

## Tax residency

### Self-certification declaration form for Entities and Trusts

To comply with new tax regulations, Close Brothers Treasury is required to confirm the tax residency of all customers holding an account. In certain circumstances, Close Brothers Treasury will be obliged to share this information with UK tax authorities, who may pass it on to other tax authorities.

Please complete this form in BLOCK CAPITALS. All fields are mandatory unless otherwise stated. We may have to return incomplete forms or forms that have been completed incorrectly.

#### Section A: Account holder

Entity / Trust name

Registered address

Mailing address (if different from above)

Country of incorporation / organisation

Account number(s)

#### Section B: Entity / Trust tax residency

Please indicate **all** countries in which the Entity / Trust is a tax resident.

Is the Entity / Trust solely a tax resident in the UK?

☐ Yes

☐ No

Please note, if you ticked 'yes' to the above question, you are not required to complete the table below.

Country of tax residency	Tax reference number
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>

If the Entity / Trust is a resident in the United States you must complete and return IRS (Internal Revenue Service) form W-9. This form is available from [www.irs.gov](http://www.irs.gov) or on request from us by post.

#### Section C: Entity / Trust classification

Please indicate the status of the Entity / Trust by ticking the relevant box below. **You must select 'Yes' to one of the boxes below to classify the status of the Entity / Trust** (see Section E for classification definitions).

Active Non-Financial Foreign Entity<sup>1</sup>

☐ Yes

☐ No

If 'Yes', please proceed to Section F

Passive Non-Financial Foreign Entity<sup>1</sup>

☐ Yes

☐ No

If 'Yes', please proceed to Section D

Non-Reporting Financial Institution<sup>2</sup>

☐ Yes

☐ No

If 'Yes', please proceed to Section E

Non-Participating Financial Institution<sup>3</sup>

☐ Yes

☐ No

If 'Yes', please proceed to Section F

Reporting Financial Institution<sup>4</sup>

☐ Yes

☐ No

If 'Yes', please complete your GIIN below

For Reporting FIs specified above, please confirm your GIIN (Global Intermediary Identification Number) and then proceed to Section F:

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

If you are a Reporting FI and are unable to provide a GIIN, please give a reason below:

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### Section D: Passive Non-Financial Foreign Entity ('NFFE') Controlling Persons<sup>5</sup> tax residency

Please indicate all countries in which the Controlling Persons are tax residents.

Are the Controlling Persons solely tax residents in the UK? ☐ Yes ☐ No

Please note, if you ticked 'yes' to the above question, you are not required to complete the table below.

If a Controlling Person is a US citizen, they are deemed to be a US tax resident even if they are also tax resident elsewhere, and must include United States in the table below, along with their US Tax Identification Number. **Please attach additional sheets if necessary.**

Name	Role (e.g. shareholders)	Country of Tax Residency (Do not abbreviate)	Address	Tax reference number	Country of birth	Date of birth

If a Controlling Person is a US tax resident or US green card holder, they are required to complete and return a separate W-9 form to Close Brothers Treasury. This form is available from [www.irs.gov](http://www.irs.gov) or on request from us by post. Please proceed to Section F.

### Section E: Classification definitions

<sup>1</sup> A **Non-Financial Foreign Entity** is any non-US Entity / Trust that is not treated as a Financial Institution. An NFFE will either be an active NFFE or a Passive NFFE. For definitions of an Active NFFE and Passive NFFE, please refer to this form's Annex.

- <sup>2</sup> A **Non-Reporting Financial Institution** is:

  - A Deemed Compliant Financial Institution
  - An Owner Documented Financial Institution
  - An Exempt Beneficial Owner
  - An Excepted Financial Institution
- Please tick  
one box only

☐

☐

☐

☐

If none of the above tick boxes apply, then you are not a **Non-Reporting Financial Institution**. Please return to Section C and tick the appropriate box.

<sup>3</sup> A **Non Participating Financial Institution** is a Financial Institution that is not FATCA compliant.

<sup>4</sup> A **Reporting Financial Institution** is any Financial Institution that is not a Non-Reporting Financial Institution.

<sup>5</sup> A **Controlling Person** is a natural person who exercises control over an Entity, e.g. for a Trust, this would include a settlor, trustee or beneficiary with an interest of 25% or more in the trust. For a company this would include a principal shareholder with an interest in the Company of 25% or more.

Please note, Close Brothers Treasury cannot provide advice. For further information, please refer to [www.hmrc.gov.uk/fatca](http://www.hmrc.gov.uk/fatca) or telephone HMRC on 03000 576 748 (opening hours 9.00 am to 4.00 pm, Monday to Friday, closed Saturdays, Sundays and bank holidays). If you are calling from abroad, please telephone +44 3000 576 748.

### Section F: Declaration

1) I undertake to advise Close Brothers Treasury promptly of any change in circumstances which causes the information contained herein to become incorrect or incomplete and to provide Close Brothers Treasury with an updated declaration within 30 days of such a change in circumstances.

2) I declare that the information provided in this form is accurate and complete.

Signature

Capacity: \_\_\_\_\_

Print name

Date

-

-

# Tax residency

## Self-certification form for Entities and Trusts (Annex)

### Annex

#### A Financial Institution is:

- A Depository Institution
- A Custodial Institution
- An Investment Entity
- A Specified Insurance Company
- Holding Companies and Treasury Centres of Financial Groups

#### Non-Financial Foreign Entities (NFFE's)

An NFFE is any non-US Entity that is not treated as a Financial Institution. An NFFE will either be an Active NFFE or a Passive NFFE.

#### Criteria for determining an Active NFFE

An Active NFFE is defined as any NFFE that meets **one** of the following criteria:

- Less than 50 per cent of the NFFE's gross income for the preceding calendar year or other appropriate reporting period is passive income and less than 50 per cent of the assets held by the NFFE during the preceding calendar year or other appropriate reporting period are assets that produce or are held for the production of passive income.
- The stock of the NFFE is regularly traded on an established securities market or the NFFE is a Related Entity of an Entity, the stock of which is traded on an established securities market.
- The NFFE is organised in a US Territory and all of the owners of the payee are bona fide residents of that US Territory.
- The NFFE is a non-US Government, a political subdivision of such non-US Government (which, for the avoidance of doubt, includes a state province, county, or municipality), or a public body performing a function of such non-US Government or a political subdivision thereof, a government of a US Territory, an international organisation, a non-US central bank of issue, or an entity wholly owned by one or more of the foregoing.
- Substantially all of the activities of the NFFE consist of holding (in whole or in part) the outstanding stock of, or providing financing and services to, one or more subsidiaries that engage in trades or businesses other than the business of a Financial Institution. However the Entity will not qualify as an Active NFFE if it functions (or holds itself out to be) an investment fund, such as a Private Equity Fund, Venture Capital Fund, Leveraged Buyout Fund or any Investment Vehicle whose purpose is to acquire or fund companies and then hold interests in those companies as capital assets for investment purposes. In these circumstances the Entity will be a passive NFFE.
- The NFFE is not yet operating a business and has no prior operating history, but is investing capital into assets with the intent to operate a business other than that of a Financial Institution; provided that the NFFE shall not qualify for this exception after the date that is 24 months after the date of the initial organisation of the NFFE.
- The NFFE was not a Financial Institution in the past five years, and is in the process of liquidating its assets, or is reorganising with the intent to continue or recommence operations in a business other than that of a Financial Institution.
- The NFFE primarily engages in financing and hedging transactions with, or for related entities that are not Financial Institutions, and not provide financing or hedging services to any Entity that is not a Related Entity, provided that the group of any such Related Entities is primarily engaged in a business other than that of a Financial Institution.
- The NFFE is an "Excepted NFFE" (excluding Direct Reporting NFFE's and sponsored Direct Reporting NFFE's) as described in relevant US Treasury Regulations; or
- The NFFE meets all of the following requirements:
  - It is established and operated in its jurisdiction of residence exclusively for religious, charitable, scientific, artistic, cultural, athletic, or educational purposes; or it is established and operated in its jurisdiction of residence and it is a professional organisation, business league, chamber of commerce, labour organisation, agricultural or horticultural organisation, civic league or an organisation operated exclusively for the promotion of social welfare;
  - It is exempt from income tax in its country of residence;
  - It has no shareholders or members who have a proprietary or beneficial interest in its income or assets;
  - The applicable laws of the Entity's country of residence or the Entity's formation documents do not permit any income or assets of the Entity to be distributed to, or applied for the benefit of, a private person or non-charitable Entity other than pursuant to the conduct of the Entity's charitable activities, or as payment of reasonable compensation for services rendered, or as payment representing the fair market value of property which the Entity has purchased; and
  - The applicable laws of the Entity's country of residence or the Entity's formation documents require that, upon the Entity's liquidation or dissolution, all of its assets be distributed to a governmental Entity or other non-profit organisation, or escheat to the government of the Entity's country of residence or any political subdivision thereof.

**A passive NFFE is any Entity that does not meet any of the above criteria.**