

BELIZE:

ECONOMIC SUBSTANCE ACT, 2019

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No. 15 of 2019

I assent,

(SIR COLVILLE N. YOUNG)
Governor-General

11th October, 2019.

AN ACT to make improved provisions for substantial economic presence to be fulfilled by certain entities; to provide for reporting requirements in certain instances; and to provide for matters connected therewith or incidental thereto.

(Gazetted 12th October, 2019.)

1. This Act may be cited as the

Short title.

ECONOMIC SUBSTANCE ACT, 2019.

Interpretation.

2. In this Act-

CAP. 267. “banking business” means the business regulated under the International Banking Act;

“commercial entity” means an entity incorporated, registered or continued under—

CAP. 270. (a) the International Business Companies Act;
or

(b) any other law which the Minister by Order published in the *Gazette* for the purpose set out in this Act;

CAP. 272. “competent authority” means the International Financial Services Commission established by section 3 of the International Financial Services Commission Act;

“distribution and service centre business” means the business of either or both of the following—

(a) purchasing from foreign related parties—

(i) component parts or materials for goods, or

(ii) goods ready for sale; and

(iii) reselling such component parts, materials or goods;

(b) providing services to foreign related parties in connection with the business, but does not include any other activity except holding company business;

“finance and leasing business” means the business of providing credit facilities of any kind for consideration –

- (a) such as –
 - (i) consideration by way of interest;
 - (ii) the provision of credit by way of instalments for which a separate charge is made and disclosed to the customer in connection with–
 - (A) the supply of goods by hire purchase;
 - (B) leasing, other than any lease granting an exclusive right to occupy land; or
 - (C) conditional sale or credit sale;
 - (iii) where an advance or credit repayable by a customer to a person is assigned to another person, that other person is deemed to be providing the credit facility for the purposes of this definition;
- (b) but does not include an activity falling within the definition of banking business, fund management business or insurance business;

“fishing vessel” has the meaning assigned in the Belize High Seas Fishing Act,

CAP. 268. “fund management business” means a business regulated under the Mutual Funds Act;

“headquarters business” means the business of providing any of the following services to an entity in the same group—

- (a) the provision of senior management;
- (b) the assumption or control of material risk for activities carried out by, or assets owned by, any of those entities in the same group; or
- (c) the provision of substantive advice in connection with the assumption or control of risk referred to in paragraph (b), but does not include anything falling within the definition of financing and leasing business, insurance business, or banking business;

“holding company” means a commercial entity which—

- (a) is a holding body;
- (b) has as its primary function the acquisition and holding of shares or equitable interests in other companies; or
- (c) does not carry on any relevant activity as its primary function;

“holding company business” means the business of being a holding company;

“included entity” means an entity which—

- (a) is a commercial entity and is engaged in a relevant activity provided that it does not

include a commercial entity that is tax resident in a jurisdiction other than Belize;
or

(b) is a regulated entity;

“insurance business” means the business regulated under the International Financial Services Commission Act, and the International Insurance Act; CAP. 272.
CAP. 269.

“managing agent” means the managing agent licensed by the Commission pursuant to the International Financial Services Commission Act; CAP. 272.

“Minister” means the minister responsible for Finance;

“non-included entity” means a commercial entity which is not an included entity;

“pleasure yacht” means—

(a) a vessel which when in use is—

(i) in the case of a vessel owned by a commercial entity, used only for sport or pleasure and which the persons on board are employees or officers of the commercial entity, or their immediate family or friends; or

(ii) in the case of a vessel owned by a beneficial owner of a commercial entity, used only for sport or pleasure of the beneficial owner or the immediate family or friends of the owner,

and on a voyage or excursion which is one for which commercial entity or beneficial owner of a commercial entity does not

receive money for or in connection with operating the vessel or carrying any person, other than as a contribution to the direct expenses of the operation of the vessel incurred during the voyage or excursion;

- (b) a vessel which pursuant to paragraph (a) no other payment is made by or on behalf of users of the vessel, other than by the beneficial owner;

“pure equity holding company” means a commercial entity which only holds equity participations and earns only dividends and capital gains or related incidental income;

CAP. 272.

“regulated entity” includes an entity regulated in accordance with the International Financial Services Commission Act and “regulated activity” shall be construed accordingly;

“related party” means a person that is related to an included entity—

- (a) namely, a person or a close member of that person’s family is related to an included entity if that person has control, joint control, or significant influence over the entity or is a member of its key management personnel;
- (b) if, among other circumstances, it is a parent, subsidiary, fellow subsidiary, associate, or joint venture of the included entity, or it is controlled, jointly controlled, or significantly influenced or managed by a person under paragraph (a);

“shipping business” means any of the following activities involving the operation of a ship anywhere in the world other than in the territorial waters of Belize—

- (a) the business of transporting, by sea, persons, animals, goods or mail;
- (b) the renting or chartering of ships for the purpose described in paragraph (a);
- (c) the sale of travel tickets or equivalent, and ancillary services connected with the operation of a ship;
- (d) the use, maintenance or rental of containers, including trailers and other vehicles or equipment for the transport of containers, used for the transport of anything by sea;
- (e) the management of the crew of a ship,

but does not include a fishing vessel or the owning, operating or chartering of a pleasure yacht as defined in this section.

3.–(1) This Act, except so far as the contrary intention appears—

Application.

- (a) extends to acts, omissions, matters and things done, to be done, or omitted to be done in or from, within Belize;
- (b) applies to all persons irrespective of nationality or citizenship if such person is a beneficial owner of a commercial entity to which this Act applies;
- (c) subject to subsection (2), applies to commercial entities and regulated entities.

(2) This Act shall not apply to a commercial entity that is controlled and managed outside of Belize and is tax resident in a jurisdiction other than Belize.

(3) A commercial entity may be considered tax resident in a jurisdiction other than Belize if the commercial entity is able to provide the competent authority with a letter or certificate—

- (a) from or issued by the tax authority of its jurisdiction of residence, stating that the commercial entity is considered to be resident for tax purposes in that jurisdiction;
- (b) showing a clear and specific period of validity; and
- (c) showing an assessment of tax on the entity, a confirmation of self-assessment of tax, a tax demand, evidence of payment of tax, or any other equivalent document issued by the tax authority for the jurisdiction in question.

PART II

Substance requirements

Requirements to meet substantial economic presence.

4.—(1) An included entity shall have substantial economic presence in Belize.

(2) In order to satisfy the requirement under subsection (1), an included entity shall satisfy the requirements of sections 6 and 8.

Meaning of relevant activities.

5. For the purpose of this Act, an included entity is engaged in a relevant activity if it carries out any of the following activities, namely—

- (a) banking business;
- (b) insurance business;

- (c) fund management business;
- (d) financing and leasing business;
- (e) headquarters business;
- (f) distribution and service centre business;
- (g) shipping business;
- (h) as a holding company, engaged, or where one or more of its subsidiaries is engaged in one of the activities listed under paragraphs (a) to (g).

6.– (1) An included entity shall conduct its core income generating activities in Belize.

**Core income
generating
activities
required in
Belize, etc.**

(2) Core income generating activities of an included entity shall include adequate–

- (a) amounts of annual operating expenditure;
- (b) number of qualified full-time employees;
and
- (c) physical offices.

(3) Where any part of the core income generating activities are outsourced there must be adequate–

- (a) amounts of annual operating expenditure;
- (b) number of qualified full-time employees;
and
- (c) physical offices,

within Belize, and the included entity shall, pursuant to section 7, supervise and control the carrying out of that activity by the other entity.

(4) The core income generating activities referred to in sub-section (2) may include the following if carrying on the business of—

(a) banking—

- (i)** the raising of funds, managing risk including credit, currency and interest risk;
- (ii)** taking hedging positions;
- (iii)** providing loans, credits or other financial services to customers; or
- (iv)** managing regulatory capital, and preparing regulatory reports and returns;

(b) insurance—

- (i)** the predicting and calculating of risk; or
- (ii)** insuring or re-insuring against risk, and providing client services;

(c) fund management—

- (i)** the taking of decisions on the holding and selling of investments;
- (ii)** calculating risks and reserves;

- (iii) taking decisions on currency or interest fluctuations and hedging positions; and
 - (iv) preparing relevant regulatory or other reports for government authorities and investors;
- (d) financing or leasing—
 - (i) the agreeing of funds terms;
 - (ii) identifying and acquiring assets to be leased, in the case of leasing;
 - (iii) setting the terms and duration of any financing or leasing;
 - (iv) monitoring and revising any agreements; and
 - (v) managing any risk;
- (e) headquarters—
 - (i) the taking of relevant management decisions;
 - (ii) incurring expenditures on behalf of group entities; and
 - (iii) coordinating group activities;
- (f) a distribution and service centre—
 - (i) the transporting and storing of goods;
 - (ii) managing stocks and taking orders; and

- (iii) providing consulting or other administrative services; or
- (g) shipping—
 - (i) the managing of the crew, including hiring, paying, and overseeing crew members;
 - (ii) hauling and maintaining ships;
 - (iii) overseeing and tracking deliveries; and
 - (iv) determining what goods to order and when to deliver them and organizing and overseeing voyage.

**Outsourcing
of core income
generated
activities.**

7.—(1) An included entity shall not outsource any of its core income generating activities outside of Belize.

(2) An included entity may outsource any of its core income generating activity conducted in Belize to a managing agent on the condition that—

- (a) the included entity is able to demonstrate adequate supervision and control of the managing agent in respect of such outsourced core income generating activities;
- (b) the resources of the managing agent conducting outsourced core income generating activities in Belize on behalf of the included entity shall not be counted multiple times in respect of outsourced core income generating activities services to multiple companies;

- (c) the managing agent shall report to the competent authority on an annual basis in Form A prescribed in the Schedule.

**Form A.
Schedule.**

8. An included entity demonstrates substantial economic presence in Belize if the following criteria relating to Board management and control are satisfied—

**Management
and control.**

- (a) an adequate number of meetings of the Board of Directors are conducted in Belize given the level of decision making required;
- (b) there is a quorum of the Board of Directors present for meetings in Belize;
- (c) strategic decisions of the included entity made at the meetings specified in paragraph (a) must be recorded in the minutes of the meetings;
- (d) all records and minutes of the included entity are kept in Belize; and
- (e) the Board of Directors has the necessary knowledge and expertise to discharge its duties.

9.-(1) A pure equity holding company is subject to reduced substance requirements, as follows—

**Reduced
substance
requirements
for holding
companies.**

- (a) it shall comply with all applicable laws and regulations of Belize; and
- (b) it shall have adequate human resources and premises in Belize for holding equity participation in other entities and where it manages those equity participations in other entities, have adequate human resources

and premises in Belize for carrying out the management.

(2) Where a holding company engages in any relevant activity, that entity shall be required to satisfy substantial economic presence requirements in accordance with section 4 of this Act in respect of the relevant activity conducted.

PART III

Reporting

**Reporting
requirement.**

10.—(1) An entity shall comply with reporting requirements.

(2) Reporting under this Act shall be carried out within nine months of the end of a fiscal year in the following manner—

**Form B.
Schedule.**

(a) in the case of an included entity, Form B prescribed in the Schedule is to be completed by the included entity;

**Form C.
Schedule.**

(b) in the case of an included entity that is a holding company, Form C prescribed in the Schedule is to be completed by the holding company;

**Form D.
Schedule.**

(c) in the case of a non-included entity, Form D prescribed the Schedule is to be completed by the non-included entity.

(3) An entity which fails to report to the competent authority in accordance with this section contravenes this Act and is liable to an administrative penalty or removal from the relevant Register of International Business Companies pursuant to section 107 of the International

Business Companies Act or to the revocation of licence issued pursuant to the International Financial Services Commission Act.

CAP. 270.

CAP. 272.

11.—(1) The competent authority may consider the use of electronic means defined in sub-section (6) or such other method as may be prescribed, for the purposes of reporting requirements.

Compliance
by electronic
means.

(2) An entity making an electronic filing shall be deemed to have affirmed or sworn an oath of the truth of the statements contained in the report.

(3) The competent authority shall notify entities of the method of compliance with the notification and filing obligations by a—

- (a) post on an official website providing information generally; or
- (b) notice given to a particular entity.

(4) Unless the contrary is proved, a report that has been accepted by the electronic method or such other method of compliance as prescribed shall be deemed to be made—

- (a) in accordance with this Act;
- (b) at the time the report was accepted by the electronic means or such other method of compliance as prescribed;
- (c) by the person who made the report by using the electronic means; and
- (d) with the approval of the entity on whose behalf the report purports to have been made.

(5) For the purposes of this section—

“electronic” includes an email address and the address of a digital mailbox;

“official website” means a website of the competent authority.

Competent authority to report.

12.—(1) The competent authority shall upon the receipt of a form filed by an included entity spontaneously exchange the same with the competent authority of a jurisdiction of the legal or beneficial owner of such included entity where there is any non-compliance with the substantial economic presence requirements of this Act by the included entity.

(2) The competent authority shall upon the receipt of a form filed by a non-included entity pursuant to section 10(2)(c), spontaneously exchange the same with the appropriate authority of a jurisdiction of the legal or beneficial owner of such non-included entity and also to the appropriate authority of the jurisdiction of its claimed tax residence.

Compliance measures.

13.—(1) The competent authority may from time to time and at the expense of the entity cause the conduct of an on-site inspection of the business for the purpose of verifying the information sworn or affirmed to in the report submitted in accordance with section 10.

(2) The competent authority may in such cases where it is unable to conduct an on-site inspection, designate an approved auditor to conduct the inspection, and that person shall submit a report thereon to the competent authority.

(3) If the information required by the competent authority under this Act is outside of Belize, the competent

authority shall request the entity to provide such information to the competent authority in Belize, within a specified period and the entity shall comply with such requirement.

(4) The competent authority shall provide all necessary resources to ensure effective supervision and monitoring of compliance with this Act.

(5) An entity shall retain for a period of at least five years from the date the relevant business or transaction was completed or if the business relationship was terminated, whichever is later, any book, document, electronically-stored information or other record that relates to the information required to be reported to the competent authority under this Act.

14.—(1) In order to be designated as an approved auditor in accordance with section 13(2), the auditor is required to—

**Approved
auditor.**

(a) be a member in good standing with the Institute of Chartered Accountants of Belize, established under the Accountancy Profession Act;

CAP. 305.

(b) not be barred or suspended by any domestic regulatory authority or overseas regulatory authority from acting as auditor for any person under that regulatory authority's jurisdiction.

(2) An approved auditor shall—

(a) comply with the standards of professional conduct as established by the Institute of Chartered Accountants of Belize;

- (b) be independent of the persons being audited; and
- (c) not cause, assist or abet another person in breaching any relevant laws of Belize or any regulations made thereunder or standards made by the Belize Institute of Chartered Accountants.

(3) For the purposes of sub-section (2)(b), “independent” means without any direct or indirect material relationship with the persons being audited.

(4) Where an approved auditor in the course of performing the duties required by section 13(2), determines that the information provided by the included entity in a report made in accordance with this Act cannot be verified, he shall notify the competent authority immediately and cause a copy of the notice to be delivered promptly to the included entity being inspected.

(5) The notice shall contain complete details about the nature of the circumstances giving rise to the notice.

PART IV

Violations, Offences and Penalties

Interpretation of this Part.

15. In this Part “violation” means a contravention of this Act for which an administrative penalty may be imposed.

Failure to meet substantial economic presence.

16.–(1) If the competent authority determines that an entity has failed to meet the substantial economic presence requirement based on information received pursuant to a report required to be filed under section 10 or an inspection under section 13 or on the basis of a report received from a jurisdiction that the entity commits a violation or an offence

or has failed to comply with this Act or a law within that other jurisdiction, the competent authority may take an enforcement measure under this Act or under the International Financial Services Commission Act, but not both, where the violation or offence is created under both laws.

CAP. 272.

(2) Where a violation or an offence under sub-section (1) has occurred, the competent authority shall notify the appropriate authority of any relevant jurisdiction.

(3) An entity referred to under sub-section (1)–

- (a) may elect to pay its assessed taxation to the jurisdiction and remain on the relevant register in Belize; and
- (b) is required to produce evidence of compliance with the tax requirements of the relevant jurisdiction.

(4) Where an entity is unable to produce evidence of compliance pursuant to subsection (3)(b), that entity may be liable to be struck off the applicable register of incorporation.

17.–(1) If the competent authority determines that an entity has failed to meet the substantial economic presence requirement based on information received pursuant to an inspection under section 13, that entity shall have a period of ninety days to comply with the substantial economic presence requirements of this Act and satisfy the competent authority of its compliance.

Measures to
ensure
compliance.

(2) If the entity fails to comply with sub-section (1), that entity may be directed by the competent authority to conduct a formal audit at the expense of the entity.

(3) If an entity does not commence an audit within sixty days, the entity commits a violation and may be subject to an administrative penalty of one hundred and fifty thousand dollars.

(4) If an audit reveals deficiencies, the competent authority shall within thirty days, issue a notice of non-compliance to the entity stating the areas where remedial measures are required and a deadline of not more than thirty days for compliance.

(5) If the entity fails to comply with sub-section (4), the entity commits a violation and may be subject to—

- (a) a suspension or revocation of licence;
- (b) an administrative penalty of three hundred thousand dollars;
- (c) strike off from the Register of International Business Companies.

Offences and penalties.

18.-(1) A person commits an offence, if the person—

- (a) fails to meet the substantial economic presence requirement set out in Part II;
- (b) contravenes section 10;
- (c) fails to comply with section 13(5) and an action under section 17 (5) has not been taken;
- (d) obstructs the competent authority in performing its functions under this Act;
- (e) alters, destroys, mutilates, defaces, hides or removes information in a way that

causes the person or another person to contravene this Act in relation to the information;

- (f) authorizes, advises or counsels another person to do anything referred to under paragraph (e); or
- (g) provides inaccurate information when filing a report under section 10 and—
 - (i) knows of the inaccuracy in the report at the time the information is provided, but does not inform the competent authority of the inaccuracy at that time; or
 - (ii) discovers the inaccuracy in the report after the information is provided to the competent authority and fails to take reasonable steps to inform the competent authority of the inaccuracy.

(2) Subject to sub-section (1), a person who commits an offence under this section is liable on summary conviction to a fine of two hundred thousand dollars or to imprisonment for a term of one year, or to both.

19.—(1) The maximum amount that the competent authority may impose as an administrative penalty is three hundred and fifty thousand dollars, to be paid within thirty days of such penalty being imposed, for any prescribed violation.

**Maximum
administrative
penalty and
due process.**

(2) Where a violation referred to under sub-section (1) is continuing, the person may be subject to a further administrative penalty of one thousand dollars for every day or part thereof in which the violation continues.

(3) If the competent authority decides to impose an administrative penalty, the competent authority shall notify the person of its decision and afford the person an opportunity to be heard.

(4) A notice referred to under sub-section (3), shall—

- (a) be in such form as the competent authority determines;
- (b) be within a reasonable time of the date of violation;
- (c) specify—
 - (i) the person's name;
 - (ii) the competent authority's reasons, in writing, for imposing the penalty;
 - (iii) the amount of the penalty and when payment is due; and
 - (iv) a reasonable period (which may not be less than fourteen days) within which the person to whom the notice is given may make representations to the competent authority.

(5) Where representations are made under sub-section (4)(iv), the competent authority shall take them into account in deciding whether to impose an administrative penalty.

(6) An administrative penalty for a prescribed violation which is also an offence—

- (a) under section 18(a) to (f) may be imposed within the period of twelve months beginning with the date on which the person becomes liable to the penalty; and
- (b) under section 18(g) may be imposed—
 - (i) within the period of twelve months beginning with the date on which the inaccuracy first came to the attention of the competent authority; and
 - (ii) within the period of five years beginning from the date on which the person becomes liable to the penalty.

20. The competent authority is required in writing by administrative order to—

Violation powers.

- (a) establish the form of notices of violation and all other form of notices required;
- (b) designate a person or classes of persons who are authorized to issue notices of violation;
- (c) establish, in respect of each violation, a description to be used in notices or violation; and
- (d) designate persons or classes of persons to conduct reviews in accordance with section 22.

21.—(1) Every person who contravenes or fails to comply with this Act commits a violation and is liable to the prescribed penalty the purpose of which is to promote compliance with this Act.

Violation rules.

(2) If an entity commits a violation, any director, officer or agent of the entity who directed, authorised, assent to, acquiesced in or participated in the commission of the violation is a party to the violation and is liable to the prescribed penalty.

(3) In any proceedings under this Act against an entity in relation to a violation it is sufficient proof of the violation to establish that it was committed by an employee, or agent of the entity whether or not the employee or agent is identified or proceeded against in accordance with this Act.

(4) If a person designated by the competent authority believes on reasonable grounds that a person has committed a violation, the designated person may issue a notice of violation and cause it to be served on the person.

(5) A person named in a notice of violation under section 19(4) does not have a defence by reason that the person—

- (a) exercised due diligence to prevent the commission of the violation; or
- (b) reasonably and honestly believed in the existence of facts that, if true, would exonerate the person.

Review rules.

22.— (1) A person who is served with a notice of violation may, within 30 days after the date on which it is served, make a request to the Minister for a review of the amount of the penalty or the facts of the violation, or both.

(2) At any time before a request for a review in respect of a notice of violation is received by the Minister, a person designated by the competent authority may,

subject to prescribed considerations, cancel the notice of violation or make any corrections to it.

(3) On receipt of a request made under sub-section (1), the Minister shall conduct the review or cause the review to be conducted by a person appointed by the Minister to act on his behalf.

(4) The Minister shall determine, whether the amount of the penalty for the violation was determined in accordance with the regulations made therefor or whether the person committed the violation, or both.

(5) The Minister shall render a determination in writing and cause the person who requested the review to be served with a copy of the determination and the reasons for it.

(6) If the Minister determines that the amount of the penalty for the violation was not determined in accordance with the regulations, the Minister shall correct the amount of the penalty.

(7) If the Minister determines that the person who requested the review committed the violation, the person who requested the review is liable to the penalty as set out in the determination.

(8) If the facts of a violation are reviewed, the person designated by the competent authority who issued the notice of violation shall establish, on a balance of probabilities, that the person named in it committed the violation identified in it.

23.—(1) The administrative penalties paid under this Act shall be paid into the General Fund of the International Financial Services Commission kept pursuant to the International Financial Services Commission Act.

Payment to
General Fund.

CAP. 272.

(2) An administrative penalty payable under this Act constitutes a debt due to the Government of Belize and may be recovered by the competent authority in a court of competent jurisdiction as a civil debt.

(3) No proceedings to recover the debt may be instituted more than five years after the date on which the debt becomes payable.

(4) If a person pays the penalty set out in a notice of violation, the person is considered to have committed the violation and proceedings in respect of it are ended.

Administrative penalty not to apply.

24.—(1) If a person is convicted in a court of an offence under this Act, that person shall not also be liable to an administrative penalty in relation to the same facts.

(2) Where an administrative penalty is imposed under this Act, the person liable for that penalty shall not be subsequently or simultaneously charged with an offence under this Act in relation to the same facts.

PART V

General

Anti-avoidance.

25. If a person enters into an arrangement, the main purpose of which is to avoid an obligation under this Act, the arrangement, for the purposes of this Act, shall be deemed to be one which was not entered into and this Act shall have effect as if the arrangement had never been in existence.

Admissibility of documents.

26. In the absence of evidence to the contrary, a document that appears to be a notice issued under this Act is presumed to be authentic and is proof of its contents in any proceeding in respect of a violation.

27.—(1) An entity which fails to comply with any provision of this Act shall be deemed to be non-compliant with the Act under which it is incorporated, registered or continued.

Removal from the Register.

(2) In the event that the competent authority concludes that the entity is in wilful non-compliance, the competent authority shall direct the Registrar that the entity be removed from the Register pursuant to the relevant Act.

28.—(1) A person on whom an administrative penalty is imposed may, subject to this section, appeal against it to the Supreme Court and such appeal shall act as a stay on the enforcement of the administrative penalty.

Appeals.

(2) An appeal under this section may be made on questions of law or fact or both and the Supreme Court may affirm or reverse the penalty or substitute its own penalty for that imposed by the competent authority.

(3) A person upon whom an administrative penalty is imposed may appeal—

- (a) the penalty on the ground that liability to such penalty does not arise; and
- (b) against the amount imposed by the competent authority.

(4) For the avoidance of doubt, this section does not limit or otherwise affect any obligation of the person under this Act.

29.—(1) The competent authority may, with the approval of the Minister, make regulations for the better carrying out of the provisions of this Act and for prescribing—

Regulations.

- (a) adequate levels of qualified full-time employees and physical office resources;
- (b) the circumstances which amount to outsourcing and the prohibitions thereof;
- (c) violations;
- (d) the determination of or the method of determining, the amount payable as the administrative penalty, which may be different for individuals and other persons, for each violation;
- (e) the service of documents required or authorized under section 20, including the manner and proof of service and the circumstances under which documents are considered to be served;
- (f) the procedures for designation of persons within the principles of natural justice;
- (g) the transparent procedures for assessment and implementation of administrative penalties; and
- (h) any other matter or thing required to be prescribed.

(2) Regulations made under this section shall be subject to negative resolution of the National Assembly.

Guidelines and amendment of Forms.

30.—(1) The competent authority may issue guidelines for complying with this Act including guidelines for review and designation under section 22 and any person or entity subject to the Act shall comply with such guidelines.

(2) The Minister may from time to time, by Order published in the *Gazette*, amend the Schedule to the Act.

31. This Act shall be deemed to have come into force on the 1st day of January 2019.

Commencement

(Sections 7(2)(c))

SCHEDULE I

FORM A

To be completed annually by the Managing Agent

Name of Managing Agent			
Registration Number			
Date of incorporation			
Type:	<input type="checkbox"/> Companies Act (Cap. 250)	<input type="checkbox"/> International Business Companies Act (Cap. 270)	<input type="checkbox"/> Other specify
International Financial Services Commission Licence No.			
Registered Office of Managing Agent		Principal Office of Managing Agent	
Email Address:			
Telephone Contact:			
Description and nature of outsourcing services rendered			
No. of Full-Time Employees			
Qualification of Full-Time Employees Performing Outsourced Activities			
No. of Clients by Service			
Relevant Activity (Dropped menu)		Specify if Regulated Entity	
		<input type="checkbox"/> Yes <input type="checkbox"/> No	

	If Yes, name of client
Specify if you are conducting core income generating activities for your clients	<input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, list the activities and provide a brief description:
I certify that the particulars set out in this form are true and correct to the best of my knowledge, information and belief.	

.....
(Name of Director)

.....
(Date)

Section 10(1)(a)

FORM B

To be completed by Included Entities

Name of included entity		
International business company registration number		
Date of incorporation		
Tax identification number		
Type	<input type="checkbox"/> International Business Companies Act (Ch. 270)	<input type="checkbox"/> Other specify
Please indicate whether Regulated	<input type="checkbox"/> Yes	<input type="checkbox"/> NO
Relevant activity you are conducting		
Description of the nature of business		
Registered Office of entity		Principal Office of entity
DETAILS OF CONTROLLING PERSONS		
Directors <i>(make an entry in respect of every Director)</i>		
Name		Name
Address		Address
Contact Information		Contact Information
Shareholders <i>(make an entry in respect of every Shareholder)</i>		

Name	Name
Address	Address
Contact Information	Contact Information
Jurisdiction of Tax Residence	Jurisdiction of Tax Residence
SUBSTANTIAL ECONOMIC PRESENCE REQUIREMENT INFORMATION	
Details of amount and type of gross income	
General	In Belize
Description of amount and type of expenses and assets	
General	In Belize
Number of full-time employees	
General	In Belize
Summary and description of core income generating activities (section 6)	
Physical Office	
General	In Belize
Summary and description of management and control activities (section 8)	
List portion of core income generating activities that is outsourced	

Name of entity to whom core income generating activities is outsourced
If applicable, append additional information (section 10)
I certify that— (a) the particulars set out in this Form are true and correct to the best of my knowledge, information and belief ; and (b) management and control of abovenamed entity is not outsourced to any person and remains with the said entity.

.....
(Name of Director)

.....
(Date)

Section 10(1)(b)

FORM C

To be completed by Holding Companies including Pure Equity Holding Companies

Name of company	
Registration Number	
Date of Incorporation	
Tax Identification Number	
Type	<input type="checkbox"/> International Business Companies Act (Ch. 270) <input type="checkbox"/> Other specify
Registered Office of Holding Company	Principal Office of Holding Company
Tick as appropriate: <input type="checkbox"/> Holding Company <input type="checkbox"/> Pure Equity Holding Company <input type="checkbox"/> Other Specify _____	
If Pure Equity Holding Company, complete Part A, below.	
PART A: Indicate asset type (of shares, etc.) Describe management in Belize: Describe human resources in Belize: Describe premise in Belize:	
Are you conducting relevant activity as a secondary business activity? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, list the activities and refer to Form B and provide details of relevant activity.	

I certify that –	
(a) the (Name of Company) is a holding company for the purpose of the Economic Substance Act 2019.	
(b) the (Name of Company) is in good standing and complies with all Acts and regulations of Belize; and	
(c) the particulars set out in this Form are true and correct to the best of my knowledge, information and belief.	

.....
(Name of Director)

.....
(Date)

Section 10(1)(c)

FORM D

To be completed by Non-Included Entities

Name of entity	
Registration Number	
Date of Incorporation	
Type	<input type="checkbox"/> International Business Companies Act (Ch. 270) <input type="checkbox"/> Other Specify _____
Description of the nature of business activities	
JURISDICTION OF TAX RESIDENCE <i>(if the entity is asserting tax residency in a jurisdiction other than Belize, append additional information (section 10))</i>	
DETAILS OF CONTROLLING PERSONS	
Directors <i>(make an entry in respect of every Director)</i>	
Name	Name
Address	Address
Contact Information	Contact Information
Registered Shareholders <i>(make an entry in respect of every Shareholder)</i>	
Name	Name
Address	Address

Contact Information	Contact Information
Jurisdiction of Tax Residence	Jurisdiction of Tax Residence
I certify that the particulars set out in this Form are true and correct to the best of my knowledge, information and belief.	

.....
(Name of Director)

.....
(Date)