

## Real Beneficiary

On 24<sup>th</sup> August 2020, the Cabinet Ministers of the United Arab Emirates (UAE) issued Cabinet Resolution No. 58 of 2020 which aims to develop effective and sustainable regulatory mechanisms and procedures for the real beneficiary data.

Every "Legal Person" licensed or registered in UAE, including the commercial free zones, is required to comply with the regulations set out in the Cabinet Decision and comply with the same.

### Requirements of the Regulation:

1. Identification of each Real Beneficiary;
2. Maintenance of Real Beneficiary Register;
3. Identification of Trustees and Nominal Board Members; and
4. Maintenance of Partners or Shareholders Register.

### Identification of Real Beneficiary:

The Real Beneficiary shall be whoever owns or finally controls the Legal Person, through direct or indirect shares or equity of the Legal Person's Capital at 25% or more, or has the right to vote therein at 25% or more, including control through any other means.

Where such a person is not identifiable, then the Natural Person who exercises control over the legal person through other means shall be deemed to be the Real Beneficiary.

Where such a person is also not identifiable, the natural person who occupies the position of senior management official (i.e., the decision-making authority of the Legal Person) shall be deemed to be the Real Beneficiary.

### Maintenance of Real Beneficiary Register

The Register should include the information of each Real Beneficiary as follow:

- 1) Full name, nationality, date and place of birth;
- 2) Place of residence, or address to which notifications are sent;
- 3) Passport or ID number, country and date of issue and expiry;
- 4) The basis on which they became a Real Beneficiary of the Legal Person, and the date on which they acquired that capacity;
- 5) The date on which a person ceases to be a Real Beneficiary of the Legal Person.

### **Maintenance of Partners or Shareholders Register**

The Register shall include the following data of each partner or shareholder, trustee and Nominal Board Member:

- 1) Number and class of shares or equates owned by each of them, and the voting rights associated with them.
- 2) The date on which the partner or shareholder capacity was acquired.
- 3) For partners or shareholders who are natural persons: Full name according to what is contained in the ID or Passport, nationality, address, place of birth, name and address of the employer. In addition to attaching a true copy of a valid ID or Passport.
- 4) For the partners or shareholders of legal persons:
  - a. Name, legal form, and articles of association.
  - b. Address of the headquarters or the main place of business. If the legal person is a foreigner, the name and address of his legal representative in the country shall be mentioned and evidence to that effect shall be provided.
  - c. The articles of association or any other similar documents approved by the relevant authority in the state.
  - d. Names of the relevant persons, who hold positions in the senior management of the legal person. Their data shall be recorded in accordance with the Passport or ID card, its number, issue date, expiry date and issuer.

Further, the Register shall also include the data on persons represented by each trustee or Nominal Board Member.

### **Our Services**

**We, at Sai Management Consultancies, are happy to offer you the services of:**

- **identification of Real Beneficiary;**
- **maintenance of Real Beneficiary Register; and**
- **maintenance of Partners or Shareholders Register.**