



TRUST AND CORPORATE SERVICES PROVIDERS ACT, 2017

Trust and Corporate Services Providers (Licensing and Operations) Regulations, 2022

Instruction Guide for Completing and Submitting the Financial Statements of Service Providers - Form 14

The Financial Services Commission

39-43 Barbados Avenue

Kingston 5, Jamaica W.I.

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GENERAL

- 1) A licensee under the Trust and Corporate Service Providers Act, 2017 (the “TCSP Act”) and also individuals and corporate entities that have submitted an application for a licence is required to keep accounting records which will inter alia enable true and fair financial statements to be prepared and to facilitate the convenient and proper auditing of the records and submission of such financial statements to the Financial Services Commission (the “FSC”) pursuant to Section 17 of the TCSP Act.
- 2) Regulation 15(1)) of the Trust and Corporate Service Providers (Licensing and Operations) Regulations, 2022 (the “TCSP Regulations”) stipulates that an audit of the accounts of a licensee, pursuant to section 17 of the TCSP Act, must also include a review of such matters as may be specified by the FSC by notice published in the Gazette.
- 3) The FSC is also empowered pursuant to section 15(2) of the TCSP Regulations to determine the form of and manner in which audited financial statements are submitted to the FSC. In this regard a licensee is required to use the filing template: Form 14 - titled Trust and Corporate Service Providers Financial Statements (“Form 14”) to capture data on a service provider’s¹ business in Jamaica for regulatory and statistical purposes.
- 4) Form 14 is comprised of the following fifteen worksheets:

¹ “Service Provider” means a person who engages in the business of providing a trust service or corporate service.

- (i) Declaration Sheet
- (ii) Auditor's Report
- (iii) Balance Sheet (Assets)
- (iv) BS (Liabilities and Capital)
- (v) Income Statement
- (vi) Asset Memoranda Items
- (vii) Liability & General Memoranda Items
- (viii) Income Statement Memoranda Items
- (ix) Supplementary A
- (x) Supplementary B
- (xi) Supplementary C
- (xii) Share Capital
- (xiii) Trust Funds
- (xiv) Arrears Report
- (xv) Notes to the Accounts

- 5) A licensee must select the applicable report (audited or unaudited) from the drop-down list provided at the top of the Declaration Sheet.
- 6) Licensees are required to complete the electronic excel document provided on the FSC's website at www.fscjamaica.org and successfully submit it via email to rcts@fscjamaica.org and records@fscjamaica.org. Signed hardcopies of the document must be delivered to the FSC office at 39-43 Barbados Avenue, Kingston 5 ensuring compliance with the **Reporting Frequency and Deadline** outlined below.
- 7) Only one completed Form 14 should be submitted for the reporting period. The information contained in Form 14 must cover the full extent of the licensee's operations.
- 8) A copy of the licensee's Audited Financial Statements (International Financial Reporting Standards) must also be submitted along with the completed audited Form 14.
- 9) Form 14 is not considered complete unless it is duly signed and dated.
- 10) The Declaration Sheet must be signed by the following:
 - In the case of a body corporate, either two Directors or two persons authorized by the Board of Directors or other governing body;
 - In the case of a firm, two general partners of the firm;
 - in the case of an individual, the licensee

The persons listed in point (10) above are responsible for authorizing the report, certifying that the report represents a true and fair view of the licensee's financial position as at the reporting date. The licensee's official stamp must also be affixed to the document and an original hardcopy submitted to the FSC.

- 11) All non-data entry cells are protected. Avoid any attempt to modify these cells. When in doubt, please contact the FSC to obtain guidance.

- 12) Data should only be entered in the format specified.
- 13) Formulas and data entry checks for errors exist throughout the worksheets.
- 14) Some cells contain a drop-down list from which the applicable response is to be selected.
- 15) Where significant variance (10% or above) exists between reporting periods and where additional information is required to clarify the financial data, the licensee is to include that information in the sheet provided for Notes to the Accounts worksheet. Where further explanations are required, the FSC will make enquiry via email.

Accounting Principles

The FSC instructs that unless otherwise stated, all licensees are to prepare their financial statements in accordance with generally accepted accounting principles promulgated by the Institute of Chartered Accountants of Jamaica, from time to time.

Reporting Currency and Unit

All financial data provided to the FSC in all sub-sections of Form 14 must be reported in J\$ to the nearest thousand, unless otherwise indicated on a statement. DO NOT use decimals. Whenever a return asks for number of accounts, this/these figure(s) should be reported in whole numbers. Financial information should be reported using the accrual method of accounting.

Nil Balances

Where a licensee has a zero balance for any of the financial statements then that statement is to be submitted with a 'zero balance' and should bear the signatures of the authorizing officers.

Reporting Frequency and Deadline

Unless the FSC adjust the reporting frequency, licensees are required to complete and submit Form 14 to the FSC on:

1. an annual basis, **un-audited** as at December 31st. The form should be filed with the FSC within 30 days of the reporting date.
2. an annual basis, **audited** as at the licensee's financial year-end. Form 14 should be filed with the FSC within three months after the end of each financial year of the licensee.

Amended Statements

Where the FSC notifies a licensee of any inconsistency(ies) in the financial statements submitted, that licensee is required to resubmit a corrected Form 14 via email within three (3) working days.

For clarification or other support in completing Form 14 – Trust and Corporate Service Providers Financial Statements, please contact the Registration, Corporate & Trust Services Division at the Financial Services Commission by phone number (876) 906-3010-2 or via email address: rcts@fscjamaica.org.

Failure to submit the completed Form 14 and Audited Financial Statements within the stipulated timeframes will attract the late fee of \$20,000.00 set out in the First Schedule of the TCSP Act.

Form 14 is only available in English.

GLOSSARY AND STANDARDS

- 1.1 **Service:** means a corporate service or a trust service.
- 1.2 **Corporate Service:** means a service specified in section 14 of the TCSP Act that is provided in or from Jamaica as a business as underlisted:
 - 1.2.1 Acting as a coordinator or an assistant in the formation, management or administration of a firm or company
 - 1.2.2 Acting as (or arranging for another person to act as) a director of a company, an alternate director or a partner of a firm
 - 1.2.3 Acting or arranging for another person to act as a secretary of a company
 - 1.2.4 Providing a registered office, business address, correspondence address or administrative address, for a company or firm or for any other person
 - 1.2.5 Acting as (or arranging for another person to act as) a nominee shareholder for another person
 - 1.2.6 Arranging the establishment of any legal entities not covered by 1.2.1 to 1.2.5 and providing any of the foregoing services to such entities.
 - 1.2.7 Any other service that the Minister may, by order published in the Gazette, prescribe as a corporate service
- 1.3 **Trust Service:** means a service specified in section 15 of the Act that is provided in or from Jamaica as a business as follows:
 - 1.3.1 Creation of a trust
 - 1.3.2 Acting as trustee, executor or administrator in relation to a trust
 - 1.3.3 Arranging for any person to act as trustee in respect of a trust
 - 1.3.4 Administration services in relation to a trust
 - 1.3.5 Any other service that the Minister may, by order published in the Gazette, prescribe as a trust service
- 1.4 **Service Provider:** means a person (natural and otherwise) who engages in the business of providing a corporate service or a trust service.
- 1.5 **Dates:** All dates must be inputted in the short format dd/mm/yyyy.
- 1.6 **Completeness:** In completing Form 14, a licensee may be required to select from drop-down lists, check lists that apply, or insert data in fields that are provided.
- 1.7 **Incomplete Return:** Any Form 14 that is not satisfactorily completed or is incomplete may be returned by the FSC.

- 1.8 **Accuracy:** Due care must be taken when completing Form 14 to ensure all information provided is true, accurate, and complete. If a service provider becomes aware of inaccurate information provided in Form 14 filed with the FSC, the licensee must resubmit the corrected AFS under cover of a letter notifying the FSC of this fact within five working days of becoming aware of that fact.
- 1.9 **Filing Form 14:** Form 14 is considered filed, where all required responses to questions or statements in the form are provided, and the excel document and any accompanying information and reports, as applicable, are submitted to the FSC via both of the below email addresses:
records@fscjamaica.org
rcts@fscjamaica.org

FORM 14: AUDITED (or UNAUDITED) FINANCIAL STATEMENTS

In this section, guidance is provided on selected sections of Form 14 with commentary on selected items within these sections.

AUDITOR'S REPORT

The auditor is to review this sheet to ensure accuracy of information captured. The auditor must also complete item 5 of this sheet, making the required selections for the "restriction/no restriction" of the scope of the audit, and whether all the information and explanations "were/were not" received from the licensee. For the audited Form 14, auditors are required to sign off and date the relevant section in this sheet.

BALANCE SHEET

ASSETS

1. CASH AND CASH EQUIVALENTS

Cash and cash equivalents comprise cash on hand, deposits held at call and other short-term marketable investments with original maturities of six months or less.

- a. **Cash on hand** - Notes and coins regarded as legal tender held in tills, vaults and custody for which the licensee is the beneficial owner.
- b. **Cash at bank** (operating balances) – Demand and other deposits held at commercial banks or other financial institutions readily accessible.
- c. **Short-term investments** that are readily convertible to known amounts of cash, with maturities of one year or less from their acquisition dates and subject to insignificant risk of changes in value.
- d. **Other deposits** include certificate of deposits (CDs) and other placements with maturities exceeding one year. Details are to be reflected in Supplementary A.

2. FUNDS HELD IN TRUST FOR CUSTOMERS

Assets, such as money, real property, stocks and bonds, a business, or a combination of many different types of properties or assets.

3. ACCOUNTS RECEIVABLE

Fees charged by a licensee for the business activities conducted which remain unpaid/outstanding and which are expected to be collected within 1 year.

- a. Receivable from Customers - Report the principal balance on all fees outstanding. All interest accrued and not yet received should be reported under item 6 – Other Current Assets.
- b. Provision for Impairment of Receivables - A provision for impairment of accounts receivable should be established if there is objective evidence that the licensee will not be able to collect all amounts due according to the original contractual terms of the business agreement.

4. AMOUNTS DUE FROM RELATED PARTIES

Parties are considered to be related if one party has the ability, directly or indirectly, to control the other party or to exercise significant influence over the other party in making financial and operating decisions. Parties are also considered to be related if they are subject to common control or common significant influence. Related parties may be individuals or corporate entities. Transactions between related parties should be based on terms like those offered to non-related parties.

Report the total value of amounts owed by related parties for loans granted, general expenses, professional fees, management fees and any other expense.

NB. Related party refers to the related parties of the licensee and not those of its customers.

5. LOANS AND ADVANCES

Report the aggregate book value of the principal balances outstanding on all extensions of credit through loans and advances. Loans made in association with other financial institutions i.e., “participation-loans”, should be reported on the same basis as other loans initiated by the licensee. The amount reported should be the licensee’s share of the participation-loan(s). Specific provisions for loan losses are to be shown separately under item 5 c. All loans should exclude “add-on” or “unearned” interest. Interest accrued and not yet received should be reported under item 6 – Other Current Assets.

- a. Loans – Report the outstanding balance on all loans.
- b. Advances – Report outstanding balances on all advances. An advance may include staff advances.
- c. Less specific Provisions for loan losses – Report provisions made for specific loan losses. A provision for impairment of loans and advances should be established if there is objective evidence that the licensee will not be able to collect all amounts due according to the original contractual terms.

6. OTHER CURRENT ASSETS

Include all other assets which cannot be properly reported in items 1 through 5 above. A breakdown of this figure should be included in Supplementary A.

7. FIXED ASSETS

Report the book value of all premises, staff housing, motor vehicles, equipment, machinery, furniture and fixtures owned by the licensee. The figure should be stated net of accumulated depreciation on all depreciable assets.

9. LONG-TERM INVESTMENTS

This item represents the value of all marketable and non-marketable securities held by the licensee and includes treasury bills, government bonds, marketable stock and other instruments of an investment nature.

In the case of marketable securities and/or where the realizable value of securities can be ascertained, the reported figures should be stated at the lower of cost or market (realizable) value.

11. TOTAL ASSETS

This represents the sum of items **1** to **10**, which **must** equal item **29 (Total Liabilities and Shareholders' Equity)**.

LIABILITIES AND SHAREHOLDERS' EQUITY

12. AMOUNT DUE TO RELATED PARTIES

Report the total value of amounts owed to related parties for loans received, general expenses, professional fees, management fees and any other expense. See item 4 above for definition of related parties.

13. AMOUNT DUE TO CUSTOMERS

Report the total amount payable to customers.

14. LICENCE FEES DUE NOT PAID

Amount of money due to be paid for the right to engage in the line of business for which the licensee has been granted approval by the FSC but remains unpaid as at the reporting date.

15. TRADE AND OTHER PAYABLES

Short-term liabilities and expenses incurred but unpaid by the licensee at the reporting date. Report only those expenses, which are due to be paid within 12 months of the balance sheet date.

16. DEFERRED REVENUE

Report income / revenue received for business activities not yet carried out.

17. LOANS OVERDRAFTS, CREDIT FACILITIES

These are borrowed amounts outstanding and to be repaid based on written contractual agreements to non-related parties.

- a. Due to other financial institution - report borrowings due to banks, other service providers and any other financial institution.
- b. Due to non-financial institution and non-related parties - report borrowings due to any non-financial institutions.

18. OTHER CURRENT LIABILITIES

Report all liabilities of the licensee that have not been reported in any of the foregoing line items and provide a breakdown of this line item in Supplementary B.

19. TOTAL LIABILITIES

This represents the sum of items **12** to **18**.

SHAREHOLDERS' EQUITY

20. SHARE CAPITAL OR OTHER CAPITAL

The funds provided by shareholders representing their interests in the applicant or licensee.

Report the total par value of the paid-up share capital.

21. RESERVES

Represent amounts allotted from income for the purpose of creating or adding to an established reserve as decided by the licensee or subject to statute or shareholder agreements:

- a. **Capital Reserves** represent funds from profits reserved for long-term capital investment projects or any other large and anticipated expense(s) that will be incurred in the future.
- b. **Revaluation Reserves** represent surpluses arising from the revaluation of real property and unrealized gains/loss on investments.
- c. **General Reserves** represent funds from profits reserved for no specific purpose. These are free reserves which can be utilized for any purpose for example to settle any unknown future contingencies.
- d. **Other Reserves** comprise reserves not included above, for example, specific reserves for asset replacement, loan loss reserves that are over and above provisions for loan losses and receivables in accordance with IFRS requirements. A breakdown of 'other reserves' is required in Supplementary B.

22. RETAINED EARNINGS

The portion of net earnings not paid out as dividends but retained by the licensee to be reinvested in its core business or to pay debt.

- (a) **Retained Earnings** are the accrued earnings as reflected in the published audited statements for the previous year.
- (b) **Current year's net income / (loss)** is the calendar year-to-date balance on the income and expense account as reported from the licensee's in-house management accounts. This amount could be positive or negative i.e., year-to-date profit or year-to-date loss.
- (c) **Previous year's unaudited profit** – report profit that is unaudited but does not fall within the calendar year being reported. This may only be relevant for service provider's whose financial year runs different from calendar year (January to December).

23. TOTAL SHAREHOLDERS' EQUITY - This represents the sum of items **20** to **22**.

24. TOTAL LIABILITIES AND SHAREHOLDERS' EQUITY - This represents the sum of items **19** and **23**, which must equal **item 11** (Total Assets).

INCOME STATEMENT

This worksheet is to be used to report the licensee's income for the reporting period.

INCOME

25. INCOME FROM SERVICES/ACTIVITIES

Report here all income earned from the provision of services specifically listed below:

- (a) Trustee Services
- (b) Corporate Services
- (c) Income from other activities represents income generated from activities not related to the provision of a trust and/or corporate service by the licensee. Income from 'other activities' is to be broken down in the table provided.

26. INCOME FROM INTEREST

- (a) Interest income from Loans and Advances represents the gross interest earned (collected and accrued) on loans, as per item 5 of the Asset worksheet. Interest accrued on non-performing credit (90 days or more in arrears) must be reversed from income.
- (b) Interest on Deposits represents the gross interest earned (collected and accrued) on all deposits held with financial institutions. Accrued interest is to be excluded if there is sufficient reason to believe that this may not be collected.

27. INCOME FROM INVESTMENTS

- (a) Interest income from Investment represents the interest earned (collected and accrued) on the licensee's investment portfolio, i.e., on accounts reported in item 9 of the Asset sheet. Accrued interest is to be excluded if there is sufficient reason to believe that this may not be collected.
- (b) Other income from Investment represents all other income received/receivable from investments excluding interest income.

28. GAIN (LOSS) FROM FOREIGN EXCHANGE TRANSACTIONS

Report here net gains or losses arising from trading in foreign exchange and revaluation of foreign currency positions and other foreign exchange transactions. Trading operations include those where the licensee buys and sells currency in the spot, forward, futures and options markets to assist its customers in meeting their business needs, as **well as for its own account. Enter losses as negative numbers.**

29. GAIN (LOSS) ON FINANCIAL INSTRUMENTS

Report the net gain or loss on the sale of financial instruments based on international financial reporting standards or changes in value through the profit or loss. Enter losses as negative numbers.

30. OTHER INCOME

Include all income of the business that have not been reported in any of the foregoing items, e.g., dividends declared payable by other corporations or cooperatives in which the licensee has an equity stake. Provide further details on 'other income' in Supplementary C.

31. TOTAL INCOME - This represents the sum of items 25 to 30.

EXPENSES

This page of the report is to be used to report the licensee's expenditure for the reporting period.

32. EXPENSES RELATED TO SERVICES/ACTIVITIES

Report here all expenses incurred through the provision of services specifically listed below:

- (a) Trustee Services
- (b) Corporate Services
- (c) Expenses for other activities (item c) represent costs incurred for activities other than (a) and (b) which are part of the other business activities of the licensee. Expenses from 'other activities' is to be broken-down in the table provided.

33. INTEREST EXPENSE

- (a) Interest expenses on borrowed funds - Report the total interest incurred (paid and accrued) on all categories of borrowings.
- (b) Interest expense on any other funds held - Report any other interest expenses not captured above.

34. DIRECT EXPENSES ASSOCIATED WITH INVESTMENTS - Report all expenses directly associated with investments.

35. OPERATING EXPENSES - Report operating expenses against the following sub-categories of expenses:

- (a) Personnel expenses include gross salaries, wages, allowances, and other remuneration to staff, as well as all staff related expenses, e.g., uniform allowance.
- (b) Legal and professional fees include legal and professional expense, e.g., audit and consultancy.
- (c) Management fees and head office expenses include directors' fees and notional expenses paid to head office or a parent company for funds management or risk management services.
- (d) d. Occupancy and maintenance of premises, furniture and equipment - report expenses for maintenance of office furniture, equipment and company vehicles; rents paid for properties rented as company premises; taxes on property owned and occupied as company premises; utilities rates; maintenance expenses of property owned and occupied as company premises; premiums paid for fire, other property and motor vehicle insurance.
- (e) Depreciation and amortization include depreciation allowance of licensee premises, amortization of leasehold improvements that are being written off over the term of the lease, and other forms of depreciation allowances.
- (f) Provisions for doubtful debts and other potential losses include allowances for potential losses identified in the credit and investment portfolios, as well as for losses arising from misappropriations, thefts, forgeries etc.
- (g) Bad debts written off represent the expense for all debts written off during the reporting period including losses from misappropriations, thefts, forgeries etc.
- (h) Administrative expenses include communication expenses like telephone, telegram, facsimile, cable, postage, express and forwarding charges and stationery expenses.
- (i) Advertising and Promotion include expenses relating to printing of business cards, yellow pages ads, newspaper advertisements, TV and Radio ads (including production costs), and costs for setting up the licensee's website.
- (j) Professional indemnity insurance represents the amount paid for insurance coverage.

36. OTHER EXPENSES

Report all expenses of the licensee that have not been included in any of the foregoing line items. A breakdown of 'other expenses' is required in Supplementary C.

37. TOTAL EXPENSES – This represents the sum of items 32 to 36.

38. NET INCOME - This represents item 31 minus item 37. This item should reflect the licensee's profit and/or loss for the reporting period ONLY.

ASSET MEMORANDA ITEMS

39. TOTAL NON-CURRENT ASSETS

This should represent the total of all assets with a maturity of more than one year.

40. DIRECTORS' LOANS AND ADVANCES

Loans and advances due from directors and their associates and should be classified under the following headings:

- a. Due from directors and their associates
- b. Due from group of companies with which directors are associated
- c. Due from non-group companies with which directors are associated

For this purpose:

A **director** includes an individual occupying the position of a director or alternate director of a licensee by whatever name called and includes a member of a local board of a licensee whose head office maybe situated outside Jamaica.

A **beneficial owner** means:

- (a) in relation to company, -
 - (i) the individual who exercises ultimate ownership or ultimate effective control over the management of the company; or
 - (ii) an individual who by himself or together with another person, owns or controls (in each case, whether directly or indirectly) twenty percent or more of the shares of the voting rights in the company²
- (b) in relation to a firm, means-
 - (i) an individual who owns or controls twenty percent or more share of the capital or profits of the firm or twenty percent or more of the voting rights in the firm; or
 - (ii) an individual who exercises control over the management of the firm;
- (c) in relation to a trust, means-
 - (i) the settlor;
 - (ii) the trustee;
 - (iii) the beneficiary, or where the beneficiary not yet been determined, the class of persons in whose main interest the trust has been established or operates; or
 - (iv) the person who has control over the trust.

41. ENCUMBERED ASSETS

Total assets of the licensee over which a charge, lien or other encumbrance has been taken by any company, individual or party e.g., property which has been mortgaged, securities which have been pledged as collateral for borrowing (such as those subject to Repurchase Agreements accounted for as secured financing), investments and licensee balances

² "company" means a body corporate incorporated or constituted under the laws of Jamaica or any other jurisdiction.

servicing as security for advances to others, etc. Also include any restrictions on assets arising from actions such as court injunctions, seizure, restraining and charging orders.

42. CONTINGENT ACCOUNTS

Report all the contingent accounts of the licensee; obligations of the licensee upon which the licensee may be called but for which no actual obligation currently exists. Report any undrawn balances on approved loans, or any other off-balance sheet items not captured above or below. In addition, report loans and advances and other assets which have been explicitly, irrevocably and unconditionally guaranteed by the licensee.

43. FIDUCIARY ACTIVITIES

(a) Trust assets

Report the total number of accounts and value of assets of trusts under administration.

(b) Corporate Services

Report the total number and value of assets of the clients for which corporate services are provided.

(c) Other Funds Under Management

Report the total number and value of all other funds/assets under management that are not reported in items 16a and 16b.

(d) Private Trust Companies (PTC)

Report the total number and value of assets of Private Trust Companies under management.

LIABILITY AND GENERAL MEMORANDA ITEMS

44. DIRECTORS' PAYABLES – Report balances due to beneficial owners, directors, and their associates as follows:

(a) Due to beneficial owners, directors, and their associates.

(b) Due to group companies with which beneficial owners and directors are associated; and

(c) Due to non-group companies with which beneficial owners, and directors are associated.

45. DIVIDENDS PAID – Report the full value of dividends declared and paid during the reporting period.

46. NON- CURRENT LIABILITIES – Report total liabilities due in excess of twelve months.

47. NUMBER OF STAFF EMPLOYED – Report the total number of permanent and temporary staff, resident and non-resident, excluding consultants or outsourced positions.

48. NUMBER OF SUBSIDIARIES AND BRANCHES – Report the total number of subsidiaries and branches of the service provider's business.

INCOME STATEMENT MEMORANDA ITEMS

49. MEMORANDA ITEMS

(a) Net earnings from related transactions:

Report all income, net of expenses, earned in connection with transactions carried out with the licensee's parent, agents, subsidiaries and associated entities.

- (b) Recoveries on loan and receivables charged-off:**
Report collection on balances previously written off.

Supplementary A

A breakdown of other deposits, other assets, fixed assets, receivable from customers, other receivable, provision for impairment and encumbered assets are required, showing their description and amount.

Supplementary B

A breakdown of deferred revenue, other liabilities, reserves, and a statement of Retained Earning, is required, showing their description and amount.

Supplementary C

A breakdown of other income and other expense

SHARE CAPITAL/OTHER OWNERSHIP INTEREST

Details of the Licensee's share capital, and a listing of shareholders owning 10% or more of the shares, both ordinary and preference, must be shown on this page. For each listing, 100% of the shares must be listed, with those holding less than 10% each combined together in one line.

(a) SHARE CAPITAL

For the Shareholders (Major Preference) and/or Shareholders (Major Ordinary), list the name of each person beneficially entitled having:

In relation to a company – (directly or indirectly and whether alone or in association with others) twenty percent or more of the issued shares.

(b) OTHER CAPITAL (OTHER OWNERSHIP INTEREST)

Funds provided by the partners or sole proprietor representing their interest in the firm, sole proprietorship, or any other entity. Kindly provide the name of the sole proprietor (an individual), list the names of each partner in the firm or the names of any other person who owns or controls either (i) twenty percent or more of the profits, or (ii) twenty percent or more of the voting rights.

TRUST FUNDS

Report the total amount of trust accounts and value of assets under administration by account type and whether discretionary or non-discretionary. The trusts are specified based on the types of accounts listed below. The total for this report should correspond to item 2 of the Assets worksheet.

Types of Trust

Report the type of trust that best describes the reason for which the trust was established. Select the appropriate type from the following as provided for in the drop-down list:

- (a) Asset Protection Trusts** – A trust which is aimed specifically at the protection of a person's assets from taxation, divorce, bankruptcy and litigious claims. These trusts are sometimes referred to as creditor protection trusts.
- (b) Charitable Trusts** – Trusts set up specifically for charitable purposes.

- (c) Constructive
- (d) Debenture Holders - This is a trust set up for debenture holders in a corporation
- (e) Estate Planning - A trust created to govern the management of personal affairs and the disposition of property in the event of a person's incapacitation or death.
- (f) Irrevocable Trust - A trust where the settlor cannot modify or end the trust after it has been created.
- (g) Other – A trust established for any purpose not listed. Please specify the purpose on the sheet titled Trust Funds found on Form 14
- (h) Profit Sharing
- (i) Revocable Trust - A trust in which the terms can be changed at any time by the settlor during their lifetime, as long as they are competent.
- (j) Special Needs - A trust that is designed to benefit someone who has a mental or physical disability or a chronic illness.
- (k) Spendrift - A trust designed so that the beneficiary is unable to sell or give away her equitable interest in the trust property.

Number of Funds

Report the cumulative number of all trust accounts in the category.

Trustee Powers: Discretionary, Non-discretionary or Other

- The principal feature of a discretionary trust is that the trustee has discretion to exercise his own judgement as to the manner and amount by which the beneficiaries of the trust might benefit from the trust assets.
- The main feature of a non-discretionary trust is that the trustee does not have the right to determine how and when distributions are made to the beneficiary.
- Select the applicable responses from the drop-down list provided.

Beneficiary's and Settlor's Countries of Residence

This is self-explanatory.

Trust Value by Investment Category

Indicate the form in which the trust fund/assets are being held.

ARREARS REPORT (FOR TRUST SERVICE PROVIDERS)

Instructions - Report all loans, receivables and credit cards on which the contractual payment is due but not paid. The arrears amount, security value and any loss provisions should also be reported.

(a) Loans and Advances

Report loans and advances where the instalment was not paid on the due date. Include the arrears position to date, interest in suspension, the current value of security and the applied loan loss provision.

(b) Accounts Receivables

Report other debts due but are outstanding.

- **Number of Accounts** – Report the number of accounts for each ageing category.

- **Balances Outstanding** – Report the total balance outstanding for the number of accounts in each age category.
- **Arrears** - Refers to any contracted instalment or portion thereof, due and unpaid at the reporting date. Report the total amount of arrears for the accounts in each age category.
- **Current Security Value** - Report the Manager's Estimated Value (MEV) or the professional value of the security held against the debt. DO NOT report the Registered Stamped to Cover (RSC) value. Adequate security coverage means a minimum margin of 20% above the outstanding balance.
- **Loan Loss Provision** – Report the total specific provision established against the accounts in each age category.

NOTES TO THE ACCOUNTS

A breakdown of Funds Held in Trust for Customers, Amount Due from and to Related Parties are required, showing their description and amount.

Explanatory notes to the accounts – include any additional information that would provide clarity about the accounts.