

ANNEX 2 – LICENSE APPLICATION



Governor's Office
Turks and Caicos
Islands

Licence Application Form

Please note that the form below sets out the minimum information the Governor's Office will need in order to process your application for a licence to allow an activity or transaction to take place that would otherwise be prohibited under asset freezing measures in Sanctions Orders. You may be contacted for further information.

This form should be used for all licence applications relating to UN¹⁶ and UK sanctions regimes reflected in the Sanctions Orders extended to the TCI.

For licence applications relating to the Counter-Terrorism (Sanctions) (Overseas Territories) Order 2020 in particular, you should instead write to the Governor's Office setting out the full facts and details of the licence needed.

This form should not be used for export control licence applications or other non-asset-freeze matters.

The form has been developed with commercial arrangements in mind (i.e. sales of goods or services etc.). It should be adapted and used (for example) for gifts or humanitarian transactions where funds, goods or services are donated. Whatever the nature of the arrangements please provide a full explanation of what is happening and how much and who is involved.

Please note that the application process requires clearance or prior notification from international authorities (e.g. at UK or UN level). This application and the supporting documents will be disclosed to the Foreign, Commonwealth and Development Office and to the relevant international authority. Accordingly, you should apply at least four weeks before a licence is needed and preferably even further in advance if practicable. You may wish to consider taking independent legal advice before applying for a licence.

The Governor can only issue a licence where there are grounds to do so. These grounds will be set out in the relevant Sanctions Order. In each application consideration should be given to the grounds on which the licence is sought and reference should be made to the relevant licensing ground as set out in the relevant Sanctions Order. Applications which do not do so will be returned with a request that a suitable licensing ground be added.

Please provide documents to support the information below.

¹⁶ The United Kingdom, to ensure that Overseas Territories can implement the sanctions agreed in the UN makes an implementing Order in Council, under the United Nations Act 1946, which is extended to the OTs (Sanctions Orders).

PART I- Particulars of Sanction Regime

Name of regime under which the application is made: (Eritrea, Mali, etc.) _____

Name of the Designated Person _____

Are you requesting an exemption from an asset freeze?
If yes complete Part III and skip Part IV

YES

NO

Are you requesting an exemption from a trade ban?
If yes, you may skip Part III and proceed to Part IV

YES

NO

PART II - Applicant Information

Full Name (*if Individual*):

Gender: _____

Company Name: (*if company*) _____

Date of Application: _____

Nature of Business: _____

Contact Name: _____

Address: _____

Street Address

Apartment/Unit #

City

Island or Province

P.O. Box or Postal Code

Phone: _____

Email

Other contact information: _____

Are you/is your company a designated person (that is, subject to an asset freeze) or owned or controlled by a designated person?

YES

NO

If so please provide details: _____

PART III - Details of the Licence Sought

Licence required to release frozen funds or economic resources, or make them available, directly or indirectly, to or for the benefit of a designated person, to meet:-

PLEASE TICK WHICHEVER APPLIES.

Note: Those grounds marked * are licensing grounds only relating to the release of frozen funds. Funds or economic resources cannot be made available to listed persons under those licensing grounds.

- Basic expenses of the designated person or his or her dependent family members
- Reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services
- Fees or service charges for the maintenance of frozen funds or economic resources
- Extraordinary expenses
- *Obligations due under a contract or agreement entered into, or an obligation which arose prior to the designation of the person or entity in question
- *Obligations arising in connection with certain judicial, administrative or arbitral liens, decisions or judgments
- Other (please specify, including relevant legislation reference)

Specify the legal basis for licensing – see note 4 (i.e. the relevant Sanctions Order, article and paragraph): _____

Please give the licence number(s) of any licence(s) already received by the applicant: _____

PART IV - Overview

Briefly outline the transaction and your role in it. What is the prohibited act that the licence is for: _____

PART V -Details of the Transaction(s)

Date of Contract: _____ Date of Intended transaction(s): _____

Description of funds, goods or services to be supplied or obtained: _____

Are the goods or services for humanitarian purposes (e.g. delivering or facilitating the delivery of assistance, including medical supplies, food, the provision of electricity, or other humanitarian purposes)?

YES NO

If so please explain the humanitarian purpose full: _____

Value of the goods or services to be supplied or obtained: _____

Seller/Supplier name: _____ Buyer/ Customer: _____

Agent/broker/other intermediary: _____

YES NO

As far as you are aware, is the end user different to the contract customer?

If so please provide details of the end user (if known): _____

As far as you are aware, is the end user owned or controlled by a designated person? YES NO

If so please provide details of the ownership or control (if known): _____

Do you know or have reasonable suspicion that the funds, goods or services will be used by a designated person, or by a person acting on their behalf or at their direction, or by entities owned or controlled by them? YES NO

If so who is the individual or entity: _____

Dates of any transactions / shipments / payments already made: _____

Dates of any future transactions / shipments/ payments: _____

PART VI - Banking Details

Method of payment (e.g. cash, cheque, bank transfer, confirmed or unconfirmed letter of credit, or other method) _____

Correspondent Bank _____

Intermediary Bank _____

Confirming or advisory bank _____

Are payment instructions/funds available for this transaction? YES NO

PART VII - Further Details

Please provide any additional background information or explanation it would be helpful for the Governor to have: _____

You may wish to submit copies of document that support your application or help us to understand it.

Are you providing any additional documentation to support this application? YES NO

If so please list attachments: _____

Part VII - Disclaimer and Confirmation of Information

I certify that my answers are true and complete to the best of my knowledge.

I understand that this application process requires consent from other authorities and as such this application and the supporting documents will be disclosed to the UK Foreign, Commonwealth and Development Office and to the relevant international authority.

Signature: _____ Date: _____

NOTES

1. Please read these notes before completing the form.

2. This form is designed to be used for all financial sanctions regimes.

3. Licences can only be issued where there is a legal basis to do so; the legal basis will usually be set out in the relevant Sanctions Order that established the sanctions regime in question.

4. The form is in EIGHT parts:

The form comprises the following parts:

- a. Part 1 asks for the name of the regime under which the licence is sought – this will be the regime under which sanctions otherwise apply. You should refer to any special factors effecting the urgency of your application here.
- b. Part 2 asks for the details of the person on whose behalf the licence is sought and of a person to contact (who should be familiar with the transaction involved).
- c. Part 3 is about the licence sought – the type of licence sought. Please note that the Governor can only issue a licence if there is a legal basis to do so. The grounds for issuing a licence are found in the relevant Sanctions Order.
- d. Parts 4 and 5 are about the transaction involved. Please make it clear if a transaction is a one-off or if it will be repeated. If regular or repeat payments are involved, please explain how often those payments will be made.
- e. Part 6 is about the banking details of the transaction.
- f. Part 7 provides the applicant with an opportunity to add any additional background. You should also attach and list any additional documents you are sending that will make it easier for the Governor to understand the application. Where a licence is sought (for example) on the basis that a contract was entered into before sanctions were imposed it is essential to provide a copy of that contract.
- g. Part 8 provides for a confirmation of the truth of the information submitted.