



'BENEFICIAL OWNERSHIP TRANSPARENCY FOR PREVENTING AND FIGHTING CORRUPTION'

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The Government of Guyana is cognizant that Beneficial Ownership information can be obscured through -



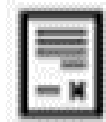
GLOBALLY RECOGNISED VULNERABILITIES: CONCEALMENT OF Beneficial Ownership INFORMATION



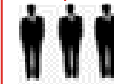
Shell companies with foreign ownership spread across jurisdictions



Complex ownership & control structures. Many layers of shares in the name of other legal persons



Trusts and other legal arrangements which enable a separation of legal ownership and beneficial ownership of assets



Use of intermediaries in forming legal persons, including professional intermediaries



Bearer shares and bearer share warrants **(prohibited)**

GUYANA'S MECHANISMS

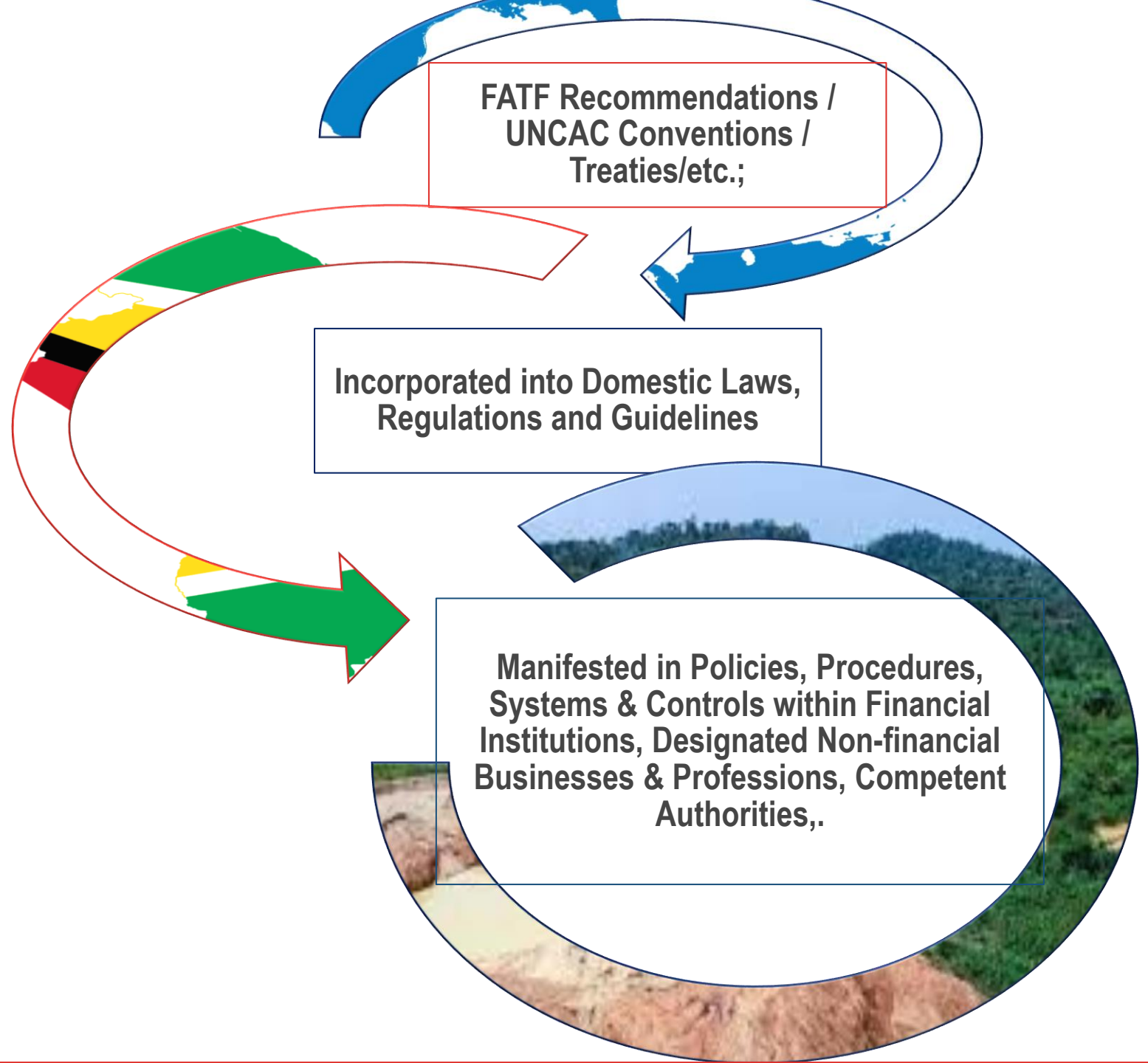
TRANSPARENCY OF BENEFICIAL OWNERSHIP INFORMATION



Guyana is a party to & has **ratified** several international conventions, treaties, and agreements related to Beneficial Ownership Transparency & Anti-corruption.

- The United Nations Convention against Corruption (UNCAC – Arts. 12(2)(c), 14(1)(a), 52(1));
- The Inter-American Convention against Corruption (IACAC);
- The Lima Commitment; and The United Nations General Assembly's Political Declaration on Corruption;
- The Financial Action Task Force Standards – (Guyana, being a member of the Caribbean Financial Action Task Force- Recs. 24 & 25)

GUYANA'S MECHANISMS TO ENSURE TRANSPARENCY OF BENEFICIAL OWNERSHIP INFORMATION TO PREVENT



**GUYANA'S LEGAL
FRAMEWORK ENSURES
TRANSPARENCY OF
BENEFICIAL OWNERSHIP
INFORMATION**

PREVENTS CORRUPTION

GUYANA HAS



Established a very robust *legal & institutional framework grounded in several laws regulations as follows:*

❑ THE CRIMINAL LAW (OFFENCES) ACT Cap. 8:01

- Criminalises both corruption and Bribery
- Term 'public officer / servant' includes - the President, Cabinet members, the Judiciary, Police & other Law Enforcement Officers;
- Dissuasive Penalties (liability on indictment to fines and imprisonment ranging from 2 to 7 years).

In Guyana BO information is Publicly available, accessible & transparent through various laws & mechanisms

Companies Act (CA) Cap. 1991; & Deeds Registry Act

Submission of Beneficial Ownership information

Maintenance of BO information by companies.

Sanctions for non-compliance by Companies (fines & imprisonment)

Deeds Registry Act – Registration of Trust Deeds.

Cooperative Societies Act; Friendly Societies Acts & Guyana Compliance Commission (GCC) Act 2023

**Identification/ verification of Management Committee is mandatory;
Records kept & maintained**

Guyana Compliance Commission Act mandates that (Accountants, Lawyers, etc., to provide Beneficial Ownership information

Guyana Compliance Commission Act provides Sanctions for non-compliance

In Guyana BO information is obtained, verified, kept, up to date & available to law enforcement agencies (timely)

AMLCFT Act 2009 & Regulations Mandates / Key provisions Reporting Entities

Clear definitions BO & Politically Exposed Persons (PEPs);

Corruption is a predicate offence to under the AMLCFT Act

Financial Institutions & Designated Non-Financial Businesses or Professions are required to identify / verify customers/clients for (PEPs & Public officers)

Enhanced Due Diligence for Politically Exposed Persons applying a risk-based approach.

Report Suspicious Transactions / Activities linked to bribery & corruption by Reporting Entities /Supervisory Authorities

AMLCFT Act 2009 mandates Supervisory Authorities (SAs)

Supervise, Monitor & examine reporting entities to ensure compliance with customer due diligence requirement,

Provide guidelines & training on AMLCFT obligations

Empowered to impose sanctions for non-compliance

Sanctions are proportionate, effective & dissuasive; Range from: Warnings, financial fines \$5M- \$15M

LAWS REGULATING TO LICENSING / REGISTRATION

**“FIT & PROPER
CRITERIA SYSTEMS”
WHICH**

**ENSURE CRIMINALS OR
THEIR ASSOCIATES ARE
PREVENTED FROM
ENTERING THE
BUSINESS SECTOR OR
HAVING A
CONTROLLING
INTEREST IN SAME**

**Guyana Gold Board Act;
Guyana Geology & Mines
Commission Act;
Securities Industry Act;
Gambling Prevention Act;
Cooperative Societies Act;
Financial Institutions Act &
Insurance Act;
Guyana Compliance
Commission Act; & Real
Estate Agents & Brokers Act**

**Entry Control upon applicants /
registrants (companies
/businesses) prior to the
issuance of licenses**

**Consist of inquiries in relation to
the factors such as –**

**honesty, integrity, criminal
background, financial
soundness, etc., of the
shareholders, directors, owners
or controllers**

**OTHER
SUPPORTING
LEGISLATION &
MECHANISMS
THAT**

**ENSURE
TRANSPARENCY &
PREVENT
CORRUPTION**

*Sectors with higher
vulnerabilities*

**The Integrity Commission Act of & Code of
Conduct promotes transparency
(Declaration of assets by persons in public life)**

**The Local Content Act ensure transparency
(Beneficial Ownership declaration certificate
requirement for companies in oil & gas sector)**

**Guyana subscribes to the 'Extractive Industries
Transparency Initiative's (EITI) - global standard on good
governance of oil, gas & mineral resources**

**OTHER
SUPPORTING
LEGISLATION &
MECHANISMS IN
GUYANA**

**PROMOTES
TRANSPARENCY
& PREVENT
CORRUPTION
CONT'D**

Procurement Act, Regulations & The National Procurement and Tender Administration /National Tender Board

(Maintains updated register of bidders, comprises information on Tender /contracts awardees, suppliers, etc., Information publicly available)

Public Procurement Commission (PPC)

(Independent constitutional body monitors public procurement procedures to ensure fairness and transparency, provides training, declaration of oaths by staff)

GUYANA'S NATIONAL COORDINATING MECHANISMS

❖ **The National Coordinating Committee (NCC)** coordinates the implementation of the United Nations Convention against Corruption (UNCAC), the Inter-American Convention against Corruption (IACAC), the Lima Commitment, the United Nations General Assembly's Political Declaration on Corruption, and the MESICIC (the OAS follow-up mechanism for the implementation of the IACAC).

- The NCC focuses on inclusiveness and participation in the reporting process and ensures an institutional and systemic inter-agency collaboration in the anti-corruption framework of Guyana.

Agencies involved: Ministry of Parliamentary Affairs, Central Bank, Revenue Authority, Integrity Commission, Prosecution, National Procurement Board, Financial Intelligence Unit, Special Organized Crime Unit, other relevant Government Agencies & Ministries.

GUYANA'S NATIONAL COORDINATING MECHANISMS CONT'D

- ❖ **The AML/CFT/PF National Co-ordination Committee (NCC)** is the designated authority to, assess ML/TF risks, coordinate actions & develop national policies & strategies for Guyana, among other things.
 - The NCC established sub-committees and working groups to address law enforcement issues related to money laundering, terrorist financial sanctions and proliferation financing and other related matters. The NCC utilises memoranda of understand (MOUs) for inter-agency cooperation, exchange of information for AMLCFT purposes.

Agencies Involved: Attorney General, Prosecutions, Central Bank, Revenue, Supervisory Bodies, Financial Intelligence & Special Organised Crime Unit.

**BOTH COORDINATING BODIES FORM PART OF GUYANA'S OVERALL MECHANISMS TO PROMOTE BO
TRANSPARENCY AND PREVENT ALL CRIMINAL ACTIVITES INCLUDING CORRUTION IN GUYANA**

GUYANA APPLIES A MULTI-PRONGED APPROACH TO ENSURE TRANSPARENCY & TIMELY ACCESS TO ACCURATE & UP-TO-DATE BO INFORMATION TO PREVENT CORRUPTION

PUBLIC REGISTRIES

Available BO information is sufficiently transparent

COMPANIES / OTHER LEGAL PERSONS

Required to obtain & hold shareholders' list & by BO information themselves

EXISTING INFORMATION (VARIOUS AGENCIES)

BO information is required to be kept & maintained by Reporting Entities, Guyana Revenue Authorities Lands & Deeds Registries, Supervisory Authorities, Competent Authorities, etc.

Financial Intelligence Unit/Special Organized Crime Unit /Guyana Revenue Authority
OTHER COMPETENT AUTHORITIES

possess adequate power to timely access to accurate & up-to-date BO information from all sources & to freeze & forfeit illegal assets

REPORTING ENTITIES

Customer due diligence, record keeping for on BO are sufficiently obtained, shared & effectively supervised

LICENSING / REGISTRATION AGENCIES

The application of 'Fit & Proper tests' prevent criminal & associates from entry or continuation in ownership or control of legal person or arrangements

AMLCFT SUPERVISORY AUTHORITIES

Possess adequate powers to impose sanctions & file Suspicious Transactions Reports with the FIU.

PREVENTATIVE MEASURES TO ENSURE TRANSPARENCY & ACCESS TO BO INFORMATION



Ongoing risk assessment of Legal Persons & Legal Arrangements;



Ongoing and periodic training in relation to beneficial ownership and how to detect corruption

Application of effective, proportionate and dissuasive sanctions



Domestic & international coordination & cooperation among competent authorities for the sharing BO intelligence & other information (through mutual legal assistance, MOUs or other agreements & arrangements) for investigative purposes

6. SANCTIONS IMPOSED BY COMMERCIAL REGISTRY AGAINST LEGAL PERSONS UNDER THE COMPANIES ACT

The Table below shows the total number of companies struck/removed from the Register as at June, 2023 being an equivalent of **18%** of the total number of registered companies as at April, 2023²⁵.

Types of Legal Person	Total Number Registered as at April, 2023	Total Struck/Removed from Register as at June, 2023
Private Limited Liability Companies	10,980	2798
Public Limited Liability Companies		Not provided
Former Act Companies (prior to 1991)	2,755	9
Government or State Companies	102	6
Not-for-Profit Companies	524	3
External Companies	893	41
TOTAL	15,254	2,857

GUYANA'S
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PREVENT CORRUPTION
CONT'D

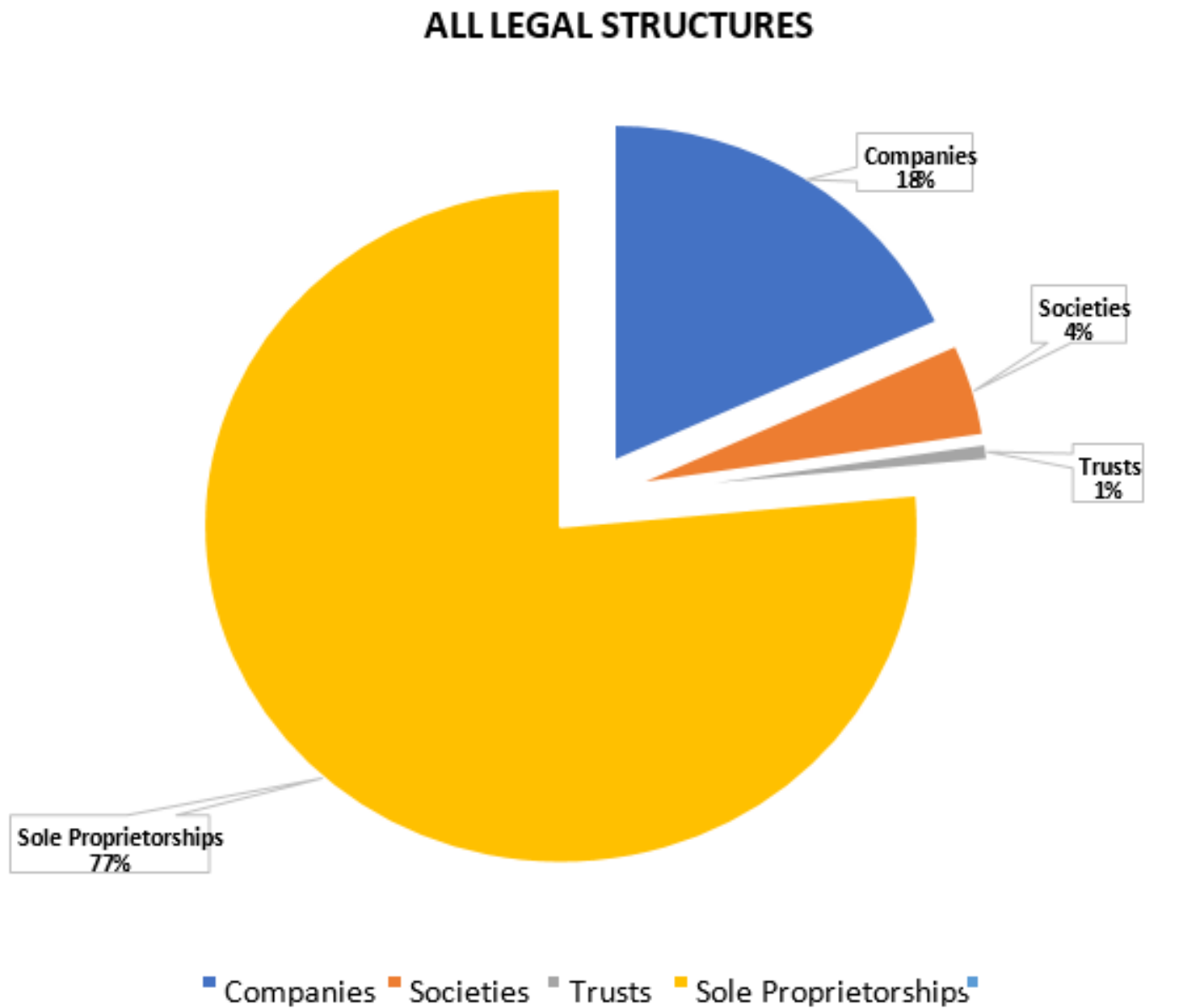
GUYANA HAS



Conducted several National Risk Assessments (NRAs) (including one on the ML/TF risks of Legal Persons & Legal Arrangements).

SUMMARY OF KEY FINDINGS: LPs & LAs ML/TF RA

(Composition of Legal Structures)



KEY POINTS

- Most businesses operate under a business name, where there is no chain or layers of ownership;
- There is no veil of incorporation thereby eliminating the complexity of the corporate structure;
- The person as owner of business is personally liable for any legal recourse / action to be taken against the business.

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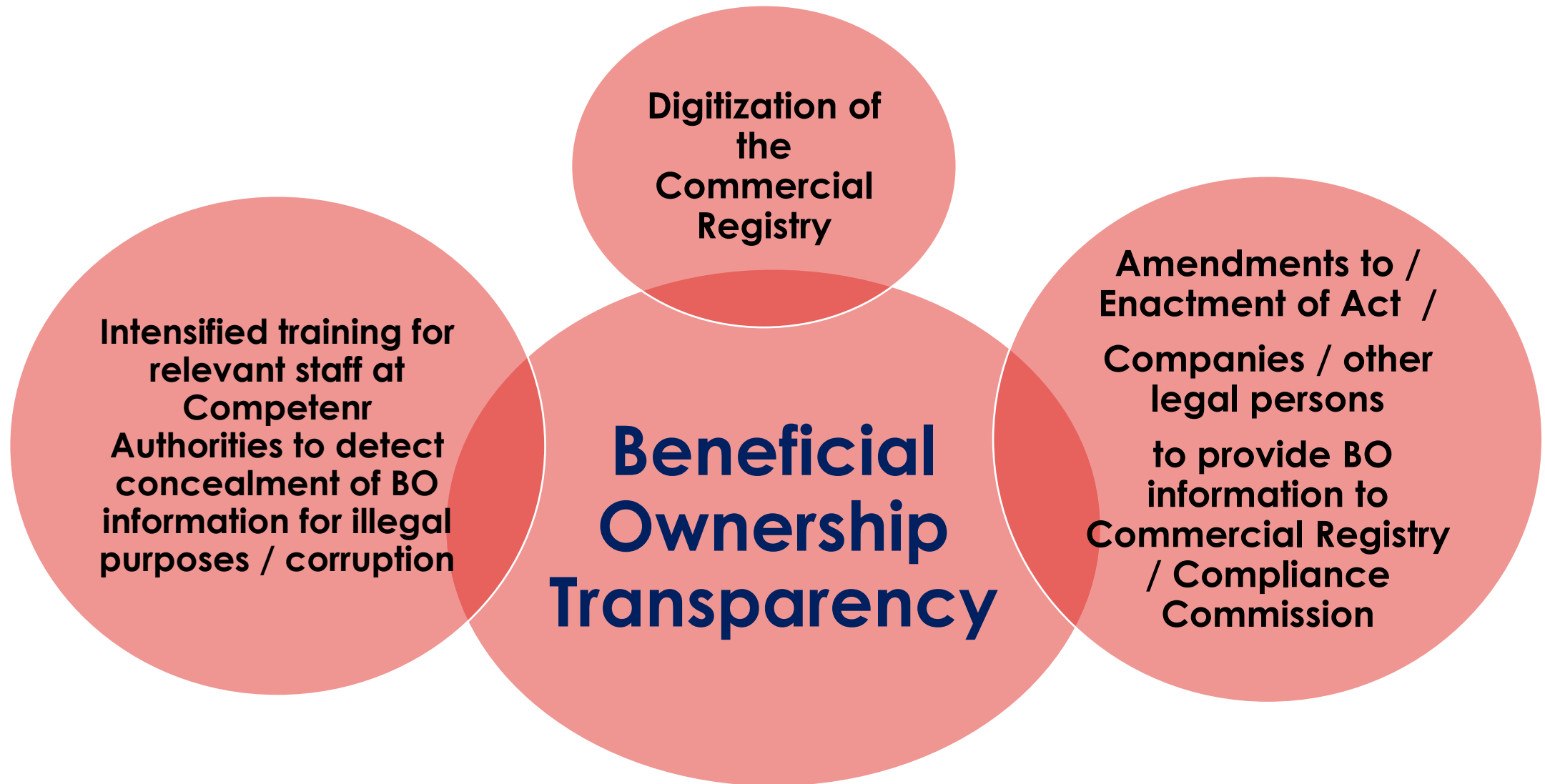
PREVENT CORRUPTION

GUYANA HAS



**Developed and implemented
a risk-based action plans &
national strategies & policies,
including for the
enhancement of its BO
transparency mechanisms.**

NATIONAL STRATEGY / ACTIONS TAKEN – TO ENHANCE BO TRANSPARENCY



THE GOVERNMENT OF GUYANA WILL CONTINUE TO



ENSURE SYSTEMS ARE IN PLACE FOR -

Co-operation & coordination (both *local* & *internationally*) between government entities, relevant agencies & the private sector (businesses & professions) regarding the sharing of BO information;



Periodic ML/TF & corruption risk assessments of Legal Persons & Arrangements;

Apply a risk-based approach for the regulation, monitoring of reporting entities, and impose effective, proportionate and dissuasive sanctions for non-compliance.

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Apply its multi-pronged approach to enable timely access to BO information by law enforcement, competent authorities & public.



KEY
TAKEAWAYS



THE GOVERNMENT OF GUYANA WILL CONTINUE TO



KEY TAKEAWAYS



**Ensure transparency
& accountability of
its public
procurement
processes; & asset
declarations by
public officers, etc.**

**Prohibit the
use of bearer
shares &
bearer shares
certificates**

**Provide training
for relevant staff
& relevant
competent
authorities**

