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| Logo  Description automatically generated  GOVERNMENT OF MONTSERRAT  **ASSET FREEZE LICENCE APPLICATION FORM**  **(UK financial sanctions regimes made under The Sanctions and Anti-Money Laundering Act 2018 (SAMLA) as extended to Montserrat**  **Governor’s Office**  **#8 Farara Place**  **Brades**  **Montserrat, MSR1110**  **General enquiries: +1664 491 2688/9**  **Email:** **MontserratGO@fcdo.gov.uk** |
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**MONTSERRAT**

**ASSET FREEZE LICENCE APPLICATION FORM**

**(UK financial sanctions regimes made under The Sanctions and Anti-Money Laundering Act 2018 (SAMLA) as extended to Montserrat**

**Please read all guidelines before completing the form.**

This form should be used by individuals or entities seeking a licence from the Governor of Montserrat to allow an activity or transaction to take place that would otherwise be prohibited under asset freezing measures in the Overseas Territories Orders in Council (Orders). If applying for a direction, please complete the form below as you would for a licence. All new and amended Orders in force in Montserrat, are published on the Governor’s Office website https://www.gov.ms/government/non-ministerial-departments/governors-office/sanctions/international-

This form should be used for licence applications relating to UK sanctions regime regulations made under SAMLA as extended to Monsterrat, except for those relating to counter-terrorism regimes.

For licence applications relating to Al-Qaida (asset Freezing) Regulations and counter-terrorism financial sanctions regimes or requests for directions, please write to the Governor’s Office setting out the need for the licence and supply supporting and relevant information including the regime you are applying under. The Governor will consider the request and will confirm if completion of an application form is necessary.

This form should **NOT** be used for export control licence applications or other non-asset-freeze matters. All export control licence applications should be made to [mcrs@gov.ms](mailto:mcrs@gov.ms).

The completed form should be submitted to the Governor’s Office via email to: MontserratGO@fcdo.gov.uk

The Governor’s Office

#8 Farara Plaza

Brades

Montserrat, MSR1110

The asset freeze licence application form has been developed with commercial arrangements in mind (i.e. sales of goods or services etc.). It can be adapted and used (for example) for gifts or transactions for humanitarian assistance activities where funds, goods or services are being donated. Whatever the nature of the proposed transaction(s), full supporting evidence and arguments should be provided

Licence applications can be legally or commercially complex, and in certain circumstances require clearance or prior notification internationally (e.g. at United Nations (UN) level). There is also the requirement for the Governor to seek consent from the UK Secretary of State prior to the issue of any licence under the Orders. Accordingly, you should apply at least six weeks before a licence is needed and preferably even further in advance if practicable. It is not for the Governor to decide on whether a licence is required. 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 legislation. Applicants can also consult the UK’s Government Office of Financial Sanctions Implementation (OFSI) regime[[1]](#footnote-1) specific statutory guidance and general guidance, and the Governor’s Financial Sanctions Handbook. 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 legislation. Applications that are incomplete or do not fully consider the licensing grounds will be returned with a request that a suitable licensing ground be added.

Licences issued by the Governor usually come with conditions including the requirement for information to be reported within a specific time frame. These will likely include reporting every time a transaction is made under the licence.

**Please read the notes on page 8 before completing the form.**

**PART 1 – UNDER WHICH ORDERS UNDER SAMLA IS THE LICENCE SOUGHT?**

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| **Name of the specific regime made under SAMLA in respect of which a licence is sought.** |  |
| **URGENCY**  **Please provide any details that may help us determine the urgency of the case (The Governor will prioritise urgent and humanitarian cases, i.e. cases that involve a risk of harm or a threat to life).** |  |

**PART 2 – DETAILS OF THE LICENCE APPLICANT**

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| --- | --- |
| **Date of application** |  |
| **Name of applicant (to whom the licence will be granted)**  (Individual / Company Name etc.) |  |
| **Are you/Is your company a “designated person” (that is, subject to an asset freeze), or owned or controlled by a designated person?** *If so, please provide details* | YES / NO |
| **Nature of business** |  |
| **Address** |  |
| **Contact Name** |  |
| **Telephone number** |  |
| **Email address** |  |

**PART 3- ABOUT THE LICENCE SOUGHT**

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| --- | --- | --- |
| **Name of Designated Person** |  |  |
| **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**  **Applicants should consider whether the derogation is (i) applicable under the regime for which they are applying and in relation to the proposed transaction(s) and (ii) applicable to UN designated persons**. | Basic needs of the designated individual or their dependent family members |  |
| Basic needs of the designated entity |  |
| Reasonable professional fees for the provision of legal services and/or reasonable expenses associated with the provision of legal services |  |
| Reasonable fees or reasonable service charges arising from the routine holding or maintenance of frozen funds or economic resources |  |
| Extraordinary expenses of a designated person |  |
| Extraordinary situations |  |
| Humanitarian assistance activity |  |
| Diplomatic missions etc. |  |
| Obligations of a designated person (whether arising under a contract, agreement or otherwise) |  |
| The implementation or satisfaction of a judicial, administrative or arbitral decision or lien |  |
| Other (please specify) |  |
| **Specify the legal basis for licensing – i.e. the relevant provision in the applicable Schedule (UK Treasury Licences: purposes).** |  | |
| **Please give the licence number(s) of any licence(s) already received by the applicant.** |  | |

**PART 4 – OVERVIEW**

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| **Set out the details of the transaction(s) to be licensed or the direction to be issued and your connection to it. What is the prohibited act that the licence is for?** |  |

**PART 5 - DETAILS OF THE TRANSACTION(S) CONCERNED**

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| --- | --- | --- |
| **Date of contract.** |  | |
| **Date of the intended transaction(s).** |  | |
| **Description of funds, goods or services to be supplied or obtained.** |  | |
| **Are the goods or services for humanitarian assistance activity (e.g. delivering or facilitating the delivery of assistance, including medical supplies, food, the provision of electricity, or other humanitarian purposes)?** | YES / NO  (If ‘Yes’ please explain the humanitarian purposefully) | |
| **Value of the goods or services to be supplied or obtained.** |  | |
| **Names of the parties to the contract.** | Seller/supplier |  |
| Buyer/customer |  |
| Agent / broker / other intermediary |  |
| **As far as you are aware, is the end-user different to the contract customer?** | YES / NO  If ”Yes”, 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 ”Yes”, please provide details of the ownership or control | |
| **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 “Yes” who is the individual or entity? | |
| **Dates of any transactions or shipments already made.** |  | |
| **Dates of any future transactions or shipments.** |  | |

**PART 6 – BANKING DETAILS**

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| **Method of payment (e.g. cash, cheque, bank transfer, confirmed or unconfirmed letter of credit, or other methods).** |  | |
| **The banks (including correspondent, intermediary and confirming banks, if applicable) through which payment will be made. Please include details such as account numbers.** | Correspondent bank |  |
| Intermediary bank |  |
| Confirming or advisory bank |  |
| **Are payment instructions/funds available for this payment?** | YES / NO | |

**PART 7 – Further Details**

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| **Please provide any additional background information or explanation that would be helpful for the Governor to consider your application.** |  |

You must provide evidence to support your application and demonstrate that all criteria of the relevant licensing ground (where applicable) have been met. Please provide below a list and an explanation of your supporting evidence.

|  |  |
| --- | --- |
| Document name | Explanation of document/relevance to the application |
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**PART 8 – Confirmation of information**

**I confirm that the above information is true to the best of my knowledge and belief. I will inform the Governor of Montserrat if there are any changes to this information.**

**Signed.................................................. Dated........................................................**

NOTES

**Please read these notes before completing the form.**

1. 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 legislation (e.g. the ) that established the sanctions regime in question.

The form is in **EIGHT** part**s:**

* 1. **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.
  2. **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).
  3. **Part 3** is about the licence sought – the type of licence sought. NOTE that the Governor can only issue a licence if there is a legal basis to do so. You should check that the applicable Schedule (the UK Schedule of Treasury Licences: purposes) includes the purpose of the licence being sought and add the specific reference in the line provided.
  4. **Parts 4 and 5** are about the transaction or activity involved. Please make it clear if a payment 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.
  5. **Part 6** is about the banking details of the transaction.
  6. **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. For example, where a licence is sought on the basis that a contract was entered into before sanctions were imposed it is essential to provide a copy of that contract.
  7. **Part 8** provides for a confirmation of the truth of the information submitted.

1. website: https://www.gov.uk/government/collections/uk-sanctions-regimes-under-the-sanctions-act [↑](#footnote-ref-1)