

Obligations and Filing Deadlines for Registered Cayman Islands Investment Funds

Cayman Islands entities, particularly registered mutual funds and private funds, are reminded of certain regulatory obligations and filing deadlines, as the 2023 half-year end approaches.

Audited Accounts and Funds Annual Return for Mutual Funds and Private Funds

Entities registered with the Cayman Islands Monetary Authority ("CIMA" or the "Authority") as mutual funds or private funds under the Mutual Funds Act (As Revised) or the Private Funds Act (As Revised), respectively, are required to submit their audited accounts, along with the Fund Annual Return ("FAR") to the Authority within six months of the end of each financial year or within such extension of that period as the Authority will allow. All funds registered with the Authority with a 31 December financial year end must therefore file their audited accounts and FAR in respect of the financial year ending 31 December 2022 **by 30 June 2023**.

The FAR form is published on the Authority's website and a mutual fund's or private fund's local auditor must submit the required return through the Authority's REEFS web portal. In addition, a mutual or private fund is required to pay a FAR fee to the Authority in the amount of CI\$300 (US\$365.85). Administrative fines may be levied against mutual funds, private funds and / or their

operators for the failure of a mutual fund or private fund, as applicable, to have its accounts audited annually by an auditor approved by and submitted to the Authority within six months of the mutual fund's or private fund's financial year end.

Our Accounting, Tax & Agency Services team can provide FAR services that include on-boarding, assistance with FAR preparation, and ongoing feedback and consultation on completing the FAR. The team can also submit the approved FAR directly to CIMA through their portal or provide it to the fund's auditor for filing. In addition, payment of the CIMA filing fees can be coordinated on behalf of the fund. A stand-alone filing service is also available if assistance with preparation is not required.

Audit Exemptions and Extensions

If a mutual fund's first financial year end has passed, but it has not yet launched and has not accepted any subscriptions such that it does not wish to prepare audited accounts, it must apply to the Authority for an exemption from the requirement to file audited accounts in respect of that financial year.

A private fund is not required to prepare and file audited accounts until capital contributions have been drawn for the purposes of investment, but it must file a declaration with the Authority within six months after the end of the private fund's financial

year confirming that no capital contributions have been drawn from investors for the purposes of investment.

If an entity is not able to meet the six month deadline for filing its audited accounts, it should apply to the Authority for an extension to the deadline (prior to the fund's audit filing deadline). The Authority will generally consider granting extensions to the filing deadline on a monthly basis, up to a maximum of three months following the original audit filing deadline. A second or third extension request must be supported by a letter from the fund's auditor explaining in detail the reasons for the delay.

CRS and FATCA Reporting Deadline

The deadline for the submission of 2022 CRS and FATCA reports (including any reportable accounts and / or CRS filing declarations) is **31 July 2023**.

By way of reminder, each Cayman Islands Reporting Financial Institution ("FI") generally has an obligation to:

- (a) register on the Cayman Islands DITC Portal ("DITC Portal") notifying the Cayman Islands Department of International Tax Co-operation ("DITC") of its status as a 'Reporting FI';
- (b) establish policies and maintain procedures (which need to be in writing for CRS purposes) to identify whether any of its accounts are considered 'Reportable Accounts';
- (c) report information on such Reportable Accounts to the DITC, which will then forward the information to the respective foreign fiscal authorities in the relevant jurisdictions; and

- (d) (only under the CRS) file a CRS Compliance Form with the DITC annually.

'Non-Reporting Financial Institutions' are also required to notify the DITC of their status under the CRS. The CRS Filing Declaration constitutes a NIL Return, as it indicates the FI has not submitted any Account Reports for that FI. NIL Returns are mandatory under CRS for each Reporting FI and must be submitted annually via the DITC Portal.

Failure to comply with any CRS and FATCA reporting requirements, including the submission of a CRS Return or NIL Return, is an offence.

CRS Compliance Form

All FIs, including Trustee Documented Trusts, are required to file a CRS Compliance Form in respect of the 2022 reporting period on or before **15 September 2023**. Failure to file a CRS Compliance Form is an offence.

The CRS Compliance Form can be completed using the online smart form on the DITC Portal or in a bulk CSV upload. If you require assistance with the CRS Compliance Form, please reach out to your normal Maples Group contact or contact us via our dedicated CRS Compliance Form email crsclientqueries@maples.com.

Regulatory Calendar and 15/15 Regulatory Podcasts

For key annual filing dates applicable to all Cayman Islands entities, please refer to our *Regulatory Calendar*¹ and our complimentary *15/15 Regulatory Podcasts*², covering the latest monthly Cayman Islands regulatory developments.

¹ <https://maples.com/en/services/legal-services/regulatory-and-financial-services-advisory>

² <https://maples.com/15-15>

Further Assistance

If you need additional advice relating to your year-end or ongoing regulatory compliance obligations, please contact us. We would be pleased to assist.

Cayman Islands

Michael Richardson

+1 345 814 5532

michael.richardson@maples.com

Christopher Capewell

+1 345 814 5666

chris.capewell@maples.com

Sheryl Dean

+1 345 814 5294

sheryl.dean@maples.com

Julian Ashworth

+1 345 814 5413

julian.ashworth@maples.com

Dubai

Philip Ireland

+971 4 360 4073

philip.ireland@maples.com

London

Harjit Kaur

+44 20 7466 1655

harjit.kaur@maples.com

Sophie Whitcombe

+44 20 7466 1681

sophie.whitcombe@maples.com

Hong Kong

Matt Roberts

+852 3690 7405

matt.roberts@maples.com

Singapore

Michael Gagie

+65 6922 8402

michael.gagie@maples.com

Nick Harrold

+65 6922 8424

nick.harrold@maples.com

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