



Governor's Office
Anguilla

Licence Application Form

The form below sets out the minimum information required by the **Governor's Office** in order to process application by individuals or entities seeking a licence to allow for an activity or transaction to take place that would otherwise be prohibited under asset freezing measures in Sanction Orders. You may be contacted for additional information. This form should be used for all licence applications relating to sanctions implemented by way of the United Kingdom Overseas Territories Orders. The Government Gazette's website lists all of the United Nations and European Union sanction regime related to the United Kingdom Overseas Territories Orders which are extended to Anguilla.

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

Licence applications can be legally and/or commercially complex, and in certain circumstances require clearance or prior notification internationally (e.g. UN level). There is a requirement for the Governor to seek consent from the Secretary of State prior to the issuance of any licence under the Order. This is to enable the Foreign and Commonwealth Office to complete any approval or notification process at the international level prior to consenting to the issuance of a licence by the Governor, thereby **complying with the UK's international obligations**.

Please note that the application process requires clearance or prior notification from international authorities (e.g. at the UK or UN level). Therefore, the time it will take for the Foreign Secretary to decide whether to consent to the licence will vary according to the international exemption procedure to be followed. 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 make reference to the relevant licensing ground will be returned with a request that a suitable licensing ground be added.

Ongoing Monitoring and Reporting

Licences issued by the Governor's Office may be unconditional or may come with conditions that require information to be reported within a specific time frame. These will likely include reporting every time a transaction is made under the licence.

A failure to comply with these reporting requirements may result in the **revocation, suspension or termination** of a licence or **further restrictions** being included in it. It may also result in a criminal prosecution or monetary penalty.

The completed application forms should be submitted to:

H.E. The Governor
Governor's Office,
Old Ta, AI-2640
Anguilla
Phone: (264) 497-2621

PART 3 – DETAILS ABOUT THE LICENCE BEING SOUGHT

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

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

Legal Fees: Reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services

Routine maintenance of funds/assets: payments of 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 Overseas Territories Order, article and paragraph). Please give the licence number(s) of any licence(s) already received by the applicant, (if applicable).

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PART 4 – OVERVIEW

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

NOTES

Please read these notes before completing the form.

1. This form is designed to be used for all financial sanction's regime.
2. 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 Overseas Territory Order that established the sanctions regime in question.
3. 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.

The form is in EIGHT (8) 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 EU Regulation imposing sanctions.
- 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. 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.
- g. Part 8 requires the applicant to confirm that the information being submitted is true to the best of his/her knowledge and belief; and will inform the Governor if there have been any changes