



Registration of Labuan Foundation and the Importance of Due Diligence

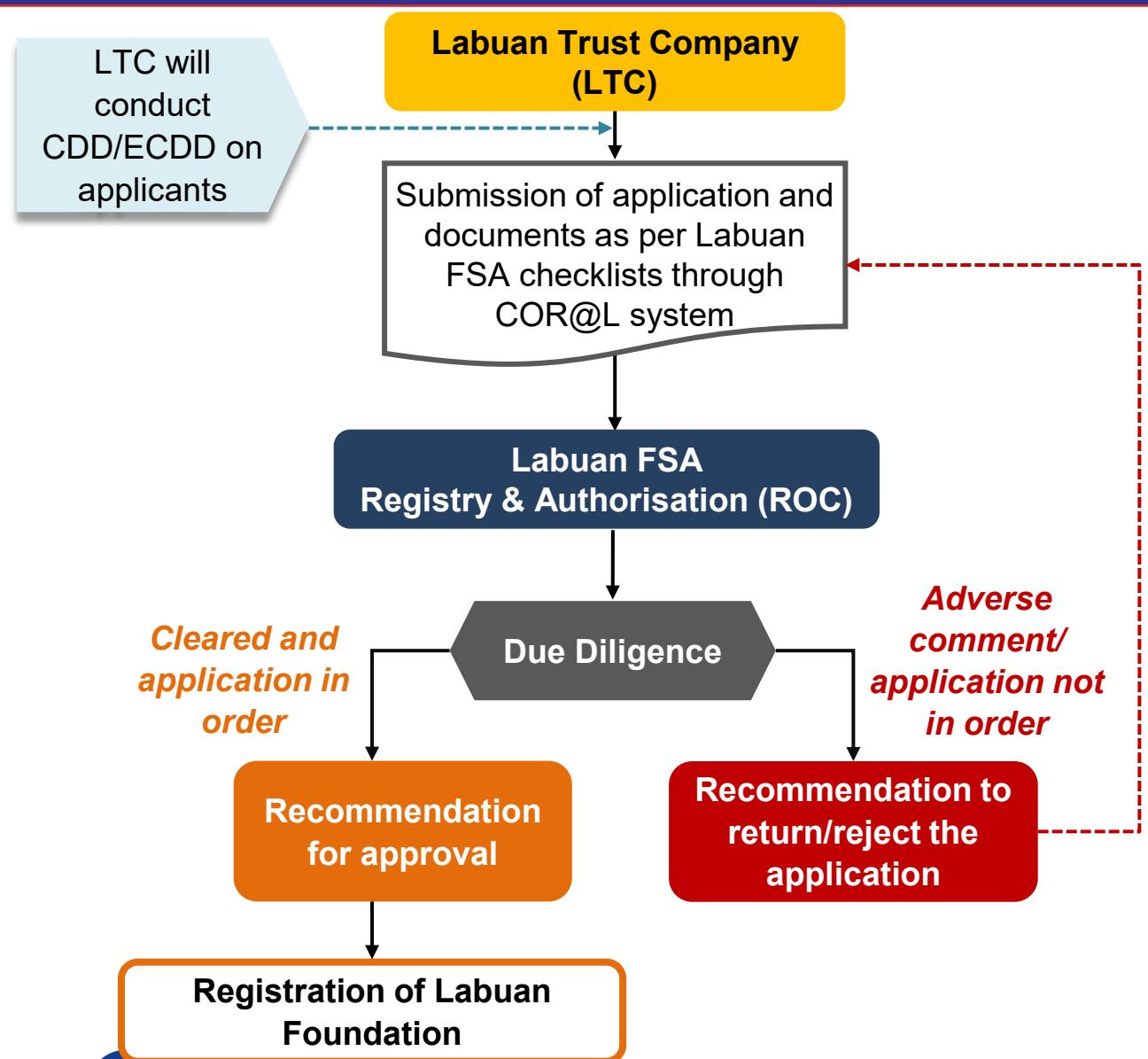
Registration of Company

17 December 2024



REGISTRATION OF LABUAN FOUNDATION

Application Process for Registration of Labuan Foundation through ROC



Application for registration shall be submitted by an approved Labuan Trust Company through the Labuan FSA COR@L system.

The application form shall consist, but not limited to the following information/ documents:

- i. Form 1 (Conventional)/ Form 8 (Islamic/Waqf): Application for registration of Labuan foundation
- ii. Form 2 (Conventional)/ Form 9 (Islamic/Waqf): Declaration by a Labuan trust company as secretary
- iii. Copy of the foundation's charter
- iv. Profile of individual/ person involved in the foundation
- v. Statutory declarations
- vi. Other supporting documents which applicable

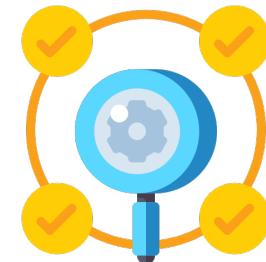
Application Process for Registration of Labuan Foundation through ROC

Upon receipt of application, Labuan FSA will:

1. Check the completeness of documents and information as required under S14(1) of LFA.
2. Conduct the following CDD process on the individual involved i.e. founder(s), council member(s), officer(s), supervisory person(s), shariah advisor(s) and beneficiary(ies) but not limited to:
 - I. Conduct financial & security vetting
 - bankruptcy - Malaysian Department of Insolvency
 - Royal Malaysia Police Department.
 - II. Conduct World-Check and KYC360⁰ screening.



ECDD checking will be performed on applications from high-risk jurisdictions or politically exposed person (PEP)



Common findings on the submission:

1. Charter provided does not comply with the Guidelines and LFA 2010
2. Inconsistent information on documents submitted
3. Incomplete application form and/or documents

World-Check Screening



LSEG

Name		✓ Jho Low	[alias] LOW,Jho		
KEY DATA	FURTHER INFORMATION	ALIASES	KEYWORDS	CONNECTIONS / RELATIONSHIPS	SOURCES
FURTHER INFORMATION	Language Original Language ▾			Show all Updated Dates ⓘ <input checked="" type="checkbox"/> off	World-Check
ADDITIONAL COMMENTS Report subject has notified World-Check that the charge sheet (i) fails to detail the required predicate offenses to the money laundering allegations; (ii) fails to state the maximum possible sentence for the offense in accordance with the Malaysian Criminal Procedure Code; (iii) was not released to report subject or his attorneys. World-Check cannot verify this information within the public domain. Further details should be sought directly from the report subject.					
ADDITIONAL COMMENTS Report Subject has notified World-Check that due to ongoing proceedings relating to 1MDB he is not able to publicly comment on any of the specific allegations and/or within the source articles. He has repeatedly and publicly stated his innocence in relation to the various allegations. The bond offerings detailed in the investigations were undertaken openly and lawfully between experienced, well regulated financial institutions and government entities. Further details should be sought directly from the report subject.					
ADDITIONAL COMMENTS Report Subject has notified World-Check that the Malaysian charges brought in absentia and without any details being submitted to him are no more than a cover story to deflect media and political reprisals by the Mahathir regime. He is unable to submit to any jurisdiction where guilt has been predetermined by politics and there is no					

Matches

JHO LOW Watch or Black Listed

Overview Aliases (5) Details Related (24) Comments

Type: Person Match: 100%

Citizenship:	Cyprus	Date of Birth:	04 Nov 1981
Citizenship:	Malaysia	Gender:	Male
Country of Reported Allegation:	Kuwait		
Country of Reported Allegation:	Malaysia		
Country of Reported Allegation:	Singapore		
Country of Reported Allegation:	United States		
Resident of:	Not Known		



Watchlist Entries

MAS (Singapore) Enforcement Actions > Effective: 08 Jun 2018 ongoing
MAS (Singapore) Media Releases > Effective: 21 Jul 2016 ongoing
US Department of Justice FCPA Related Enforcement Actions > Effective: 03 Oct 2018 ongoing

Notes

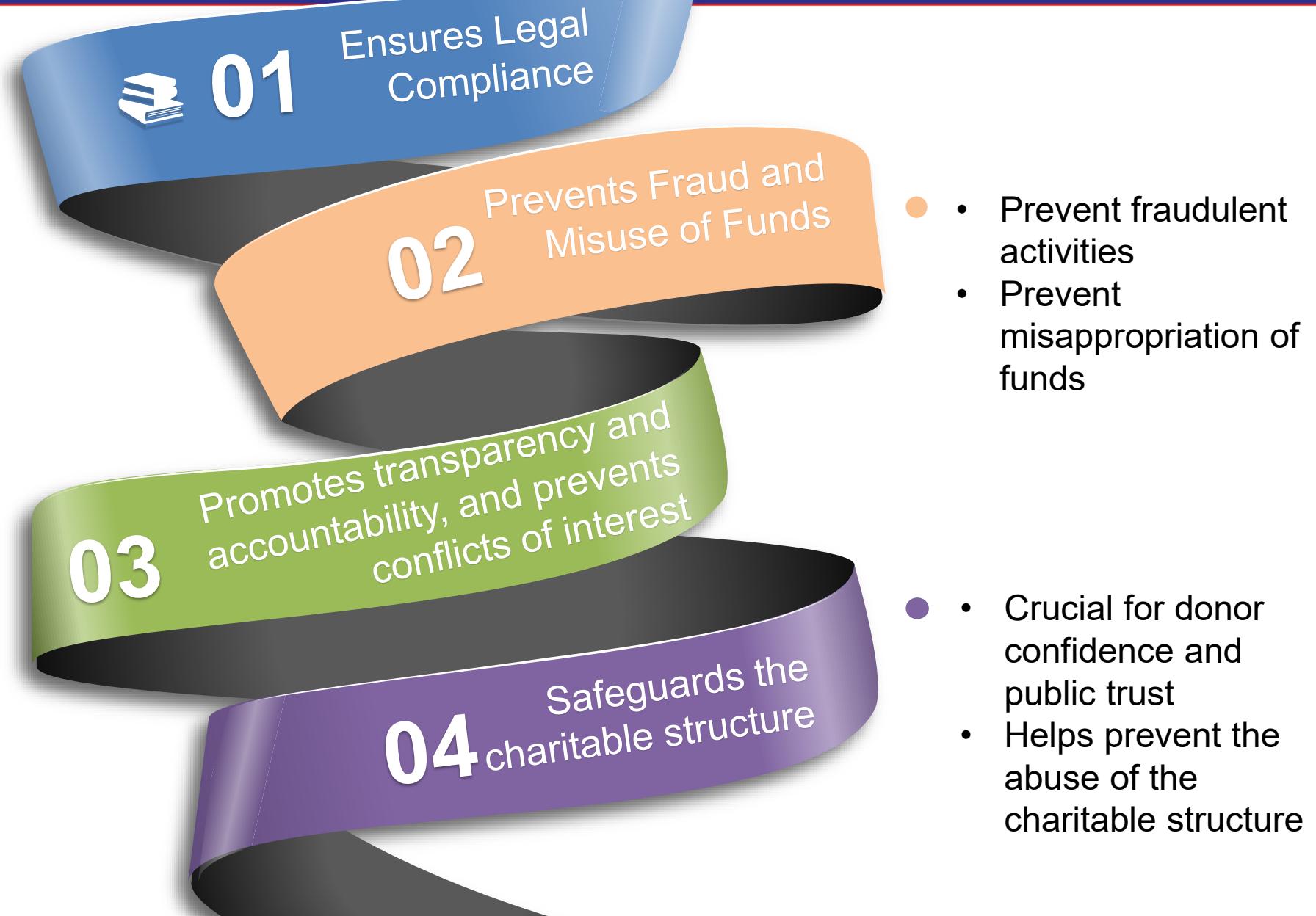
Last Review Date Details:
Watchlist Last Reviewed Date: 09-Jul-2024

Record Status:
Watchlist Status: Active

KYC360⁰ Screening

Importance of Customer Due Diligence

- Comply with laws and regulations
- Purpose for charitable causes
- Management is fit and proper
- Foundation is run in a transparent and unbiased manner



Operational Requirements of Labuan Foundation

Roles and Responsibilities of the Labuan Trust Company Appointed as the Secretary to the Labuan Foundation

1. All submissions must be filed through the foundation's secretary.
 - shall within thirty days after the change, or such further period as the Authority may on application allow (S17(1) of LFA)
 - Form 4 – Notice of changes of particulars of registration of a Labuan Foundation
 - Form 8 – Notice of disqualification of a Labuan Foundation
 - Form 9 – Notice by officer/secretary of cessation of service
 - ensuring the validity, veracity, and authenticity of submissions (S43(3) of LFA)
 - maintain and timely update all records, including verifying the identity of persons on behalf of whom the founder is acting.
2. Submit bi-annual activity reports for the representative office.
3. Beneficiary ownership (BO) submission through <https://pearl.labuanfsa.gov.my>

Non-Compliance Penalty for Labuan Foundation

No	LFSA Business Service	Filing Fee	Penalty Fee			
			due day+1(31 days) - 90 days	91 - 180 days	181 – 360 days	over 360 days
1.	Change the Name of a Labuan Foundation / Islamic Foundation	100				
2.	Change in particulars of Labuan Foundation / Islamic Foundation - Add or Maintain on: <ul style="list-style-type: none"> • Registered Office Address, General details • Officer, Secretary Details • Beneficiary, council member 	0				<ul style="list-style-type: none"> • A penalty fee will be imposed if the submission is made more than 30 days after the changes or less than 30 days in the future, depending on the type of submission • For further information, please liaise directly with ROC's officers.
3.	Cease an Officer / Secretary of a Labuan Foundation/ Islamic Foundation	0				
4.	Annual fee	200				
5.	Restore a Labuan Foundation / Islamic Foundation	200	N/A	N/A	N/A	N/A

THANK YOU

www.labuanfsa.gov.my

Disclaimer

The information contained herein is of a general nature and should not be regarded as offering a complete explanation of the business of Labuan IBFC or Labuan FSA.