE BENEFICIAL OWNER(S)

Note 2. Where an entity has more than one BENEFICIAL OWNER, complete a separate BENEFICIAL OWNER SCHEDULE for each Beneficial Owner.



**8. Please provide the following details for the BENEFICIAL OWNER.**

(a) Full Name: \_\_\_\_\_

(b) Residential Address: \_\_\_\_\_  
\_\_\_\_\_

(c) Date of Birth: \_\_\_\_\_

(d) Nationality: \_\_\_\_\_

(e) Tax Identification Number \_\_\_\_\_

(f) Justification and documentation as evidence to identify this person as a Beneficial Owner.

(Attach copies of supporting documents.)

**Tick all Box that apply and provide required information:**

**Beneficial Ownership Interest (shares, voting rights, or other membership interests).**

- Provide details, including percentages of ownership where applicable.
- If ownership is through a chain of entities, attach a chart linking the Entity to the Beneficial Owner. \_\_\_\_\_  
\_\_\_\_\_

**Control Over the Entity.**

- Provide details as to how the Beneficial Owner has control over the Entity.
- If control is through ownership or control of a chain of entities, attach a chart linking the Entity to the Beneficial Owner.  
\_\_\_\_\_  
\_\_\_\_\_

**Specific Role in the Entity.**

- **For a Company**, this is a natural person who is in the position of senior management. Note that this only applies if a Beneficial Owner cannot be found under the Beneficial Ownership Interest or the Control Over the Entity criteria listed above;
- **For a Foundation**, all natural persons who are founders, or members of the foundation council, and all beneficiaries, are included as Beneficial Owners;
- **For a Partnership**, all natural persons who are partners are included as Beneficial Owners;
- **For a Trust**, all natural persons who are settlors, trustees, or protectors, and all beneficiaries, and natural persons in a class of beneficiaries are included as Beneficial Owners. State the role of the Beneficial Owner:  
\_\_\_\_\_  
\_\_\_\_\_



**(g) Is the Beneficial Owner a foreign tax resident? Tick one: YES, \_\_\_\_\_ NO \_\_\_\_\_**

**If you ticked YES, provide the following information:**

- The country of foreign tax residency: \_\_\_\_\_
- The foreign Tax Identification Number \_\_\_\_\_

**(h) Document(s) to identify the Beneficial Owner**

Provide the type of Identification Document (e.g., Passport, National ID, Driver's License) and document number used to provide the personal details of the Beneficial Owner:

- Type of Identification Document: \_\_\_\_\_
- Number: \_\_\_\_\_

**(i) Is the Beneficial Owner a Politically Exposed Person (PEP)?**

Tick one: YES \_\_\_\_\_ NO \_\_\_\_\_

**(j) Verification of Beneficial Owner**

What documents or records were examined to determine the Beneficial Owner? (e.g., shareholders register, minutes of meetings, correspondence, agreements, KYC documentation, other records – provide details.) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

#### **SECTION 4: COMPLIANCE AND PROCEDURES**

**9. Internal policies and procedures in place for Beneficial Owner identification and verification, to ensure records are adequate, accurate and up to date.**

**(a) Does the entity confirm and validate information to identify the Beneficial Owner at least once every twelve months? Tick one: YES, \_\_\_\_\_ NO \_\_\_\_\_**

**If you ticked YES, what is the procedure to confirm and validate information, and to update records if necessary?**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**(b) When Beneficial Ownership changes, what is the procedure to update Beneficial Ownership records?**

\_\_\_\_\_  
\_\_\_\_\_



(c) When Beneficial Ownership changes, is there a time limit for the records to be updated? If so, state the number of days. \_\_\_\_\_

**SECTION 5: DECLARATION**

**WARNING:** Under Tax Administration Act No.37 of 2018, severe penalties apply for:

- failing to maintain records, including records of Beneficial Ownership; and
- making a false or misleading statement.

**Declaration**

I hereby declare that the information provided in this questionnaire is true and accurate to the best of my knowledge.

Print name (The individual Taxpayer, or the person authorized to sign on behalf of the Entity):

\_\_\_\_\_

Signature (The individual Taxpayer, or the person authorized to sign on behalf of the Entity):

\_\_\_\_\_

Date: \_\_\_\_\_

Time: \_\_\_\_\_

Print Auditor Name: \_\_\_\_\_

Signature Auditor: \_\_\_\_\_

Date: \_\_\_\_\_

Time: \_\_\_\_\_



## INSTRUCTIONS FOR IDENTIFYING THE BENEFICIAL OWNER(S)

### Introduction

Under the Tax Administration Act No.37 of 2018 (TAA), as part of their record keeping requirements, a business must keep records that enable the identity of the person (and if the person is an entity, the Beneficial Owner of that entity), to be available at any time.

### General Rules

- An entity can have more than one Beneficial Owner.
- Beneficial Ownership may be traced through any number of persons or arrangements of any description.
- The records of Beneficial Owner must be adequate, accurate, and up to date.
- For a natural person: the records must identify the person, or
- For an entity: the records must identify the Beneficial Owner of the entity.
- **Up to date** means:
  - **If beneficial owner changes:** the business updates its records within 10 days;
  - **If the person suspects a change:** the person confirms and validates the change and updates the records within 10 days;
  - **Otherwise,** the person must check at least once every 12 months.
- The records need to be kept throughout the life of the business, and for 5 years after the business ceases to exist.

The TAA and accompanying Regulations set out rules for identifying the Beneficial Owner of a Company, Foundation, Partnership and Trust.

There are several criteria by which the Beneficial Owner of an entity can be identified. If a natural person meets one or more of those criteria, they are a Beneficial Owner. Therefore, an entity can have several Beneficial Owners.

### **Beneficial owner of a Company:**

#### **Company Criterion 1:**

The natural person who:

- Ultimately owns or controls the company, in whole or in part through:
  - Shares, voting rights, or other membership interests.



**Example of Beneficial Owner under Company Criterion 1:** George owns 40% of the shares in a company, but through a chain of trusts, partnerships and other companies. He owns the company in part, so that makes him a Beneficial Owner.

**Example of NOT a Beneficial Owner under Company Criterion 1:** Matilda owns 100 shares in a company with an issued capital of 10,000 shares. Matilda is one of 1000 shareholders. She does not control the company, only by way of voting with 999 other shareholders. She only owns 100/10000, 1% of the shares. So we cannot say she OWNS or CONTROLS the company, even in part. She is not a Beneficial Owner.

### Company Criterion 2:

The natural person who:

- Exercises control of the company via other means, including:
  - Absolute decision or veto rights or another arrangement;
  - Controls decisions through personal connections to those owning or controlling the company, or through financing of the company, historical or contractual association, or the use or benefit of the company's assets.

**Examples of Beneficial Owner under Company Criterion 2:** All of the following natural persons control the company via other means, and so each is a Beneficial Owner:

- A family member in a family company, who makes all decisions about running the company.
- A person who approves all decisions regarding the company
- A person who has financed the company
- A person who lives rent-free in a house which is owned by the company.

### Company Criterion 3:

The natural person who:

- Has a membership interest of 25% or more of the company, including ownership exercised through a chain of ownership.

**Example of Beneficial Owner under Company Criterion 3:**

- Mary owns 10% of Blue Company directly, and a further 18% through a chain of partnerships and other companies.
- Therefore, Mary's total ownership of Blue Company is:



- $10\% + 18\% = 28\%$ . This exceeds 25%, so Mary is a Beneficial Owner of Blue Company.

#### **Company Criterion 4:**

##### **The natural person who:**

- Exercises of control over the legal person or legal arrangement. Applies to any natural person acting alone or together through any formal or informal arrangement.

##### **Example of Beneficial Owner under Company Criterion 4:**

- Speedy Company is 100% owned by Freedom Company.
- Freedom Company is 100% owned by Joe.
- Sam is Joe's brother. Sam and Joe have an informal agreement that Sam will approve all decisions made by Freedom Company.
- Joe is a Beneficial Owner of Speedy Company, because he owns 100% Freedom Company which owns 100% Speedy Company.
- Sam is also a Beneficial Owner of Speedy Company. Sam exercises control over a company (Freedom Company) which is part of the chain of ownership between Speedy Company and Joe.

#### **Company Criterion 5:**

##### **The natural person who:**

- Holds the position of senior management. This only applies if a natural person cannot be found under Company Criteria 1, 2, 3 and 4.

##### **Example of Beneficial Owner under Company Criterion 5:**

- Happy Company is owned by 1,000 shareholders, each own 1 share each.
- No one person controls the company. Each of the 1,000 shareholders is eligible to vote for the Board of Directors.
- Each Director receives a set honorarium each year. The amount received does not vary with the performance of Happy Company.
- The Board of Directors appointed a senior manager to run the company.
- Company Criteria 1, 2, 3 and 4 cannot be applied because no natural person can be found who owns or controls the company. Therefore, under Company Criteria 5, the Beneficial Owner is the senior manager.



## **Beneficial owner of a Foundation:**

### **Foundation Criterion 1:**

The natural persons who:

- are the founder, members of the foundation council and all beneficiaries;

### **Foundation Criterion 2:**

Any other natural person exercising control.

### **Foundation Criterion 3:**

If the founder, member of the foundation council or beneficiaries are an entity (company, partnership or trust), the Beneficial Owner of the Foundation will have to be traced through a chain of persons or arrangements. In this case, use the methodology appropriate to the type of entity to determine the Beneficial Owner of that entity. The Beneficial Owner of the entity will also be a Beneficial Owner of the Foundation.

#### **Examples of Beneficial Owners under Foundation Criteria 1, 2 and 3:**

- The **Sunny Island Foundation** has been set up to preserve the environment and culture of Sunny Island, for the benefit of its current residents and some of its former residents.
- The following are all Beneficial Owners:
  - Ralph (the founder of the foundation)
  - Ralph's three brothers (members of the foundation council)
  - 100 residents of Sunny Island (the beneficiaries of the foundation)
  - George (as the traditional owner of Sunny Island), has a direct interest in the welfare of Sunny Island and its residents. He exercises control over the **Sunny Island Foundation** by his power of veto over any decision the Foundation makes.
- Also, the **Sunny Island Tourist Resort Partnership** is one of the beneficiaries of the **Sunny Island Foundation**. To determine the Beneficial Owner of the **Sunny Island Tourist Resort Partnership**, use the methodology appropriate to a Partnership. See next section: **Beneficial Owner of a Partnership**.
  - Using the Partnership methodology, the Beneficial Owners of the **Sunny Island Tourist Resort Partnership** are also Beneficial Owners of the **Sunny Island Foundation**.



## **Beneficial owner of a Partnership:**

### **Partnership Criterion 1:**

#### **The natural persons who:**

- Are partners. This applies to all partners, irrespective of how many partners there are.

### **Partnership Criterion 2:**

Any other natural person exercising control.

### **Partnership Criterion 3:**

If a partner is an entity (company, partnership, or trust), therefore the Beneficial Owner of the Partnership will have to be traced through a chain of persons or arrangements. In this case, use the methodology appropriate to the type of entity to determine the Beneficial Owner of that entity. The Beneficial Owner of the entity will also be a Beneficial Owner of the Partnership.

#### **Examples of Beneficial Owners under Partnership Criteria 1, 2 and 3:**

- Refer to **Sunny Island Tourist Resort Partnership** (page 11).
  - 50 former residents are partners, and so they are Beneficial Owners.
  - An elder on Sunny Island can exercise control over the **Sunny Island Tourist Resort Partnership**, so he is also a Beneficial Owner.
  - A Company (**Rainy Company**) becomes a 51<sup>st</sup> partner. We have to use the methodology applicable to a Company, to work out the Beneficial Owners of **Rainy Company**. They will also be Beneficial Owners of the **Sunny Island Tourist Resort Partnership**.



## **Beneficial owner of a Trust:**

### **Trust Criterion 1:**

The natural persons who:

- Are the settlor, trustee, protector, beneficiary, and class of beneficiaries.

### **Trust Criterion 2:**

Any other natural person exercising control.

### **Trust Criterion 3:**

For a Legal Arrangement other than a Trust, the persons performing similar roles as under Trust Criteria 1 and 2.

### **Trust Criterion 4:**

If the roles listed in Trust Criteria 1 and 3 are performed by an entity (company, partnership or trust), therefore the Beneficial Owner of the Trust or Legal Arrangement will have to be traced through a chain of persons or arrangements. In this case, use the methodology appropriate to the type of entity to determine the Beneficial Owner of that entity. The Beneficial Owner of the entity will also be a Beneficial Owner of the Trust.

### **Examples of Beneficial Owners under Trust Criteria 1, 2, 3 and 4:**

- **The Pizza Family Trust** manages investments for the Pizza family. The Beneficial Owners would be:
  - Mary Pizza – the settlor. This is the person who set up the Trust, by donating money to it. She is the grandmother of the Pizza family.
  - Fred Pizza – the protector. This is the person who oversees the trustee. He is the grandfather of the Pizza family.
  - Alan and Cindy Pizza. They are the beneficiaries of the Trust. They are the grandchildren of Mary and Fred Pizza.
  - Frank Pizza – exercises ultimate effective control of the Trust. He is a respected cousin of the Pizza family, well experienced in financial management. Under the trust deed, all investment decisions must be approved by him.
  - The trustee is a company – **Pizza Company**. Using the methodology appropriate to a Company, we have to trace the Beneficial Owners of **Pizza Company**. They will also be Beneficial Owners of **The Pizza Family Trust**.