

KNOW YOUR CUSTOMER POLICY

What is KYC?

KYC stands for “Know Your Customer”. The objective of KYC is to enable the Mutual Aid to know/understand our customers better and help us to ensure that neither the Association nor any service offered by us, is capable of being used by a person to commit or to facilitate the commission of a money laundering offence.

What is the process for KYC?

The process of KYC entails identifying the customer and verifying the identity by using reliable and independent documents or information. The Mutual Aid while opening accounts collects documents to identify and verify the customer as required under the existing laws to demonstrate that it has performed the existing KYC procedures. By knowing our customer better, we can also better manage the ongoing monitoring of accounts and transactions.

Why is KYC Mandatory?

It is a regulatory and legal requirement. The current provision for non submission of KYC documentation is applicable only for accounts opened prior to 21 June 2003 and it is mandatory to obtain and keep on record KYC documentation before opening of accounts in respect of new customers.

Regulatory: In terms of the guidelines issued by the Bank of Mauritius (BOM) on Anti-Money Laundering and Combating the Financing of Terrorism, all financial institutions, including the Mutual Aid, are required to put in place a comprehensive policy framework covering KYC Standards.

Legal: The Banking Act and the Financial Intelligence and Anti-Money Laundering Act 2002, (FIAMLA) also requires financial institutions to ensure that they follow certain minimum standards of KYC and AML (Anti Money Laundering) as laid down in the Acts.

What happens if KYC documentation is not provided?

Where the Association is unable to apply appropriate KYC measures due to non-receipt of information and /or non-cooperation by the customer, the Association may consider closing the account or terminating the business relationship after issuing due notice to the customer explaining the reasons for taking such a decision.

What documentation is required for KYC?

<u>Description of KYC requirements for:</u>	<u>Documents</u>
Mauritian Citizens and residents (Personal)	
An individual's true identity comprises: <ul style="list-style-type: none"> • name, • date of birth, • current permanent residential address, • the nature of his/her business, • normal financial transactions and • any agency or beneficiary relationship. 	1. Name An original official valid document bearing his/her recent photograph and any of the following may be relied upon:- <ul style="list-style-type: none"> • National identity card or • Current valid passport 2. Address <ul style="list-style-type: none"> • Recent utility bill or • Recent bank or credit card statement showing name and address
Locally Incorporated Companies	
Verifying the identity of those who ultimately own or have control over the company's business and assets, more particularly: <ul style="list-style-type: none"> • directors, • significant shareholders and • authorised signatories. 	1. The same documents as are required for the identification of a personal customer (as above).
Ascertaining the legal existence of the company.	2. Official documents which collectively establish the legal existence of that entity, e.g. the original or certified copy of the certificate of incorporation of the company, details of its registered office and place of business etc.
Opening and operation of accounts.	3. A certified copy of the resolution of the Board of Directors or managing body and the power of attorney granted to its employees to open and to operate accounts on their behalf.

Partnerships /Unincorporated Businesses	
The identity of any partner owning or controlling more than 10% of the partnership, controllers of the unincorporated business and their authorised signatories.	1. The same documents as are required for the identification of personal applicants for business (as above).
Ascertaining the legal existence.	2. Unincorporated businesses: The licence given by the competent authorities for the conduct of such business Partnerships: An original or certified copy of the partnership deed.
Clubs and Charities	
Ascertaining the legal existence.	1. The original or certified copy of the constitution of the club or charity. 2. An independent confirmation of the purpose of the club or charity.
The identity of the persons in control of the club or charity.	3. The same documents as are required for the identification of a personal customer (as listed before).
Sociétés	
Ascertaining the legal existence.	1. The original or certified copy of the Acte de Société. 2. A letter from the Registrar of Companies, certifying that the société continues to exist.
The identity of those in control of the société, e.g. its administrators and gérants	1. The same documents as are required for the identification of a personal customer (as listed before).
Trusts: Documents needed to certify legal existence	
<ul style="list-style-type: none"> Written confirmation from the trustees that they are themselves aware of the true identity of the underlying principals i.e. the settlors/named beneficiaries, and that there are no anonymous principals. Information on the trust's operations Regular statements on the inflows and outflows in line with the given business plan. 	1. Certified extracts of the original trust deed or probate copy of a will creating the trust, documentary evidence pertaining to the appointment of the current trustees and the nature and purpose of the trust, as well as documentary evidence as are required for personal customers on the identity of the current trustees, the settlor and/or beneficial owner of the funds and of any controller or similar person having power to appoint or remove the trustees
'Client Accounts' Opened By Professional Intermediaries: Requirements	
Stockbrokers, fund managers, law practitioners, accountants, estate agents and other intermediaries frequently hold funds on behalf of their clients in 'client accounts' opened with banks and non-bank deposit taking institutions. Such accounts may be opened on behalf of either a single client or for many clients. In each case it is the intermediary who is the bank's or non-bank deposit taking institution's customer.	Documents to: <ol style="list-style-type: none"> verify the identity of the professional intermediary itself (as per requirements mentioned above), and also to obtain from the intermediary: <ol style="list-style-type: none"> an undertaking that it has verified the identity of its clients and particulars of the identity of those clients.
Foundations	
Ascertaining the legal existence.	1. A foundation will not have legal personality unless it is registered in accordance with the Foundations Act 2012 and has been issued with a certificate of registration by the Registrar of Companies who also cumulates the function of Registrar of Foundations.
in line with guidance provided for individuals and legal bodies, verify: With respect to the foundation: (a) its name; (b) its date of registration with the Registrar of Foundations; (c) its date and country of incorporation; (d) its official identification number; (e) its business address; (f) its principal place of business and operations (if different), With respect to the persons who are concerned with the foundation : the identity of, <i>inter alia</i> : (i) the council members, specially those who have authority to operate a business relationship or to give instructions concerning the use or transfer of funds or assets, (ii) the founder, (iii) the executor, (iv) the protector, (v) the beneficiary, and (vi) the administrator.	2. The same documents as are required for the identification of a personal customer and businesses (as listed before) AND: 3. Charter (or equivalent) of the foundation, 4. Letter from the Registrar of Foundations certifying its continued existence, 5. Latest audited financial statements
Note: Where a foundation is a charitable foundation, the requirements for 'Clubs and Charities' as above must be adhered to.	
Please note that the above are basic KYC documents and that additional documents may be required for non-residents and in other specific cases.	