

# Self-Certification for Trusts



BROOKS MACDONALD

## Self-certification for Trusts

### For the purposes of the Automatic Exchange of Financial Account Information

**All Trusts must complete sections A, B, C, D and F and may also need to complete section E and/or the Annex.**

Financial Institutions are required under UK law to review and collect details of accounts held by all Account holders and to report details about US persons and those who are tax resident outside the UK. Brooks Macdonald Asset Management has to ascertain whether there are any reportable US persons (Section C) or other reportable non-UK tax residents (Section E).

**Please refer to the accompanying Explanatory Notes and Glossary and/or contact your tax adviser to help complete this form.**

If the Trust is resident in the United States you must instead complete and return IRS (Internal Revenue Service) form W-9.

### Section A: Trust information

Trust name:

Address:

Postcode:

Country:

### Section B: Trust tax residency

Please indicate the country in which the Trust is resident for tax purposes and the relevant Tax Identification Number or Equivalent Tax Reference Number

Country of tax residency

Tax Identification Number (TIN)  
or equivalent Tax Reference Number

Please tick if no TIN or  
Tax Reference Number

If you ticked the 'No TIN' box, please explain below why you do not have a TIN:

### Section C: Trust classification for the purposes of FATCA

Under FATCA, any non-US Trust will either be:

- a Financial Institution (FI), in which case only complete Section C.1(a) or C.1(b) below, or
- a Non-Financial Foreign Entity (NFFE/NFE)\*, in which case only complete Section C.2 below

\* For the rest of this form 'NFFE' will be referred to as 'NFE' (Non-Financial Entity), the term used in the CRS (see Section D below).

**C.1 The Trust is a Financial Institution:**

(a) please provide a Global Intermediary Identification Number (GIIN)

GIIN:     |   |   |   |   |   /   |   |   |   |   |   /   |   /   |   |   |

Please confirm whether it is the GIIN of the Trust or of the Corporate Trustee FI/Sponsoring FI. In the case of a Corporate Trustee FI or Sponsoring FI, please provide the name of the Entity:

Trust

Corporate Trustee FI/Sponsoring FI

Name of Corporate Trustee FI/Sponsoring FI

**If you have completed Section C.1 (a) above please complete Section D, Section E if applicable and then proceed to Section F.**

(b) If unable to provide a GIIN, please give a reason by ticking one of the boxes below:

- i) The Trust is or intends to be an ‘Owner-Documented FI’ with Brooks Macdonald Asset Management\*
- ii) The Trust is a ‘Certified or otherwise Deemed Compliant FI’ (e.g. UK registered charitable Trust)
- iii) The Trust is an ‘Exempt Beneficial Owner’
- iv) The Trust is a ‘Non-Participating FI’
- v) other reason (*please specify*)

\* Please note that Owner-Documented FIs are only allowed under FATCA and not under CRS.

**If you have completed section C.1(b) above please complete Section D, Section E if applicable and then proceed to section F.**

**In addition, if you have indicated that the Trust is an ‘Owner-Documented FI’ please also complete the Annex.**

**C.2 The Trust is NOT a Financial Institution**

If the Trust is not an FI, it will be considered to be an NFE. It can be an Active, Passive, Direct Reporting or Sponsored Direct Reporting NFE.

**Please note that the concepts of a ‘Direct Reporting NFE’ and a ‘Sponsored Direct Reporting NFE’ are only applicable to FATCA and do not apply to the CRS.**

If you are unsure of the status of the Trust, please contact your tax adviser.

**Active NFE** – please complete Section D and then proceed to Section F

**Passive NFE** – please complete Section D, Section E and then proceed to Section F

**Direct Reporting NFE** – please provide the NFE’s GIIN and complete Section D and then proceed to Section F

**Sponsored Direct Reporting NFE** – please provide the GIIN of the NFE’s Sponsoring Entity and complete Section D and then proceed to Section F

GIIN:     |   |   |   |   |   /   |   |   |   |   |   /   |   /   |   |   |

**Section D: Trust classification for the purpose of the common reporting standard (CRS)**

Please tick one of the boxes below:

**Managed Investment Entity** – if you tick this box, please proceed to Section E if applicable and then proceed to Section F

**Financial Institution (other than a Managed Investment Entity)** – if you tick this box, please proceed to Section F

**Non-Reporting Financial Institution** – if you tick this box, please proceed to Section F

**Active NFE** – if you tick this box, please proceed to Section F

**Passive NFE** – if you tick this box, please proceed to Section E and then proceed to section F

**Section E: Controlling persons self-declaration of tax residency**

Please complete this section **only** if

- i. you have declared the Trust to be a 'Passive NFE' in Sections C or D, **or**
- ii. the Trust is a Managed Investment Entity tax resident in a jurisdiction that is not a Participating Jurisdiction (see Glossary)

Please could you list below each controlling person\*, confirming ALL countries of tax residency and ALL Tax Identification Numbers for EACH controlling person. If a controlling person is a US citizen, US Green Card holder, or US resident, you must include United States in this table along with his/her US Tax Identification Number.

\*A 'controlling person' is defined as a natural person who exercises control over an Entity. In the case of a Trust this will mean the Settlor, the Trustees, the Protector (if any), the Beneficiaries (where they are entitled to a vested interest in at least 25% of Trust property) and any other natural person exercising ultimate control over the Trust.

Full Name	Type of Controlling Person	Country of Tax Residency	Permanent Residence Address	Tax Identification Number	Country of birth	Date of birth (DD-MM-YY)
		<i>(do not abbreviate)</i>	<i>(including postcode and country)</i>			

**Please attach additional sheets if necessary.**

**Section F: Declarations (to be completed by all Trusts)**

1. I declare that the information provided in this form is, to the best of my knowledge and belief, accurate and complete.
2. I undertake to advise Brooks Macdonald Asset Management promptly of any change in circumstances which causes the information contained herein to become incorrect or incomplete and to provide Brooks Macdonald Asset Management with an updated declaration within 30 days of such a change in circumstances.
3. I am aware that in certain circumstances Brooks Macdonald Asset Management will be obliged to share this information with UK tax authorities, who may pass it on to other tax authorities.

Trustee

Signature:  Date:

Full name:

Trustee

Signature:  Date:

Full name:

## Annex

**Please only complete if you are an Owner-Documented FI**

**Please note that the concept of ‘Owner-Documented FI’ is only applicable to FATCA and not to the CRS.**

### Section A: ‘Owner-Documented FI’ with Brooks Macdonald Asset Management

This section must be completed by any Trust that declares in Section C.1.b) (i) to be an FI and intends to be an ‘Owner-Documented FI’ with Brooks Macdonald Asset Management.

UK legislation based on international information exchange agreements provides that a Trust which qualifies as an ‘Owner-Documented FI’ will not have to register with the IRS nor obtain a GIIN.

### Section A: Qualification for Owner-Documented FI status

In order to qualify as an Owner-Documented FI, the Trust must meet **all** of the conditions in Section A. To confirm that the Trust meets the requirements to qualify as an Owner-Documented FI please answer the following three questions by ticking either Yes or No:

- |     |    |   |
|-----|----|---|
| Yes | No | 1. The Trust does not maintain a financial account for any Non-Participating Financial Institution i.e. a Non-Participating FI does not hold an equity interest or debt interest in the Trust.                                    |
| Yes | No | 2. The Trust is not owned by, nor a member of, a group of Related Entities with any FI that is a depository, custodial or specified insurance company as defined in UK legislation.   |
| Yes | No | 3. The Trust provides Brooks Macdonald Asset Management (i.e. the reporting entity) information regarding <b>ALL</b> persons – both natural and legal persons – that hold direct or indirect equity or debt interest in the Trust |

Information regarding equity and debt holders of the Trust is required in order to enable Brooks Macdonald Asset Management to determine whether it is obliged to submit certain information regarding the Trust account to UK tax authorities. The information required to be provided to Brooks Macdonald Asset Management applies to:

- all beneficial owners of all or a portion in the Trust
- all beneficiaries that are entitled to receive directly or indirectly a mandatory distribution from the Trust
- all beneficiaries that received a discretionary distribution from the Trust in the calendar year
- all settlors, Trustees and all persons exercising ultimate effective control over the Trust
- all persons that hold a direct or indirect debt interest in the Trust (including direct or indirect equity interests in a debt holder of the Trust)

**Only where all responses to the questions in Section A are Yes will the Trust qualify for Owner-Documented FI status and you may proceed to Section B of this Annex. Otherwise please refer to your tax adviser for instruction.**

# Annex

## Section B: Trust Owner Information

Please provide information regarding the Trust owners as required by Section A.3 of this Annex. Include all persons – both natural and legal persons – that hold direct or indirect equity or debt interest in the Trust as defined above. Indicate all countries of tax residence of each person and where such person is a US citizen, US Green Card holder, or US resident or US entity, you must include United States in this table along with his/her US Tax Identification Number.

Note that additional information may be required by Brooks Macdonald Asset Management and this may include appropriate documentation already obtained for UK regulatory purposes. Nevertheless Brooks Macdonald Asset Management may be obliged to request further documentation from you.

Please complete the table below.

### Trust Owner Information: Direct/Indirect Owners

Please provide the following information for each direct and indirect owner that holds equity/debt interests in the Trust and indicate if the owner is an individual or an Entity.

Where an owner of the Trust is itself an Entity, the owners of that Entity are 'indirect' owners of the Trust. The identification of indirect owners must be made by looking through all direct and indirect owners who are themselves Entities.

Name of Owner	Are you an Individual/Entity?	Country of Tax Residency <i>(Do not abbreviate)</i>	Permanent Residence/Registered Address <i>(including postcode and country)</i>	Tax Identification Number	Country of birth/ Country of organisation	Date of birth Incorporation <i>(DD-MM-YY)</i>
	Individual					
	Entity					
	Individual					
	Entity					
	Individual					
	Entity					
	Individual					
	Entity					

**Please attach additional sheets if necessary.**

## Annex

### Section C: Declaration

1. I declare that the information provided in this form is, to the best of my knowledge and belief, accurate and complete.
2. I undertake to advise Brooks Macdonald promptly of any change in circumstances which causes the information contained herein to become incorrect or incomplete and to provide Brooks Macdonald with an updated declaration within 30 days of such a change in circumstances. **This includes in particular details of beneficiaries who receive a discretionary distribution in future and whose details have not yet been included in Section B: 'Trust Owner Information' above.**
3. I am aware that in certain circumstances Brooks Macdonald will be obliged to share this information with UK tax authorities, who may pass it on to the tax authorities of other countries.
4. I am aware that this Owner-Documented FI (ODFI) Agreement is only applicable to the reporting of US persons under FATCA regulations and therefore the Trust remains responsible for meeting any reporting obligations under the CRS regulations.

Trustee

Signature:  Date:

Full name:

Trustee

Signature:  Date:

Full name: