

Guide to Anti-Money Laundering Services Provider

Application Process

Glossary

Amendment	Proceeds of Crime (amendment No.6) (Jersey) Law 2022
<i>AML/CFT/CPF Handbook</i>	Handbook for the prevention and detection of money laundering, the countering of terrorist financing, and the countering of proliferation financing. May also be referred to as “the Handbook” or “this Handbook”.
AMLSP	Anti Money Laundering Services Provider
AMLSP Appointment to Relevant Person Workbook	Application to be completed by an AMLSP including details of schedule 2 businesses who are its customers (that are eligible to use the AMLSP services) who are relevant persons on whose behalf the AMLSP is submitting an application to register under the Supervisory Bodies Law.
AMLSP Key Person Application Workbook	Application to be completed by TCB/FSB, who is eligible and wants to be an AMLSP, which includes details of the key persons it is proposing be appointed to customers using its AMLSP services.
AMLSP MLCO	AMLSP Direct Customer MLCOs
AMLSP MLRO	AMLSP Direct Customer MLROs
AMLSP Workbooks	Collectively the AMLSP Key Person Application Workbook and the AMLSP Appointment to Relevant Person Workbook

Article 9A (4) Notice	A Notice Issued under Article 9A(4) of the Money Laundering Order.
Article 10 Notice	A Notice issued under Article 10 of the Money Laundering Order.
Guidelines	Means guidelines issued by the JFSC on the interpretation of any provision in schedule 2, including any expression used in Schedule 2 in accordance with Article 36 (2) of the <i>Proceeds of Crime Law</i> .
JFSC	Jersey Financial Services Commission
Money Laundering Order	Money Laundering (Jersey) Order 2008
Old Schedule 2	Schedule 2 of the Proceeds of Crime Law immediately prior to the amendment on 30 January 2023.
Proceeds of Crime Law	Proceeds of Crime (Jersey) Law 1999
Proceeds of Crime (Supervisory Bodies) (Jersey) Law	Proceeds of Crime (Supervisory Bodies) (Jersey) Law
Schedule 2	Schedule 2 of the Proceeds of Crime Law
Schedule 2 business	Has the meaning given in Article 1 of the Supervisory Bodies Law
Transitional Period	30 January 2023 to 23:59 on 30 June 2023
Transitional Provisions Order	Proceeds of Crime (Supervisory Bodies) (Transitional Provisions) (Jersey) Order 2023

1 Background and Overview

- 1.1 This guidance document relates to the Anti Money Laundering Services Provider (the AMLSP) introduced by amendments to the Money Laundering (Jersey) Order 2008 (the Money Laundering Order) on 30 January 2023. This guidance is for persons wanting to be an AMLSP and persons who want to use an AMSLP.
- 1.2 The Proceeds of Crime (Jersey) Law 1999 (the Proceeds of Crime Law) was amended by the Proceeds of Crime (Amendment No.6) (Jersey) Law 2022 (the Amendment) [Proceeds of Crime \(Jersey\) Law 1999](#) which came into force on the 30 January 2023. The Amendment replaced schedule 2 of the Proceeds of Crime Law and removed AML/CFT/CPF certain exemptions.
- 1.3 The impact of the Amendment is that relevant persons not previously registered with the JFSC for regulated business or schedule 2 business undertaking activities and operations under the amended Schedule 2 are required to register with the JFSC. These are persons who existed prior to 30 January 2023 that previously:
 - 1.3.1 were in scope of schedule 2 (before it was amended on 30 January 2023 “old Schedule 2”) but had a limited AML/CFT/CPF exemption from registration [In scope but exempt from registration], which as at 30 January 2023 has been removed;
 - 1.3.2 were not in scope of old Schedule 2 as they relied on an AML/CFT/CPF scope exemption[[out of scope for registration and compliance] which as at 30 January 2023 has been removed; or
 - 1.3.3 were not previously in scope but now are as a result of a widening of the activities and operations (not previously within scope of old Schedule 2 and the AML/CFT/CPF regime) due to the amendment of Schedule 2 as at 30 January 2023.
- 1.4 The AMLSP has been introduced as a mechanism to support those persons now required to register for AML/CFT/CPF purposes, particularly in respect of those persons already using a regulated service provider.
- 1.5 Where a regulated service provider holds the requisite class of business under the Financial Services (Jersey) Law 1998 they can provide AMLSP services to the existing persons who now need to register with the JFSC.
- 1.6 The AMLSP application process has been created to assist those persons in streamlining processes and avoid duplication of activities within Industry. Appointed AMLSPs can apply on behalf of their customers for registration as a Schedule 2 business. The AMLSP will, amongst other matters manage the appointment of key persons to those customers. The AMLSP will need to apply to the JFSC giving details of the individuals who it is proposing will act as key persons to its AMLSP customers.
- 1.7 For the avoidance of doubt an AMLSP may be used for persons (including newly established entities, established on or after 30 January 2023), who wish to undertake schedule 2 business after 30 January 2023, provided that they meet the eligibility criteria to appoint an AMLSP. These entities/persons will be required to comply with AML/CFT/CPF obligations from the grant of their registration certificate under the Supervisory Bodies law.
- 1.8 To avoid AMLSPs having to complete multiple individual applications for each of their customers, to assist the AMLSPs and create efficiencies a ‘bulk application has been devised in the form of

a workbook to be completed in by the AMLSP in relation to all their customers using the services of the AMLSP. The workbook can be obtained from the JFSC's website.

2 Guidance

- 2.1 It is the responsibility of each person, being a legal person registered in Jersey or carrying on business in or from within Jersey to determine whether their activities or operations, or the activities of the legal arrangement they act as governing body for, are within scope of the Proceed of Crime Law as amended by the Amendment on the 30 January 2023 and they need to register under the Supervisory Bodies Law.
- 2.2 Further guidance regarding whether your business may be in scope of Schedule 2 can be found in the [Guidelines in interpretation](#)
- 2.3 While the amended Schedule 2 came into force on 30 January 2023 there is a transitional period that applies to persons that are already in existence and are now required to register with the JFSC. This transitional period starts on 30 January 2023 and ends at 23:59 on 30 June 2023 (**Transitional Period**) . During this period existing persons who are now required to register must either apply individually or via their AMLSP for registration with the JFSC under the Proceeds of Crime (Supervisory Bodies) (Jersey) Law 2008 (the Supervisory Bodies Law).
- 2.4 Further details on the transitional provisions can be found in the [Proceeds of Crime \(Supervisory Bodies\) \(Transitional Provisions\) \(Jersey\) Order 2023](#) (Transitional Provisions Order). A summary of the transitional provisions can be viewed here in this document-[what action \(s\) must I take](#)
- 2.5 Eligibility criteria for an FSB/TCB to be an AMLSP and those persons who are eligible to use the services of an AMLSP are set out in the [Notice issued under Article 9A \(4\) of the Money Laundering \(Jersey\) Order 2008 \(January \(2023\)\)](#). For an AMLSP to be used there is a 2-part process:
 - 2.5.1 Part 1: If any FSB or TCB wants to be act as an AMLSP and meets the eligibility criteria it will need submit the information required in the AMLSP Key Person Application Workbook and obtain a no objection from the JFSC to the key persons it is proposing be appointed to the customers using its AMLSP services; and
 - 2.5.2 Part 2: the AMLSP will also be required to submit a second application AMLSP Appointment to Relevant Person Workbook by 23:59 on 30 June 2023 including details of all its customers (who meet the eligibility requirements and want to use the AMLSP)
 - 2.5.2.1 who were either existing and are now required to register due to the amendment of Schedule 2 and/or
 - 2.5.2.2 persons (including newly established entities , established on or after 30 January 2023) who wish to undertake schedule 2 business after 30 January 2023 .
- 2.6 No fee is currently payable in relation to the AMSLP Key Person Application. Fees will be payable for those persons conducting schedule 2 activities or operations needing to register under the Supervisory Bodies Law. There is a discount for persons seeking to register as a schedule 2 business via their AMLSP. Follow this link to the relevant fees notice: <https://www.jerseyfsc.org/industry/fees/>

- 2.7 A critical feature of the AMLSP regime is that while the fulfilment of AML/CFT/CPF obligations will be performed by the AMLSP on behalf of its Schedule 2 business customers the relevant person cannot delegate its responsibilities as a Schedule 2 business. It is for the relevant person's board of directors (or equivalent) to consider and decide whether to appoint an AMLSP or how else it is going to meet its AML/CFT/CPF obligations. A relevant person may decide to undertake its own AML/CFT/CPF compliance activities or outsource some activities.

3 Application process – Before you begin

- 3.1 Any FSB or TCB that meets the requirements set out in [Notice issued under Article 10 of the Money Laundering Jersey Order \(January 2023\)](#) may choose to become an AMLSP and complete the [AMLSP key person application workbook](#)
- 3.2 The [AMLSP appointment to relevant person workbook](#) must be completed by the AMLSP on behalf of their customers conducting schedule 2 business who have appointed the AMLSP to provide AMLSP services. These may be existing persons who need to register due to the Amendment or persons established on or after 30 January 2023 that need to register as a Schedule 2 business. .
- 3.3 Both workbooks (collectively the **AMLSP Workbooks**) should be submitted via Authorisations@jerseyfsc.org . It is recommended that the AMLSP Workbooks are submitted by the Money Laundering Compliance Officer who in the vast majority of cases is the designated person for the JFSC Portal.
- 3.4 Notwithstanding this, the board, or equivalent of the AMLSP has ultimate responsibility for oversight of the content of any submission made on their behalf.
- 3.5 Please be advised that the JFSC may periodically require the AMLSP to provide additional information in the course of its AMLSP activities and it is therefore recommended that the AMLSP implements relevant reporting processes for this type of information.
- 3.6 Where the AMLSP feels it necessary to provide additional data to enable the JFSC to understand the response, this information should also be included in the comments section at the bottom of each relevant spreadsheet.
- 3.7 All the parts of the Excel Workbooks should be completed, and the AMSLP must ensure that persons named in the AMLSP Workbooks are provided with the declaration requirements at the front of the AMLSP Workbooks.
- 3.8 This declaration indicates that the Applicant and the persons named in the AMLSP Workbooks, acknowledge that the JFSC may seek to verify the information provided in the AMLSP Workbooks including answers relating to fitness and propriety and that the JFSC has the authority to request information relating to Police records including, but not limited to, details of convictions (spent and unspent).
- 3.9 Before proceeding further with the steps set out below, the following should be read:
- 3.9.1 Notice: Issued under Article 9A(4) of the Money Laundering Order [PDF](#) and
- 3.9.2 Notice: Issued under Article 10 of the Money Laundering Order [PDF](#)

4 AMLSP Application steps

Step 1. AMLSP Key Person Application Workbook - AMLSP Details (tab one)

If the regulated financial services business wishes to act as AMLSP on behalf of its customers, who are relevant persons, it must first have determined that it meets the eligibility criteria in the Article 9A (4) Notice and complete workbook one, tab one and provide its details.

Step 2. AMLSP Key Person Application Workbook - Key Person details

- 4.1 The AMLSP will need to provide a list of individuals that may be appointed as AMLSP Direct Customer MLCOs and AMLSP Direct Customer MLROs.
- 4.2 The JFSC has established criteria in the Article 9A (4) Notice (b) [PDF](#) for persons who may be an AMLSP MLCO and/or AMLSP MLROs (AMLSP MLRO). The AMLSP must list individuals who it proposes to fulfil those roles in the AMLSP Key Person Application Workbook.
- 4.3 The Applicant can provide details of more than one individual to fulfil the AMLSP MLCO and AMLSP MLRO roles using the appropriate fields in the form.
- 4.4 The Applicant is responsible for determining the eligibility of the individuals who may be the AMLSP MLCO and AMLSP MLRO. The Handbook at sections 18.2.3 and 18.2.4 sets out the JFSC's expectations regarding individuals the AMLSP appoints as AMLSP MLCO and MLRO.
- 4.5 Article 11(1)(d) of the Money Laundering Order requires a relevant person to maintain appropriate and consistent policies and procedures relating to screening of employees and under Section 9.2 paragraph 8 of the Handbook, employees should be screened prior to onboarding and where there is a subsequent significant change in an employee's role.
- 4.6 On receipt of the AMLSP Key Person Application Workbook, the JFSC will consider whether each individual is fit and proper in accordance with Article 14(4) of the Supervisory Bodies Law and may verify the information provided about each individual.
- 4.7 No individual shall become an AMLSP MLCOs and AMLSP MLROs unless:
 - 4.7.1 their name has been notified to the JFSC by the AMLSP
 - 4.7.2 the JFSC has notified the AMLSP in writing that they have no objection to those individuals as listed in the AMLSP Key Person Application Workbook being an AMLSP MLCO and/or an AMLSP MLRO.
 - 4.7.3 The JFSC may refuse to provide a no objection to an individual if the JFSC is not satisfied that the person is fit and proper to hold the position of AMLSP MLCO and/or an AMLSP MLRO.
- 4.8 Where an AMLSP Key Person Application Workbook contains a list of more than one individual to be AMLSP MLCO and/or a AMLSP MLRO the no objection may relate to one or more of them.
- 4.9 Where the JFSC is not satisfied that the individual is fit and proper in accordance with Article 14 (4) the Supervisory Bodies Law the JFSC will contact that individual directly.

Step 3 AMLSP Appointment To Relevant Person Workbook -Details of Relevant Persons

- 4.10 The AMLSP may be appointed by Relevant Persons to fulfil its obligations
- 4.11 Before completing this workbook reference should be made to the Article 9A (4) notice which sets out the criteria the relevant person must meet before they can appoint an AMLSP. The AMLSP will need to complete the workbook for their customers who are:

- 4.11.1 existing persons that are relevant persons who are required to register as at 30 January 2023 it provides services for and submit this to the JFSC before 30 June 2023.
- 4.11.2 persons (including newly established entities, established on or after 30 January 2023) prior to them undertaking schedule 2 activity after 30 January 2023 who should not commence their schedule 2 activity until they have received a registration certificate under the Supervisory Bodies Law. Guidance - AMLSP Legal Person tab two and AMLSP Legal Arrangement+ tab three.

4.12 **Important:** For legal persons with a separate governing body or protected cells of protected cell companies please complete the Legal Arrangement+ tab for further information see the guidance under Legal form of the Applicant.

Name of the Applicant column B on AMLSP Legal Person tab and AMLSP Legal Arrangement tab, column B

4.13 The Name of the Applicant should be the Legal Person, Legal Arrangement, or cell of a cell company on whose behalf the application is made.

AMLSP Legal Person tab, column Name of Applicant Column B
Name of Natural Person
Name of Company
Name of Protected Cell Company
Name of Incorporated Cell Company
Name of Incorporated Cell.

4.14 Where the Applicant is acted for by a legal person, see the examples listed in the box below, information required for this legal person will be required.

4.15 For the avoidance of doubt the “Applicant” means the person applying to register pursuant to the Proceeds of Crime (Supervisory Bodies) (Jersey) Law 2008 and who intends to carry on a Schedule 2 business and where relevant includes where the Applicant is a legal arrangement, it includes the legal person acting as governing body in relation to that Legal Arrangement and a protected cell of a protected cell company

AMLSP Legal Arrangement+ Legal persons with separate governing bodies and protected cell of a protected cell companies tab, column B	
Name of Applicant	Information required in “Governing Body” column AC and AE if applicable
Name of Limited Partnership	The name of the General Partner will be required
Name of Trust	The name of the Trustee(s) will be required
Name of Unit Trust	The name of the Trustee(s) will be required
Name of Protected Cell	The name of the Protected Cell Company
Name of Limited Liability Company	The name of the Manager will be required
Name of Limited Liability Company	The name of the Member will be required
Name of Incorporated Limited Partnership	The name of the General Partner will be required
Name of Separate Limited Partnership	The name of the General Partner will be required
Name of Limited Liability Partnership	The name of the Partner will be required
Name of Foundation	The name of the Member of Council will be required

Legal form of the Applicant column E on AMLSP Legal Person tab and AMLSP Legal Arrangement tab, column E

To accommodate the different legal forms of the applicants, particularly where both legal arrangements and some legal persons have separate governing bodies and protected cell companies are acting for protected cells the drop downs on the Legal Form column are split like this:

AMLSP Legal Person tab, column E Legal Form of Applicant	AMLSP Legal Arrangement+ tab, column E– Legal Form of Applicant
Where applicants are Legal Persons	Where applicants are Legal Arrangements + Legal persons with separate governing bodies; and Protected cells of protected cell companies.
Natural Person	General Partner of Limited Partnership
Company	Trustee of a Trust
Protected Cell Company	Trustee of a Unit Trust
Incorporated Cell Company	Protected Cell Company of Protected Cell
Company	

AMLSP Legal Person tab, column E Legal Form of Applicant	AMLSP Legal Arrangement+ tab, column E– Legal Form of Applicant
Where applicants are Legal Persons	Where applicants are Legal Arrangements + Legal persons with separate governing bodies; and Protected cells of protected cell companies.
Incorporated Cell	Manager of Limited Liability Company
	Member of Limited Liability Company
	General Partner of Incorporated Limited Partnership
	General Partner of Separate Limited Partnership
	Partner of Limited Liability Partnership
	Member of Council of Foundation