

提示简报

Single Family Offices – Regulation under the Securities Investment Business Law

单一家族办公室 - 由《证券投资业务法》管制

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Until recently, single family offices (SFOs) have fallen within Schedule 2A of the Securities Investment Business Law (SIBL) as a category of “non-registrable person” meaning that they do not require registration with, and oversight by, the Cayman Islands Monetary Authority (CIMA).

For this purpose, “single family office” means a legal entity or legal arrangement formed in the Islands by a single family to conduct securities investment business for or on behalf of that single family where:

- (a) the securities are not beneficially owned by a third party; and
- (b) the legal entity or legal arrangement does not hold itself out to the public as conducting securities investment business for any person except members of the single family.

“Single family” in this context means an individual or a group of individuals who are connected in at least one of the ways set out in Schedule 4A of SIBL (which included various kinds of family relationships such as spouses, parents, brothers and sisters, descendants etc).

Following discussions between the Ministry of Financial Services and CIMA, consideration of the recommendations of the Financial Action Task Force in respect of securities investment business, and comments received from industry members, it was decided that it would be necessary to require SFOs to be prudentially regulated by CIMA. Accordingly, the exemption for SFOs has been repealed by the Securities Investment Business ([Amendment of Schedule 2A and Repeal of Schedule 4A](#)) Order, 2020 which was gazetted on 20 August 2020. The effect of this is that SFOs will be required to be regulated under SIBL if they are conducting securities investment business by virtue of one of the activities provided in Schedule 2 of the SIBL which are, subject to certain exemptions, dealing in or arranging deals in securities; managing securities or advising on securities; marketing,

直到最近为止，单一家族办公室（SFO）一直作为“不可注册人员”类别列在《证券投资业务法》（SIBL）附表 2A 中，意味着 SFO 无需向开曼群岛金融管理局（CIMA）注册，也不受其监督。

为此，“单一家族办公室”指的是由某个单一家族在开曼群岛设立的法人实体或法律安排，目的是为该单一家族或代表该单一家族从事证券投资业务，其中：

- (a) 证券非第三方实益拥有；以及
- (b) 法人实体或法律安排不在公众面前表现其为单一家族成员以外的任何人开展证券投资业务。

在此情况下的“单一家族”是指某个人或按照 SIBL 附表 4A 所列的至少其中一种方式关联的一组人（其中包括各种家庭关系，例如配偶、父母、兄弟姐妹、后代等）。

在金融服务部与 CIMA 进行了讨论、对金融行动特别工作组有关证券投资业务的建议进行了考量以及收到了行业成员的意见之后，决定有必要由 CIMA 对 SFO 进行审慎监管。因此，《2020 年证券投资业务（[修订附表 2A 及废除附表 4A](#)）令》废除了对 SFO 的豁免，这于 2020 年 8 月 20 日在报上刊登。其结果是，如果 SFO 通过 SIBL 附表 2 中提供的其中一项活动从事证券投资业务，则必须接受 SIBL 管制。除某些豁免外，这些活动是指从事或安排证券交易；进行证券管理或证券咨询；营销、管理或保管与欧盟有关的基金。

managing or acting as depositary of an EU connected fund.

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