

BVI & Cayman Funds - Comparison Overview

	BVI	CAYMAN
Entities	BVI Business Company (including Segregated Portfolio Companies) International Limited Partnership Unit Trust	Exempted Company (including Segregated Portfolio Companies) Exempted Limited Partnership Unit Trust
Regulatory Statute	Securities and Investment Business Act	Mutual Funds Law
Classes of open-ended funds available	Public Fund Professional Fund Private Fund	Licensed Fund (s.4 (1) (a)) Administered Fund (s.4 (1) (b)) Registered Fund (s.4 (3)) Exempt Fund (s.4 (4))
Manager Licences/Exemptions	Fund Management Licence Approved Manager Status	Exempt Manager under Schedule 4 of the Securities Investment Business Law (SIBL) SIBL Licensed Manager
Administrator Licences	Fund Administrator Licence	Restricted Mutual Funds Administrators Licence Mutual Funds Administrators Licence
Advisors Licences/Exemptions	Fund Advisors Licence/No exempted status available	Exempted Advisor (SIBL) Licensed Advisor (SIBL)
Overseas Functionaries	Pre-approved by the FSC if in a recognised jurisdiction	No pre-approved jurisdiction list for overseas functionaries
Bearer Shares	Required to be deposited with Authorised or Recognised Custodian	Required to be deposited with Authorised or Recognised Custodian

AML	BVI AML regime compliance required unless delegated to an Administrator in an AML recognised jurisdiction	Cayman AML regime compliance required unless undertaken by the fund's administrator resident in a Schedule 3 country
Publicly available documents/information	<ul style="list-style-type: none"> - Certificate of Incorporation - Certificate of Change of Name - Memorandum and Articles of Association - Names of Recognised/Registered Funds - Certificate of Good Standing - Confirmation of Recognition/Registration - Any voluntarily filed register (directors, shareholders, charges) - High Court search for active proceedings 	<ul style="list-style-type: none"> - Registered Office - Address and Name of the Company - Confirmation of whether "Active" or "Struck-Off" - Grand Court search for active proceedings
Audit	Audit required for all regulated funds, administrators and most managers (unless exemption obtained from the FSC), but no local audit requirement	Local Audit required for all regulated funds, licensed administrators and licensed managers
Reporting/Document production to Regulator	<p><u>All regulated funds:</u></p> <ul style="list-style-type: none"> - offering document and updates - fund Annual Report - all functionaries identified - Directors identified - Auditors identified (unless exemption obtained from the FSC) - Memorandum and Articles 	<p><u>All regulated funds:</u></p> <ul style="list-style-type: none"> - offering document and updates - fund Annual Report - all functionaries identified - Directors identified - Auditors identified - Memorandum and Articles

EUSD	All regulated funds outside the scope of the BVI implementing legislation, except for “restricted” Public Funds	All regulated funds other than Licensed Funds (s.4 (1) (a) funds) are out of scope of the British and Irish implementing legislation by reason of those funds not being UCITS equivalent
Set-up Time	Incorporations: 1 day Licensing of funds: Private/professional: 3-5 days Public: 6-10 weeks Licensing managers/administrators: 6-10 weeks Approved Managers: 7 days	Incorporations: 1 day Registered 4 (3) funds: 5 days Licensed funds: 4-6 weeks Administered funds: N/A Managers exemption: 3-5 days Administrators licence: 4-6 weeks
Currency	Multi-currency acceptable	Multi-currency acceptable
Investment Restrictions?	None	None
Statutory Merger	Yes	Yes
Tax	No income, capital gains or corporation taxes	No income, capital gains or corporation taxes and 20 year undertaking available
Amending Constitution (Companies)	Require shareholder or director resolution (where authorised) to amend Memorandum and Articles of Association	Require special resolution of shareholders to amend Memorandum and Articles of Association
Managers	BVI licensed managers, BVI approved managers and managers from recognised jurisdiction preferred	No licensing of Cayman managers if exemption applies (SIBL), no recognised jurisdiction concept

Administrators	BVI licensed administrators and administrators from recognised jurisdictions preferred		No requirement for local administrators Cayman administrators licensed under Mutual Funds Law		
Advisors	No licensing requirements		No licensing if exemption applies (SIBL)		
Custodians	Custodian required (unless exemption obtained from the FSC)		No custodial requirements		
Government Fees (US\$)	Company:	\$350-\$1,100 ¹	Company:	\$732 -\$3,010 ¹	
Corporate Fees	Registration	Annual Fee:	\$350-\$1,100 ¹	Annual Fee:	\$732
		ILP:	\$500	ELP:	\$1220
		SPC:	Application fee: \$1000 + \$250 per SP	SPC:	Application fee: nil
			Establishment fee: \$1000 plus \$100 per SP up to a \$10,000 maximum		Establishment fee: \$1,342 – \$3,620 ¹
			Annual fee: \$1,000 plus \$100 per SP up to a \$10,000 maximum		Annual fee: \$3,171 - \$5,449 + plus \$366 per SP up to a \$1,830 maximum
Annual Regulatory Fees (US\$)	Public Fund:	Application fee: \$1,000 Registration fee: \$1,500	Licensed Fund:	\$3,660 ²	
Registration / Licensing			Administered Fund:	\$3,660 ³	
			Master Fund:	\$3,000 ⁴	
	Professional	Application fee:	Registered	\$3,660 ⁵	

	Fund:	\$700 Recognition fee: \$1,000	Fund:	
	Private Fund:	Application fee: \$700 Recognition fee: \$1,000	Exempt Fund:	\$0
	Managers:	Application fee: \$1,000 (for a manager of a regulated fund) Licence fee: \$1,500 (for a manager of a regulated fund)	Exempt Manager:	\$4,270
	Approved Managers:	Application fee: \$1,000 Annual fee: \$1,500		

FURTHER INFORMATION

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¹ Fee is dependent on authorized share capital.

² For Cayman SPCs there is an additional regulatory fee of \$305 per segregated portfolio (SP) up to a maximum of \$7,622 (25 SPs).

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⁴ A master fund is required to be registered if it has one or more regulated feeder funds (being a regulated mutual fund that conducts more than 51% of its investing through another mutual fund). Additionally, for Cayman SPCs there is an additional regulatory fee of \$305 per segregated portfolio (SP) up to a maximum of \$7,622 (25 SPs).

⁵ For Cayman SPCs there is an additional regulatory fee of \$305 per segregated portfolio (SP) up to a maximum of \$7,622 (25 SPs).