

ANGUILLA

COMMERCIAL REGISTRY AND BENEFICIAL OWNERSHIP REGISTRATION SYSTEM (AMENDMENT) ACT, 2026

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I Assent

Julia Crouch, OBE
Governor

28th May 2026
Date

ANGUILLA

No. 6/2026

COMMERCIAL REGISTRY AND BENEFICIAL OWNERSHIP REGISTRATION SYSTEM (AMENDMENT) ACT, 2026

[Gazette Date: 29th May, 2026] [Commencement: Assent under section 57 of the Constitution]

An Act to amend the Commercial Registry and Beneficial Ownership Registration System Act.

ENACTED by the Legislature of Anguilla

PART 1

GENERAL PROVISIONS

Interpretation

1. In this Act, "Act" means the Commercial Registry and Beneficial Ownership Registration System Act.

Amendment of section 1

2. The Act is amended in section 1, by inserting the following definitions in the appropriate alphabetical order—

""legitimate interest" means an interest in inspecting information in the Beneficial Ownership Register that meets the prescribed criteria;" and

""senior managing official" means the chief executive officer of an Anguilla company, or equivalent by whatever name called, or if the company does not have a chief executive officer or equivalent, a director of the company;".

Amendment of section 26

3. The Act is amended in section 26—

(a) in subsection (1), by deleting paragraph (b) and substituting the following—

"(b) stating that there are no registrable persons in relation to the company, identifying the senior managing official of the company as the contact person for the company and setting out the prescribed beneficial ownership information with respect to the senior managing official of the company."; and

(b) by inserting the following after subsection (1)—

"(1a) If an Anguilla company does not have a registrable person, subsections (2), (3) and (4) and sections 28 to 35 apply, with such modifications as are appropriate, to and with respect to, the individual identified as the senior managing officer of the company, as if the individual was a registrable person.".

Amendment of section 28

4. The Act is amended in section 28—

(a) in subsection (1)—

(i) in paragraph (b), by inserting "and" after the semicolon,

(ii) by deleting paragraph (c) and substituting the following—

"(c) except where there is an applicable prohibition against disclosure under section 30, a person, in or outside Anguilla, who the Commission has determined has a legitimate interest in inspecting the information on the Beneficial Ownership Register.", and

(iii) by deleting paragraph (d);

(b) in subsection (2) by deleting the phrase "a member of the public" and substituting "a person or entity referred to in subsection (1)(c)"; and

(c) in subsection (3)—

(i) in paragraphs (a)(i) and (b)(i) by deleting the phrase "qualifying" wherever it appears, and

(ii) by deleting paragraph (d).

Amendment of section 29

5. The Act is amended in section 29—

(a) in subsection (1)—

(i) by deleting the chapeau and substituting the following—

"(1) Application may be made to the Commission to prohibit the disclosure of information specified in section 28(2)(a) with respect to an individual who is a registrable person or information specified in one or more subparagraphs of section 28(2)(a), to a person who makes a request under section 28(1)(c) on the grounds that—",

(ii) in paragraph (b)—

(A) by deleting the chapeau and substituting the following—

"(b) the disclosure of the information relating to the registrable person and the association of the registrable person with the Anguilla company, would expose the registrable person or an individual living in the same household as the registrable person to the serious risk of—";

(B) in subparagraph (viii), by deleting "harm" and substituting "serious harm"; and

(b) by inserting the following subsection after subsection (2)—

"(2A) An application under subsection (1) must be accompanied by the evidence which supports the application."; and

(c) in subsection (3) by deleting the word "Registrar" where it appears and substituting the word "Commission".

Amendment of section 30

6. The Act is amended by deleting section 30 and substituting the following—

"**Determination of application to prohibit disclosure of information in the Beneficial Ownership Register**

30. (1) The Commission must not grant an application to prohibit disclosure of information in the Beneficial Ownership Register relating to a registrable person unless, on a detailed evaluation of the circumstances, the Commission is satisfied that there are reasonable grounds for believing that the registrable person or an individual living in the same household as the registrable person would be at serious risk of one or more of the harms specified in section 29(1)(b).".

(2) For the purpose of determining an application made under section 29(1), the Commission may—

(a) direct the applicant to provide it with additional information or evidence;

(b) refer any question relating to an assessment of the nature or extent of any serious risk of one or more of the harms specified in section 29(1)(b) to—

(i) the FIU,

(ii) a law enforcement authority in Anguilla,

(iii) any other person or body, in or outside Anguilla, that the Commission considers may be able to assist in making the assessment; and

(c) accept any answer to a question referred under paragraph (b) as providing sufficient evidence of the nature or extent of any serious risk of a harm specified in section 29(1)(b).

(3) The Commission must within 7 days after determining an application under section 29, send notice of its decision to the—

(a) individual who made the application; or

(b) Anguilla company that made the application on the individual's behalf.

(4) If the application to prohibit disclosure is not granted the Commission must, in the decision notice—

(a) give reasons for the refusal to grant the application;

(b) inform the individual or Anguilla company of their right to apply for permission to appeal against the determination within the period specified in section 34.

(5) The Registrar must not, during the period between the date on which the Commission receives an application under section 29(1) and the date on which it determines the application, disclose to any person who makes a request under section 29(1), the information in the Beneficial Ownership Register which is the subject of the application.".

Amendment of section 31

7. The Act is amended in section 31—

(a) by deleting the marginal note and substituting "**Commission not to disclose details concerning application to prohibit disclosure**"; and

(b) by deleting the chapeau and substituting the following—

"If an application is made to the Commission under section 29(1), the Commission must not disclose to a person referred to in section 28(1)(c)—".

Amendment of section 32

8. The Act is amended in section 32—

(a) by deleting "Registrar" wherever it appears and substituting "Commission"; and

(b) by deleting "Registrar's" wherever it appears and substituting "Commission's".

Amendment of section 33

9. The Act is amended in section 33—

(a) by deleting subsection (1) and substituting the following—

"(1) The Commission may revoke a determination made under section 30 if the Commission—

(a) is satisfied that the individual to whom the determination relates—

(i) is serving, or has served, a sentence of imprisonment (by whatever name called) exceeding 5 years which was imposed by a court of competent jurisdiction in any country or substituted for some other sentence imposed by such a court,

(ii) is convicted, or has been convicted, by a court of competent jurisdiction in any country of an offence involving dishonesty, or

(iii) is subject, or has been subjected, to any United Kingdom sanctions extended to Anguilla; or

(b) becomes aware of information that, if known to the Commission at the time of the determination of the application, would have resulted in the application being refused."; and

(b) by deleting "Registrar" wherever it appears in subsections (2), (3) and (4), and substituting "Commission";

(c) by deleting "Registrar's" in subsections (2)(a) and (4) and substituting "Commission's".

(d) by inserting the following subsection after subsection (4)—

"(4a) If the Commission decides to revoke a determination made under section 30, the Commission must provide the individual to whom the determination relates with reasons for the decision in writing and the information in the Beneficial Ownership Register to which the revoked determination relates, shall be available for inspection by persons with a legitimate interest in accordance with this Act and the Regulations.".

Amendment of section 34

10. The Act is amended in section 34—

(a) by deleting "Registrar" wherever it appears, including in the marginal note and substituting "Commission";

(b) by deleting "Registrar's" wherever it appears and substituting "Commission's"; and

(c) by inserting the following after subsection (5)—

"(5a) The lodging of an appeal under this section against a determination of the Commission does not operate as a stay of that determination unless the Court orders otherwise.".

Amendment of section 35

11. The Act is amended in section 35—

(a) in the marginal note, by deleting "**Registrar**" and substituting "**Commission**"; and

(b) by deleting "the Registrar makes a non-disclosure determination with respect to" and substituting "the Commission prohibits the disclosure of".

Citation

12. This Act may be cited as the Commercial Registry and Beneficial Ownership Registration System (Amendment) Act, 2026.

Tara Carter
Speaker

Passed by the House of Assembly this 22nd day of May, 2026.

Lenox J. Proctor
Clerk of the House of Assembly

OBJECTS AND REASONS

(The objects and reasons do not form part of the Bill)

The object of this Bill is to amend the Commercial Registry and Beneficial Ownership Registration System Act to clarify and strengthen the framework for access to information in the Beneficial Ownership Register, to move Anguilla to a legitimate-interest access model, and to enhance the safeguards applicable to persons whose beneficial ownership information may be disclosed.

Clause 1 provides for the interpretation of the Bill. It defines "Act" to mean the Commercial Registry and Beneficial Ownership Registration System Act.

Clause 2 amends section 1 of the Act by inserting definitions of "legitimate interest" and "senior managing official". The definition of "legitimate interest" supports the access framework under which persons may inspect beneficial ownership information only where they meet prescribed criteria. The definition of "senior managing official" is introduced to identify an appropriate individual in circumstances where an Anguilla company has no registrable person.

Clause 3 amends section 26 of the Act to require an Anguilla company that has no registrable persons to identify its senior managing official as the contact person for the company and to file the prescribed beneficial ownership information in respect of that individual. It also provides that, where there is no registrable person, the relevant provisions relating to changes, registration, inspection, non-disclosure, revocation and appeal apply, with appropriate modifications, to the senior managing official as if that individual were a registrable person. This is intended to ensure that the Beneficial Ownership Register remains complete and operational even where no registrable person is identified.

Clause 4 amends section 28 of the Act to revise the categories of persons who may request inspection of information in the Beneficial Ownership Register. It removes the provision for right of access by members of the public and provides instead for access by a person, in or outside Anguilla, whom the Commission has determined has a legitimate interest in inspecting the information. The clause also makes consequential amendments to remove references to "qualifying legitimate interest" and to delete provisions relating to public inspection. This amendment is intended to ensure that access to beneficial ownership information is regulated, criteria-based and subject to appropriate safeguards. The provision relating to public access was not previously operationalized.

Clause 5 amends section 29 of the Act to transfer responsibility for applications to prohibit disclosure from the Registrar to the Commission. It also clarifies that an application may be made to prohibit disclosure of specified beneficial ownership information to a person who makes a request under section 28(1)(c). The clause expands the protection framework by allowing risk to be assessed not only in relation to the registrable person, but also in relation to an individual living in the same household as the registrable person. It further requires applications to be supported by evidence and replaces references to the Registrar with references to the Commission. This is intended to ensure that applications for non-disclosure are evidence-based and assessed by the appropriate regulatory authority.

Clause 6 replaces section 30 of the Act with a new provision governing the determination of applications to prohibit disclosure of information in the Beneficial Ownership Register. The new section requires the Commission to conduct a detailed evaluation of the circumstances and to be satisfied that there are reasonable grounds for believing that the registrable person, or an individual living in the same household, would be at serious risk of specified harm before granting an application. It also empowers the Commission to request additional information or evidence and to seek assistance from the Financial Intelligence Unit, law enforcement authorities in Anguilla, or

any other person or body, in or outside Anguilla, that may assist in assessing the risk. The clause also requires the Commission to notify the applicant of its decision within 7 days, give reasons where an application is refused, and inform the applicant of the right to apply for permission to appeal. It further prevents disclosure by the Registrar while the application is pending. This is intended to create a clear, fair and risk-based process for determining whether information should be withheld from inspection.

Clause 7 amends section 31 of the Act to reflect the transfer of responsibility from the Registrar to the Commission. It provides that, where an application is made to the Commission to prohibit disclosure, the Commission must not disclose details concerning the application to a person referred to in section 28(1)(c). This protects the confidentiality of the application process.

Clause 8 amends section 32 of the Act by replacing references to the Registrar with references to the Commission. This is a consequential amendment arising from the transfer of responsibility for non-disclosure determinations to the Commission.

Clause 9 amends section 33 of the Act to revise the circumstances in which the Commission may revoke a determination prohibiting disclosure. The clause provides that the Commission may revoke a determination where the individual to whom it relates is serving, or has served, a sentence of imprisonment exceeding five years; has been convicted of an offence involving dishonesty; is subject, or has been subject, to United Kingdom sanctions extended to Anguilla; or where the Commission becomes aware of information which, if known at the time of the original determination, would have resulted in the application being refused. It also requires the Commission to provide written reasons where it revokes a determination and provides that the relevant information may then be inspected by persons with a legitimate interest, in accordance with the Act and Regulations. This amendment is intended to preserve the integrity of the non-disclosure regime and ensure that protection is not maintained where it is no longer justified.

Clause 10 amends section 34 of the Act by replacing references to the Registrar with references to the Commission and by providing that the lodging of an appeal against a determination of the Commission does not operate as a stay unless the Court orders otherwise. This is intended to clarify the effect of an appeal and to ensure that the Commission's determination remains effective unless the Court decides otherwise.

Clause 11 amends section 35 of the Act to replace references to the Registrar with references to the Commission and to align the language of the section with the revised framework for prohibiting disclosure. This is a consequential amendment to reflect the Commission's role in making non-disclosure determinations.

Clause 12 provides for the short title of the Act.

Overall, the Bill is intended to strengthen Anguilla's beneficial ownership framework by ensuring that access to beneficial ownership information is based on legitimate interest, that disclosure decisions are made by the Commission, and that persons at serious risk of harm are afforded appropriate protection while maintaining the integrity and usefulness of the Beneficial Ownership Register.