

Central Register of the Beneficial Ownership of Trusts Working Group Meeting - Minutes

Date: 22/09/2021

Time: 2.30pm to 4.00pm

Attendees:

For Revenue: Patrick (Mick) O'Connor (MOC), Suzanne Sheahan (SS), Nicola Moran (NM)

External Stakeholders: Aileen Keogan – STEP, Annelies Coughlan – CII, Brendan Wallace & Shane Martin – IDSA, Clare McGuinness, Camilla Cullinane – ITI, Dee Moran - CCAB-I, Michael Kavanagh – ACOI, Nollaig Greene- IF, Sean O'Connor- Charities Regulator, Tony Ward - The Wheel, Padraic Courtney – LS, Salvador Nash & Jillian O'Sullivan- CGI

Apologies:

Mary Broderick – PA

Agenda:

Minutes approval
Register update
Feedback from Working Group
Subgroup – Charities
Communications – possible articles for publication

Approval of Minutes 08/09/21

All approved no issues. The Terms of Reference of the Group were also confirmed.

Introduction & Update from the Trust Registrar:

MOC commended the input from the working group and confirmed that notes from the meetings would be published on the website in due course. The general Q&A being provided would help to update the FAQ's.

SS provided a brief update on the register regarding scope & functionality. She noted that some clarity had been provided on the Q&As from the last session and that NM had provided a troubleshooting document to alleviate some issues users were highlighting. SS welcomed communications & feedback thus far and emphasized the need for same going forward to ensure improvements in the functioning of the register. She also noted that FAQs would be updated in due course on the website and that troubleshooting document would be made available to the public via Revenue.ie.

SS acknowledged further queries had come in from working group members in the last few days, and that the team are actively working to provide clarifications on these.

Feedback from Stakeholders:

Members provided the following feedback on the responses provided in the Q&A document and provided further queries:

1. Will access be provided to legitimate interests in other MS that would allow access to information on the Irish Trust Register

MOC & SS noted that the process of access requests from other EU countries and sharing of information had not been finalised yet and as such we could not, at this time, provide clarity on this. However, all such requests would have to be approved by the Registrar.

2. What level of explanation is required for “Class of Beneficiary”? In the case of a discretionary trust, where for example, the beneficiaries might be grandchildren who have not been born yet. It was also noted that a person who was identifiable would not have a vested interest however as identification of itself does not mean vesting.

SS said that it may be the case that if the beneficiaries were identifiable, their details should be included on the register as individual beneficiaries. Further clarity has since been provided in the FAQs that this is not the case. In relation to unborn grandchildren and vesting on later identification, SS said we would ask our technical services team to clarify & would update the group.

3. A question was asked in relation to the timeline of when the trust is established & when the executor becomes the trustee. It was also noted there is much confusion around wills and what is captured under CRBOT

SS said she would clarify this with Revenue’s technical services team.

MOC added that it may be beneficial for the FAQs to incorporate scenarios for users to refer to when looking at their own circumstances.

4. Query regarding only one filing at a time and would this change in the future as some have a large amount of trusts to file.

SS provided that there was no functionality for this at the moment. However, if there are any changes to the functionality the troubleshooting guide will be updated.

5. It was asked if Revenue would highlight when additions were made to the FAQs and troubleshooting manual.

SS agreed that this was a good idea and we would take this into account for future changes.

6. Query on whether Revenue would change its stance on the de minimis in relation to value of assets held in trust.

MOC stated that there a was a need for transparency for relevant trusts.

7. It was noted that there was uncertainty in the charities sector and if some older charities are captured trustee documentation may be unavailable due to the passing of time and deceased trustees.

MOC agreed this could be difficult. He also confirmed that we are seeking to engage further with the sector through a sub-group.

8. Confirmation was sought on whether unapproved employee share schemes were to be excluded.

SS said this is with Revenue’s technical services team, but the legislation only provided an exclusion for approved schemes.

9. Queries were made about trusts with no name. How were these to be referenced?

MOC said this would be clarified.

10. A query was raised in relation to time limit on the proposed token for access to the register by designated persons.

MOC confirmed this was 5 days but that it was discussed with developers that if this needed to be change there would be scope for this in the future.

It was asked were these over 5 working days.

MOC confirmed this to be 5 consecutive days but that we could look at this further.

Subgroup for Charities

MOC confirmed that we would be writing to charity sector to organise a sub-group that would focus on their sector. He confirmed NM had done up a proposal which would be forwarded the relevant members in the coming days.

Communications to Working Group:

MOC said he was aware that members provided communications to their own membership and that Revenue would be happy to provide a general overview of CRBOT and a more specific overview for the sector involved.

MOC expressed the need for a wider message of CRBOT to be provided to the public and that he hoped this would be possible in the coming weeks.

Other- Due Diligence Output

SS asked members, if they were a designated person, what would they expect in an output document and did they require confirmation of due diligence undertaken?

Members provided that, in one example, as a financial institution, they would seek information that they could compare against the internal register.

Others said that PDF format & non-editable would be best.

Members also sought a "print off" version for presenters.

It was noted that Regulation 35 provided that a designated person could ascertain the information concerning the beneficial ownership of the customer is entered into the relevant trust's beneficial ownership register *or* in the CRBOT.

MOC confirmed that we were still awaiting advices on this.

Conclusion

MOC said that Revenue would review the items to be considered & the design of the due diligence piece.

He noted that we would hope to be provide communication pieces for members publications by the end of the week and that the minutes would be provided by early next week.

SS also noted that any queries outstanding from the WG meeting 08.09.21 were still being reviewed and we hoped to have them to the group and an updated FAQ as soon as possible.