
STATUTORY INSTRUMENTS

2018 No. 1076

**The Sanctions (Overseas Territories) (Amendment
of Information Provisions) Order 2018**

Democratic Republic of the Congo (Sanctions) (Overseas Territories) Order 2015

34.—(1) Article 6 (information relating to funds etc.) of the Democratic Republic of the Congo (Sanctions) (Overseas Territories) Order 2015⁽¹⁾ is amended as follows.

(2) In paragraphs (2), (3), (5) and (6), after “relevant institution”, in each place it occurs, insert “or relevant business or profession”.

(3) After paragraph (7) insert—

“(8) For the purposes of this article, “customer”, in relation to a relevant business or profession, includes—

- (a) a person who is or has been a customer of the relevant business or profession at any time since 7th November 2018, or
- (b) a person with whom the relevant business or profession has had dealings in the course of its business since 7th November 2018.

(9) In this article, a “relevant business or profession” means any of the following operating in the Territory—

- (a) an auditor,
- (b) a casino,
- (c) a dealer in precious metals or stones,
- (d) an external accountant,
- (e) an independent legal professional,
- (f) a real estate agent,
- (g) a tax adviser, and
- (h) a trust or company service provider.

(10) For the purpose of paragraph (9)—

“auditor” means a firm or sole practitioner who by way of business provides auditing services to other persons, when providing such services;

“casino” means the holder of a licence to operate a casino in the Territory;

“dealer in precious metals or stones” means a person engaged in the business of making, supplying, selling (including selling by auction) or exchanging—

- (a) articles made from gold, silver, platinum or palladium, or
- (b) precious stones or pearls;

“external accountant” means a firm or sole practitioner who by way of business provides accountancy services to other persons, when providing such services;

“independent legal professional” means a firm or sole practitioner who by way of business provides legal or notarial services to other persons, when providing such services;

“real estate agent” means a firm or sole practitioner, who by way of business provides real estate agency services to their client in relation to transactions concerning the buying or selling of real estate by their client, when the work is being carried out;

“tax adviser” means a firm or sole practitioner who by way of business provides advice about the tax affairs of other persons, when providing such services;

“trust or company service provider” means a firm or sole practitioner who by way of business provides any of the following services to other persons, when that firm or practitioner is providing such services—

- (a) forming companies or other legal persons,
- (b) acting, or arranging for another person to act—
 - (i) as a director or secretary of a company,
 - (ii) as a partner of a partnership, or
 - (iii) in a similar capacity in relation to other legal persons,
- (c) providing a registered office, business address, correspondence or administrative address or other related services for a company, partnership or any other legal person or arrangement,
- (d) acting, or arranging for another person to act, as—
 - (i) a trustee of an express trust or similar legal arrangement, or
 - (ii) a nominee shareholder for a person.

(11) In paragraph (10), “firm” means any entity that, whether or not a legal person, is not an individual, and includes a body corporate and a partnership or other unincorporated association.”.