

Cayman Islands Update: SIBA Registered Persons

SIBA Policies and Procedures

The recent Anti-Money Laundering ("AML") Surveys undertaken by the Cayman Islands Monetary Authority ("CIMA") have once again highlighted that entities regulated by CIMA are required to have comprehensive policies and procedures in place to ensure that they are operating in compliance with the requirements of applicable Cayman Islands laws and regulations, including CIMA's rules ("Rules") and statements of guidance ("SOGs").

For entities registered or licensed with CIMA under the Securities Investment Business Act (As Revised) ("SIBA"), the applicable Rules and SOGs issued by CIMA include, among others, those on:

- AML, Countering the Financing of Terrorism, Countering Proliferation Financing and Targeted Financial Sanctions;
- Corporate Governance;
- Cybersecurity;
- Outsourcing; and
- Internal Controls and Nature, Accessibility and Retention of Records.

Pursuant to these Rules and SOGs, registrants and licensees need to adopt and implement various policies and procedures, which will be reviewed by CIMA during an inspection.

CIMA requires that the SIBA registrant or licensee has all appropriate policies, procedures and documentation in place to meet its compliance obligations. The Maples Group can assist with preparing the necessary policies and documents for adoption and implementation by SIBA registrants and licensees.

Economic Substance Obligations

For SIBA registered persons or licensees that were discretionary fund managers carrying out 'fund management business' for the purposes of the International Tax Co-operation (Economic Substance) Act (As Revised) (the "ES Act") during 2021, with a financial year end of 31 December, the entity's economic substance return ("ES Return") must be filed with the Department for International Tax Cooperation (the "DITC") no later than 31 December 2022. As this deadline falls on a Saturday, we would advise clients to ensure their ES Return filing is completed ahead of the deadline by Friday, 30 December 2022, to avoid incurring penalties.

SIBA Annual Declaration

All entities registered or licensed with CIMA under SIBA must file an annual declaration with CIMA by 15 January of each year¹.

For entities where the Maples Group provides registered office services, we will make the filing of

¹ Falls on a Sunday in 2023.

the SIBA annual declaration with the CIMA on your behalf. Client entities in scope of SIBA should expect to receive a copy of the annual declaration for completion in the coming months.

Further Assistance

If you need additional advice relating to your ongoing compliance obligations under either SIBA or the ES Act, including preparation and adoption of policies and procedures under SIBA, completion of your ES Return and / or your SIBA Annual Declaration, please contact your usual Maples Group contact or any of the persons listed below.

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