

# Anti-money laundering and combatting the financing of terrorism (AML/CFT)

## 2021 Annual Financial Data Return - Real Estate Agents and Letting Agents (REAs)

### 1. Definitions

Defined terms shall have the same meaning as in the OFT's AML/CFT Guidance Notes for HVGDS (the "Guidance Notes"). The Guidance Notes can be downloaded from the 'AML/CFT' section of the OFT's website: [www.ofg.gov.gi](http://www.ofg.gov.gi).

### 2. Purpose for Annual Returns.

As set out in sections 8.6 to 8.8 of the Guidance Notes, REAs are required to submit annual returns to the OFT providing information and data about transactions and business relationships (see section 6.2 of the Guidance Notes) entered into during the reporting period.

### 3. Why does the OFT collect this information and data?

The OFT collects and analyses the information and data submitted to assess the type and volume of transactions and business relationships entered into by the REA. This allows the OFT to monitor REAs' compliance with their AML/CFT

obligations under POCA and the Guidance Notes.

The OFT also collects and analyses the information and data submitted to assess the type and volume of transactions and business relationships entered into by REAs generally in Gibraltar.

This data allows the OFT to identify ML/TF schemes and suspicious trends.

### 4. What data is required?

REAs must submit data relating to the REA's:

1. transactions and business relationships entered in the reporting period; and
2. rejected and/or reported transactions.

### 5. What is the reporting period?

The reporting period is from 1 January to 31 December of the previous year.





**6. When are the Annual Returns due?**

Annually on the 31 March.

**7. Who should complete this report?**

The REA’s MLRO. The report should also be signed-off by the REA’s director/senior manager.

The OFT may carry out onsite visits and seek information from REAs in relation to the information contained in annual returns to ensure that these are being completed accurately. The OFT may also request REAs records to examine and investigate any suspicious activity.

**8. Data processing and sharing.**

All personal data submitted with this report shall be processed by the OFT in accordance with its privacy policy and in compliance with data protection and other relevant legislation.

The data submitted may be shared with other AML/CFT supervisory authorities and law enforcement agencies as permitted by law.

**9. Questions and queries.**

For any questions or queries please refer to the OFT’s AML/CFT Guidance Notes for REAs or contact the OFT directly: [aml.oft@gibraltar.gov.gi](mailto:aml.oft@gibraltar.gov.gi)

**A. Reporting period**

From 1<sup>st</sup> January 20\_\_\_\_ to 31<sup>st</sup> December 20\_\_\_\_.

**B. Business details**

1	Business name:	
2	Trading names (if any):	
3	Business address:	
4	Nature of Business:	
5	Business License No.:	

### C. Transaction breakdown

6	<p>Type of transactions for the reporting period:</p> <p>For each please insert:</p> <ol style="list-style-type: none"> <li>1. your business's turnover in GBP, to the nearest £10,000; and</li> <li>2. a percentage of the total business that each represents.</li> </ol>	<p>Property sales            £ _____    % _____</p> <p>Property rentals        £ _____    % _____</p> <p>Other (please specify) £ _____    % _____</p> <p>_____</p> <p>_____</p>
7.	Volume and nature of business:	<p>Number of properties sold: _____</p> <p>Average sale value: _____</p> <p>Number of off plan sales: _____</p> <p>Number of off plan resales: _____</p> <p>Number of lettings: _____</p> <p>Average rent p.c.m.: _____</p>
8	Type of payments:	<p>Bank transfer            % _____</p> <p>Card/cheque:            % _____</p> <p>Cash                        % _____</p> <p>Cryptocurrency        % _____</p> <p>Other                        % _____</p> <p>Ratio of mortgage/cash buyers _____:_____</p>
9	<p>Payment sources:</p> <p>Please specify the jurisdiction from which payments are received. Bank payments will be considered to come from the jurisdiction where the transferring bank is based.</p> <p>Include figures as a percentage of total payments received.*</p>	<p>1. Gibraltar payments    % _____</p> <p>Number of transactions    _____</p> <p>Average value                _____</p> <p>2. EU payments            % _____</p> <p>Number of transactions    _____</p> <p>Average value                _____</p> <p>3. Non-EU payments      % _____</p> <p>Number of transactions    _____</p> <p>Average value                _____</p> <p>4. High risk jurisdiction % _____</p> <p>Number of transactions    _____</p>

		Average value _____  5. Other % _____ Please provide details: _____ Number of transactions _____ Average value _____
10	Average value of transactions	_____
11	Average value of transactions conducted in cash	_____

#### D. Customer breakdown

12	Total number of customers	_____
13	Please include figure as percentage of total customers during accounting period.*	Business relationships % _____ Single transaction customers % _____ Owner occupiers % _____ Companies % _____ Foreign nationals % _____
14	Average number of transactions per customer (number of transactions divided by number of customers)	_____
15	Percentage of transactions entered into by customer on behalf of UBO:	_____
16	Number of Politically Exposed Persons (PEPs) identified?	_____

\* The percentage for these sections may exceed 100%.

In relation to the information provided in section C and D above I hereby confirm that:

1. The above figures are true, accurate and not misleading and take into account all of the relevant payments received by the business during the reporting period;
2. An appropriate AML/CFT risk assessment has been carried out on the customer(s) making each payment and that the risk assessment did not reveal a risk of money laundering or terrorist financing;
3. Appropriate customer due diligence has been carried out on the customer(s) making each payment; and
4. Appropriate records are kept in relation to each of these payments as required by the OFT's REA Guidance Notes and that these are available for inspection by the OFT.



**E. Employee referrals and Suspicious Activity Reports during reporting period**

17	Number of transactions referred by staff to the MLRO	
18	Number of Suspicious Activity Reports submitted to the GFIU	

**F. Transactions/payments rejected during reporting period**

19	Number of payments rejected due to AML/CFT concerns	
20	Reasons for rejected payments: a) customers regarded as high risk; b) customers did not provide due diligence; and c) other (please provide details below): _____	_____ _____ _____

In relation to the information provided in Sections E and F above I hereby confirm that:

1. The business’s employees have received appropriate training in relation to AML/CFT matters as required under the OFT’s REA Guidance Notes;
2. The business’s employees are aware of the businesses obligations under the Proceeds of Crime Act 2015;
3. The business’s employees are acquainted with the business’s AML/CFT protocols and procedures regarding cash transactions and know who the Nominated Officer is; and
4. Appropriate records of all AML/CFT risk assessments in relation to each Suspicious Activity Report submitted to GFIU are kept and are available for inspection by the OFT.

**Signature**

Money Laundering Reporting Officer

I hereby confirm that this Annual Report has been prepared to the best of my knowledge and ability and that the information contained herein is correct, accurate and not misleading.

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Business Director/Manager (delete as appropriate)

I hereby confirm that the information contained in this annual report is, to the best of my knowledge, correct, accurate and not misleading.

Name: \_\_\_\_\_

Date: \_\_\_\_\_

Please submit the completed and signed Annual Return to the OFT:

1. by e-mail to: [aml.oft@gibraltar.gov.gi](mailto:aml.oft@gibraltar.gov.gi); or



G I B R A L T A R

2. by post to:  
Office of Fair Trading  
Suites 975  
Europort; or
3. by hand at the OFT's public counter.