

STATES OF JERSEY



Jersey

DRAFT PROCEEDS OF CRIME (CONSEQUENTIAL AND MISCELLANEOUS) (JERSEY) REGULATIONS 202-

**Lodged au Greffe on 6th December 2022
by the Minister for External Relations and Financial Services
Earliest date for debate: 17th January 2023**

STATES GREFFE

REPORT

Jersey's preparations on a national level for the upcoming assessment in 2023 by the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL) as part of the fifth evaluation continue at pace. The MONEYVAL assessment will evaluate the Island's compliance with and effectiveness against the international standards set by the Financial Action Task Force, the FATF Recommendations.

The national preparations are also taking the findings from the previous MONEYVAL evaluation during the fourth evaluation round into consideration. In December 2015, MONEYVAL agreed its Mutual Evaluation Report (the Report) regarding the Island's compliance with the FATF Recommendations. The Report flagged certain scope exemptions from Anti Money Laundering / Countering the Financing of Terrorism (AML/CFT) obligations in Jersey, highlighting that the FATF Recommendations allow such exemptions only where:

- i. "there is a proven low risk of money laundering and terrorist financing; this occurs in strictly limited and justified circumstances; and it relates to a particular type of financial institution or activity, or Designated Non-financial Businesses and Professions"; or
- ii. "a financial activity (other than the transferring of money or value) is carried out by a natural or legal person on an occasional or very limited basis (having regard to quantitative and absolute criteria), such that there is low risk of money laundering and terrorist financing."

Specifically, the Report highlighted concerns about the rationale for scope exemptions that mean certain businesses are not required to comply with AML/CFT obligations. AML/CFT regulation, including exemptions from AML/CFT obligations, evolved as the Island brought its AML/CFT regime into force in line with developing international standards. The [Proceeds of Crime \(Jersey\) Law 1999](#) (POCL) introduced AML obligations for certain financial services activities which were specified in POCL's Second Schedule (Schedule 2). Several scope exemptions were directly linked to Jersey's conduct and prudential regime. Such activities are expected to be subject to AML/CFT obligations in line with the FATF Recommendations, yet they may currently be exempted from both AML/CFT obligations as well as conduct and prudential obligations by virtue of the way the regime has evolved. Equally, there are certain activities that are now expected to be subject to AML/CFT obligations in line with the FATF Recommendations which are not currently specified in Schedule 2.

In order to better understand the extent to which the scope exemptions are relied upon by Island businesses, the Jersey Financial Services Commission (JFSC) established an industry working group made up of experienced practitioners from a cross-section of the finance industry. The working group considered several scope exemptions in detail including how they are used in practice, and the potential impact should certain scope exemptions no longer be available to the finance industry because they are not compatible with the current FATF Recommendations' definitions of Financial Institutions (FIs), Designated Non-Financial Businesses and Professions (DNFBPs) and Virtual Asset Service Providers (VASPs).

Following the working group's initial consideration of several scope exemptions, the JFSC identified that the most pragmatic route forward would be to disconnect AML/CFT obligations from conduct and prudential obligations. Thereafter, where a business is to be subject to AML/CFT obligations, this will be the case irrespective of that business's obligations in respect of conduct and prudential matters.

The key benefit of this approach is that it provides clarity and certainty to the finance industry regarding what activities are subject to AML/CFT regulation and there is no requirement to amend the wider network of statutes relating to financial services. The approach also allows the Island to demonstrate that any future scope exemptions from AML/CFT obligations are fully aligned to the criteria for exemptions within the FATF Recommendations.

The JFSC and Government published a consultation in 2021 (the "first consultation") which outlined all the aforementioned considerations and proposed changes to POCL accordingly. As part of the first consultation, there were several engagements with the finance industry to gather feedback. This feedback has then been incorporated into the [Proceeds of Crime \(Amendment No. 6\) \(Jersey\) Law 2022](#) (Amendment No. 6) which was adopted in March this year and received Royal Assent in June. Amendment No. 6 is not yet in force though and may only come into force by an appointed day act following the debate of the Proceeds of Crime (Consequential and Miscellaneous) (Jersey) Regulations 202- (the "Regulations"). The States make the Regulations under the new Article 44A POCL which is being created by Amendment No. 6.

However, Amendment No. 6 only represented the conclusion of the first phase of this important project, while the Regulations now represent the conclusion of the second phase of the project. As part of the second phase, a follow-on consultation (the "second consultation") was published in September 2022 by JFSC seeking feedback from the finance industry on the practical implementation of the removal of the scope exemptions and the potential reflection in the Regulations. As part of the second consultation, the JFSC and Government undertook a suite of engagements with the finance industry the magnitude of which is unprecedented in order to find a pragmatic solution to any potential issue whilst being able to comply with the FATF Recommendations.

The most significant point to highlight and which will provide industry with a pragmatic and effective solution following the removal of the scope exemptions, is the introduction of an anti-money laundering service provider (AMLSP) within the [Money Laundering \(Jersey\) Order 2008](#) (MLO) through the Regulations. This will enable a relevant person to appoint an AMLSP to fulfil their AML/CFT obligations under the MLO. Under the Regulations, the JFSC is required to issue a public notice which outlines the requirements regarding the appointment of an AMLSP whilst the newly created Article 9A in the MLO outlines the obligations of the AMLSP. Whilst the appointment of an AMLSP is optional for a relevant person, the requirement to meet the obligations under the MLO is not.

Besides the creation of an AMLSP in the MLO, the Regulations make a number of consequential amendments in order to reflect the removal of the scope exemptions in the respective statutes. Furthermore, Amendment No. 6. provides the JFSC with the powers to issue guidelines regarding the interpretation of Schedule 2 and these guidelines will be published in due course as well. Together with the feedback paper for the second consultation, the guidelines will form an important tool to provide clarity and certainty to industry regarding the interpretation of the amendments.

Naturally, MONEYVAL will thoroughly examine whether the findings of its previous report have been implemented. Therefore, it is crucial that the Regulations are adopted in order to resolve a major finding of the previous assessment. This will put Jersey in a

much better position to secure a positive outcome of the upcoming assessment. Therefore, I recommend the adoption of the Regulations to the States Assembly.

Financial and manpower implications

There are no financial and manpower implications for the States arising from the adoption of the Draft Law.

EXPLANATORY NOTE

These Regulations make amendments to various enactments in connection with the coming into force of the Proceeds of Crime (Amendment No. 6) (Jersey) Law 2022 (the “Amendment Law”).

Regulation 1 amends the Financial Services (Disclosure and Provision of Information) (Jersey) Law 2020 in Article 6(1) (which deals with the appointment of a nominated person) to update the references to the paragraphs in Schedule 2 to the Proceeds of Crime (Jersey) Law 1999 (“POCL”) which deal with financial services business carried on by lawyers (paragraph 21) and accountants (paragraph 22), respectively.

Regulation 2 amends the Forfeiture of Assets (Civil Proceedings) (Jersey) Law 2018 in Article 32(3)(c) (which deals with the tipping off or interference with documents) to update the reference to the paragraph in Schedule 2 to the POCL (which deals with the financial services business carried on by accountants) to reflect the changes made by the Amendment Law.

Regulation 3 amends the Misuse of Drugs (Jersey) Law 1978 in Article 19B(3)(c) (which deals with tipping off), to update the references to the paragraphs in Schedule 2 to the POCL (which deal with financial services business carried on by accountants) (paragraph 22) to reflect the changes made by the Amendment Law.

Regulation 4 amends the Money Laundering (Jersey) Order 2008 (“MLO”) to make amendments in connection with the coming into force of the Amendment Law.

Regulation 4 replaces the definition of “virtual currency exchange business” because of the changes made by the Amendment Law so that it means the business of conducting one or more of the activities or operations to, for or on behalf of another natural or legal person or arrangement set out in paragraph 24(2)(a), (b) and (c) of Schedule 2 to the POCL.

Regulation 4 inserts a new Article 9A in the MLO which permits a relevant person that meets the criteria set out in a public notice under paragraph (4), to appoint an anti-money laundering services provider to fulfil the obligations of the relevant person. The anti-money laundering services provider must fulfil the obligations of the relevant person to appoint a compliance officer and a reporting officer under Articles 7 and 8 of the MLO, respectively and comply with any other requirements. New Article 9A also sets conditions for the appointment of a compliance officer and reporting officer, including that they must be employees of the anti-money laundering services provider and must not be objected to or must be approved by the Commission. *Regulation 4* also amends Articles 7 and 8 of the MLO to make them subject to new Article 9A.

By new Article 9A(4) the Commission must, by giving public notice, establish the criteria that must be met before a relevant person may appoint an anti-money laundering services provider, the characteristics that a person must have in order to be eligible to be appointed as an anti-money laundering services provider and the matters to be considered by the Commission prior to it issuing a notice of no objection under paragraph (3).

By new Article 9A(5) of the MLO, the Commission has the power to issue guidance as to its procedure and approach for issuing a notice of no objection or approving a category or description of individuals.

Under new Article 9A(6) of the MLO, where an anti-money laundering services provider is appointed to fulfil the obligations of a relevant person, both the relevant person and the anti-money laundering services provider are responsible for fulfilling the

obligations. This does not limit any power of the Commission under Article 22 to issue a Code of Practice to set out practical steps required of the relevant person and the anti-money laundering services provider and the degree of oversight and management to be expected of a relevant person in respect of an anti-money laundering services provider (new Article 9A(7) of the MLO).

The Commission also has the power to require an anti-money laundering services provider to revoke the appointment of a reporting officer or compliance officer in respect of any or all the obligations of the relevant person and the anti-money laundering services provider must comply with that requirement (new Article 9A(8) and (9) of the MLO).

Regulation 4 also amends Articles 10A, 11, 13, 14, 17C, 18 and 24A of the MLO to update the references to the paragraphs in Schedule 2 to the POCL to reflect the changes made by the Amendment Law.

Regulation 5 amends the POCL to make amendments in connection with the coming into force of the Amendment Law. The amendments include the insertion of a definition for the term “anti-money laundering services provider” that refers to new Article 9A of the MLO and the deletion of the definition of “virtual currency”.

Regulation 5 amends Article 35 of the POCL which deals with tipping off and interference with material and Article 36 which deals with financial services business to update the references to the paragraphs in Schedule 2 to the POCL to reflect the changes made by the Amendment Law.

Regulation 5 inserts a new paragraph (1A) in Article 36 of the POCL to provide that Part 5 of Schedule 2 (which deals with express trusts and was inserted by the Amendment Law) specifies activities and operations which, in addition to those referred to in paragraph (1) of that Article, constitute financial services business.

Regulation 5 also amends the POCL in Article 37 (which deals with procedures to prevent and detect money laundering) by inserting a new sub-paragraph (1)(c) which permits the Minister for External Relations and Financial Services to prescribe measures to be taken (including measures not to be taken) by persons or categories of persons appointed for the purpose of fulfilling the obligations prescribed in respect of the person referred to in under Article 37(1)(a).

Regulation 5 inserts a new paragraph (10A) in Article 37 of the POCL which requires that, where an anti-money laundering service provider is appointed, in considering a defence under Article 37(10) of the POCL in respect of a financial services business, the court must have regard to the reasonableness of the appointment of the anti-money laundering services provider in respect of the financial services business under the MLO, including the terms and conditions of the appointment and the oversight of designated services provider by the relevant person.

The definition of “insolvency services” inserted in Schedule 2 of the POCL by the Amendment Law is amended by *Regulation 5* to include a liquidator appointed under the Limited Liability Companies (Winding Up and Dissolution) (Jersey) Regulations 2022.

By *Regulation 5*, the term “supervised business” wherever it occurs in the POCL is substituted by the term “Schedule 2 business”.

Regulation 6 amends the Proceeds of Crime (Supervisory Bodies) (Jersey) Law 2008 (“SBL”) to make amendments in connection with the coming into force of the Amendment Law.

A definition for the expression “anti-money laundering services provider” is inserted so that it has the meaning given in Article 1 of the POCL.

Regulation 6 amends Articles 1, 6, 10, 11, 12, 17, 18, 19, 22, 34 and 43 of the SBL to update the references to the paragraphs in Schedule 2 to the POCL to reflect the changes made by the Amendment Law.

Regulation 6 inserts a new Article 21A in Part 5 of the SBL which deems an anti-money laundering services provider to be a supervised person for the purposes of Part 5 of the SBL and provides that Part 5 except Article 34, applies to an anti-money laundering services provider as if when carrying on their functions as an anti-money laundering services provider they were a supervised person carrying on a Schedule 2 business.

Regulation 6 inserts new paragraph (5) in Article 43 of the SBL to provide that the Minister may by Order make such transitional provisions as the Minister thinks fit in connection with the coming into force of these Regulations.

By *Regulation 6*, the term “supervised business” wherever it occurs in the SBL is substituted by the term “Schedule 2 business”.

Regulation 7 amends the Proceeds of Crime (Supervisory Bodies) (Designation of Supervisory Bodies) (Jersey) Order 2008 in Article 2(2) and 3(a) to update a reference to Schedule 2 Business to reflect the changes made by the Amendment Law.

Regulation 8 repeals the Proceeds of Crime (Supervisory Bodies) (Virtual Currency Exchange Business) (Exemption) (Jersey) Order 2016.

Regulation 9 amends the Terrorism (Jersey) Law 2002 in Article 35(6)(c) (which deals with tipping off and interference with material) by updating the reference to the paragraph in Schedule 2 to the POCL which deals with definitions of words relating to financial services business carried on by accountants.

By *Regulation 9*, the term “supervised business” wherever it occurs in the Terrorism (Jersey) Law 2002 is substituted by the term “Schedule 2 business”.

Regulation 10 gives the citation of these Regulations and provides for them to come into force immediately after the commencement of the Proceeds of Crime (Amendment No. 6) (Jersey) Law 2022.

Re-issue Note

This project has been re-issued to correct minor typographical errors in Regulations 4(5) and 6(12)(c).



Jersey

DRAFT PROCEEDS OF CRIME (CONSEQUENTIAL AND MISCELLANEOUS) (JERSEY) REGULATIONS 202-

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Jersey

DRAFT PROCEEDS OF CRIME (CONSEQUENTIAL AND MISCELLANEOUS) (JERSEY) REGULATIONS 202-

Made [date to be inserted]
Coming into force [date to be inserted]

THE STATES make these Regulations under Article 44A of the [Proceeds of Crime \(Jersey\) Law 1999](#) –

1 [Financial Services \(Disclosure and Provision of Information\) \(Jersey\) Law 2020](#) amended

In the [Financial Services \(Disclosure and Provision of Information\) \(Jersey\) Law 2020](#), in Article 6(1) (appointment of nominated person) –

- (a) in sub-paragraph (c), for “paragraph 1 of Part B” there is substituted “paragraph 21”;
- (b) in sub-paragraph (d), for “paragraph 2 of Part B” there is substituted “paragraph 22”.

2 [Forfeiture of Assets \(Civil Proceedings\) \(Jersey\) Law 2018](#) amended

In the [Forfeiture of Assets \(Civil Proceedings\) \(Jersey\) Law 2018](#) in Article 32(3)(c) (offence of tipping off or interference with documents etc.), for “paragraph 2(1) of Part B” there is substituted “paragraph 22(3)”.

3 [Misuse of Drugs \(Jersey\) Law 1978](#) amended

In the [Misuse of Drugs \(Jersey\) Law 1978](#) in Article 19B(3)(c) (tipping off), for “paragraph 2(1) of Part B” there is substituted “paragraph 22(3)”.

4 [Money Laundering \(Jersey\) Order 2008](#) amended

- (1) This Regulation amends the [Money Laundering \(Jersey\) Order 2008](#).
- (2) In Article 4(2)(c) (meaning of “one-off transaction”) for the definition “virtual currency exchange business” there is substituted –
“ “virtual currency exchange business” means the business of conducting one or more of the activities or operations to, for or on

behalf of another natural or legal person or arrangement set out in paragraph 24(2)(a), (b) and (c) of Schedule 2 to the [Proceeds of Crime \(Jersey\) Law 1999](#);

- (3) In Article 7(1) (compliance officer), for “A relevant person” there is substituted “Subject to Article 9A, a relevant person”.
- (4) In Article 8(1) (reporting officer), for “A relevant person” there is substituted “Subject to Article 9A, a relevant person”.
- (5) After Article 9 (designated persons) there is inserted –

“9A Appointment of anti-money laundering services provider to fulfil obligations of relevant person

- (1) Despite anything in this Order or the [Proceeds of Crime \(Jersey\) Law 1999](#), a relevant person may, if it meets the criteria set out in the public notice issued under paragraph (4)(a), appoint an anti-money laundering services provider for the purpose of fulfilling the obligations of the relevant person –
 - (a) to appoint a compliance officer under Article 7 and a reporting officer under Article 8; and
 - (b) to comply with any other requirement of the relevant person under this Order.
- (2) An anti-money laundering services provider appointed under paragraph (1) must –
 - (a) fulfil the obligations of the relevant person to appoint a compliance officer under Article 7 and a reporting officer under Article 8;
 - (b) subject to paragraph (3), appoint an individual who is an employee of the anti-money laundering services provider as the compliance officer or reporting officer under subparagraph (a); and
 - (c) fulfil the obligations of the relevant person to comply with the requirements of the relevant person under this Order in respect of which the anti-money laundering services provider is appointed under paragraph (1)(b).
- (3) An anti-money laundering services provider appointed under paragraph (1) must not appoint an individual as a reporting officer or compliance officer under this Article unless –
 - (a) the Commission has, on the application of the anti-money laundering services provider, issued a notice of no objection in respect of that individual; or
 - (b) the individual falls within a category or description of individuals that are approved by the Commission to be appointed as a reporting officer or compliance officer in respect of the category or description of relevant person for which the appointment is made.
- (4) The Commission must, by giving public notice, establish any of the following –

- (a) the criteria that must be met before a relevant person may appoint an anti-money laundering services provider under paragraph (1);
 - (b) the characteristics that a person must have in order to be eligible to be appointed as an anti-money laundering services provider under paragraph (1);
 - (c) the matters to be considered by the Commission prior to it issuing a notice of no objection under paragraph (3)(a).
- (5) The Commission may issue guidance as to its procedure and approach for –
 - (a) issuing a notice of no objection under paragraph (3)(a); or
 - (b) approving a category or description of individuals under paragraph (3)(b).
- (6) Where an anti-money laundering services provider is appointed to fulfil the obligations of a relevant person under this Article, both the relevant person and the anti-money laundering services provider are responsible for fulfilling the obligations.
- (7) Paragraph (6) does not limit any power of the Commission under Article 22 of the [Proceeds of Crime \(Supervisory Bodies\) \(Jersey\) Law 2008](#) to issue a Code of Practice to set out –
 - (a) practical steps required of the relevant person and the anti-money laundering services provider appointed under paragraph (1); and
 - (b) the degree of oversight and management to be expected of a relevant person in respect of an anti-money laundering services provider.
- (8) The Commission may require an anti-money laundering services provider appointed under paragraph (1) to revoke the appointment of a reporting officer or compliance officer in respect of any or all the obligations of the relevant person.
- (9) The anti-money laundering services provider must comply with the requirement under paragraph (8).”
- (6) In Article 10A(9) (financial services business carried out outside Jersey) for “paragraphs 1 to 5 of Part B of Schedule 2 of the Law” there is substituted “paragraphs 18 to 22 of Schedule 2 to the Law”.
- (7) In Article 11 (policies, procedures and training to prevent and detect money laundering) –
 - (a) in paragraph (6), for “paragraphs 1 to 5 of Part B” there is substituted “paragraphs 18 to 22”;
 - (b) in paragraph (6A), for “paragraph 5 of Part B” there is substituted “paragraph 18”.
- (8) In Article 13(10)(d) (application and timing of customer due diligence measures), for “paragraph 7(1)(h) of Part B” there is substituted “paragraph 9”.
- (9) In Article 14 (termination where customer due diligence measures are not completed) –

- (a) in paragraph (9), for “paragraph 1 or 2 of Part B” there is substituted “paragraph 21 or 22”;
 - (b) in paragraph (10)(a), for “paragraph 1 or 2 of Part B” there is substituted “paragraph 21 or 22”.
- (10) In Article 17C(1) (exemption from applying third party identification requirements in relation to certain relevant customers involved in unregulated or non-public funds, trust company business or legal profession) –
- (a) in sub-paragraph (b) for “paragraph 7(1)(h) of Part B” there is substituted “paragraph 9”;
 - (b) in sub-paragraph (c)(ii) for “paragraph 1 of Part B” there is substituted “paragraph 21”;
 - (c) in sub-paragraph (c)(iii) for “paragraph 2 of Part B” there is substituted “paragraph 22”;
 - (d) in sub-paragraph (d) for “paragraph 1 of Part B” there is substituted “paragraph 21”.
- (11) In Article 18(6)(a) (further exemptions from applying identification requirements) for “paragraph 1 or 3 of Part B” there is substituted “paragraph 19 or 21”.
- (12) In Article 24A (application to certain business) for “paragraph 1 or paragraph 2(1)(b) of Part B” there is substituted “paragraph 21 or 22(3)(b)”.

5 Proceeds of Crime (Jersey) Law 1999 amended

- (1) This Regulation amends the [Proceeds of Crime \(Jersey\) Law 1999](#).
- (2) In Article 1(1) (interpretation) –
 - (a) before the definition “beneficiary” there is inserted –
 - “ “anti-money laundering services provider” means a person appointed as such under an Order made under Article 37;”;
 - (b) the definition “virtual currency” is deleted.
- (3) In Article 35(6)(c) (tipping off and interference with material), for “paragraph 2(1) of Part B” there is substituted “paragraph 22(3)”.
- (4) In Article 36 (financial services business) –
 - (a) in paragraph (1), for “Schedule 2 has effect to specify” there is substituted “Parts 1, 2, 3 and 4 of Schedule 2 specify”;
 - (b) after paragraph (1) there is inserted –
 - “(1A) Part 5 of Schedule 2 specifies activities and operations which, in addition to those referred to in paragraph (1), constitute financial services business.”;
 - (c) in paragraph (2), after “interpretation of” there is inserted “the expression “when conducted as a business” in paragraph (1) or”.
- (5) In Article 37 (procedures to prevent and detect money laundering) –
 - (a) after paragraph (1)(b) there is inserted –

- “(c) may prescribe measures to be taken (including measures not to be taken) by persons or categories of persons appointed for the purpose of fulfilling the obligations prescribed in respect of the persons referred to under sub-paragraph (a).”;
 - (b) after paragraph (10) there is inserted –
 - “(10A) Where an anti-money laundering service provider is appointed, in considering a defence under paragraph 10 in respect of a financial services business, the court must have regard to the reasonableness of –
 - (a) the appointment of the anti-money laundering services provider in respect of the financial services business, including the terms and conditions of the appointment; and
 - (b) the oversight of the anti-money laundering services provider by the relevant person.”.
- (6) In Schedule 2 in paragraph 22(3) –
 - (a) the fourth paragraph is renumbered as paragraph (4);
 - (b) in paragraph (4), in the definition “insolvency services” after clause (c) there is inserted –
 - “(d) a liquidator appointed under the [Limited Liability Companies \(Winding Up and Dissolution\) \(Jersey\) Regulations 2022](#).”.
- (7) In the [Proceeds of Crime \(Jersey\) Law 1999](#), for “supervised business” wherever it occurs there is substituted “Schedule 2 business”.

6 [Proceeds of Crime \(Supervisory Bodies\) \(Jersey\) Law 2008](#) amended

- (1) This Regulation amends the [Proceeds of Crime \(Supervisory Bodies\) \(Jersey\) Law 2008](#).
- (2) In Article 1(1) (interpretation) –
 - (a) after the definition “anti-money laundering and counter terrorism legislation” there is inserted –
 - “ “anti-money laundering services provider” has the meaning given to that expression in Article 1(1) of the [Proceeds of Crime \(Jersey\) Law 1999](#).”.
 - (b) in the definition “prescribed person”, for “specified Schedule 2 business” there is substituted “Schedule 2 business”;
 - (c) for the definition “regulated person” there is substituted –
 - “ “regulated person” means a person who carries on a regulated business;”;
 - (d) in the definition “Schedule 2 business”, for “except those things described in Part A of that Schedule as an exclusion or exception from a business” there is substituted “except a business described in Part 5 of that Schedule”;
 - (e) the definition “specified Schedule 2 business” is deleted;
 - (f) the definition “supervised business” is deleted.
- (3) In Article 6(1) and (4)(a)(ii) (designation of supervisory bodies), for “specified Schedule 2 business” there is substituted “Schedule 2 business”.

- (4) In Article 10 (prohibition of carrying on unauthorized specified Schedule 2 business) –
 - (a) in the Article heading, for “specified Schedule 2 business” there is substituted “Schedule 2 business”;
 - (b) in paragraph (1), for “specified Schedule 2 business” wherever it occurs there is substituted “Schedule 2 business”;
 - (c) in paragraph (3), for “specified Schedule 2 business” wherever it occurs there is substituted “Schedule 2 business”.
- (5) In Article 11 (application for registration and deemed registration) –
 - (a) in paragraph (1), for “specified Schedule 2 business” wherever it occurs there is substituted “Schedule 2 business”;
 - (b) paragraph (2) is deleted;
 - (c) in paragraph (3), for “specified Schedule 2 business” wherever it occurs there is substituted “Schedule 2 business”;
 - (d) in paragraph (4), for “specified Schedule 2 business” there is substituted “Schedule 2 business”;
 - (e) in paragraph (6), for “specified Schedule 2 business” there is substituted “Schedule 2 business”.
- (6) In Article 12 (determination of relevant supervisory body) –
 - (a) in paragraph (1), for “specified Schedule 2 business” there is substituted “Schedule 2 business”;
 - (b) in paragraph (2) –
 - (i) for “specified Schedule 2 business falling within a different description in the Schedule from the specified Schedule 2 business that the registered person carries on” there is substituted “an additional Schedule 2 business”;
 - (ii) for “specified Schedule 2 business” wherever it occurs in subparagraphs (a) and (b) there is substituted “Schedule 2 business”;
 - (c) in paragraph (3), for “specified Schedule 2 business” wherever it occurs there is substituted “Schedule 2 business”;
 - (d) in paragraph (4), for “specified Schedule 2 business” there is substituted “Schedule 2 business”;
 - (e) in paragraph (8), for “specified Schedule 2 business” there is substituted “Schedule 2 business”.
- (7) In Article 17(1) (conditions of registration), for “specified Schedule 2 business” there is substituted “Schedule 2 business”.
- (8) In Article 18(1)(b) and (c) (revocation of registration), for “specified Schedule 2 business” there is substituted “Schedule 2 business”.
- (9) In Article 19(3) (procedure on refusal or revocation, or new or varied condition), for “specified Schedule 2 business” there is substituted “Schedule 2 business”.
- (10) In Part 5 after the Part Sub-heading there is inserted –

“21A Application of Part 5 to anti-money laundering services provider

Despite anything in this Law, this Part, except Article 34, applies to an anti-money laundering services provider as if when carrying on their functions as an anti-money laundering services provider they were a supervised person carrying on a Schedule 2 business.”.

- (11) In Article 22(1)(a), after “supervisory functions” there is inserted “, including an anti-money laundering services provider”.
- (12) In Article 34 (supply of information) –
 - (a) in paragraph (1)(b), for “specified Schedule 2 business” there is substituted “Schedule 2 business”;
 - (b) in paragraph (2) for “A person” there is substituted “Subject to paragraph (2A), a person”;
 - (c) after paragraph (2) there is inserted –

“(2A) Paragraph (2) does not apply in respect of a key person who is appointed by an anti-money laundering services provider.”.
- (13) In Article 43 (transitional provisions) –
 - (a) in paragraph (1), for “specified Schedule 2 business” wherever it occurs there is substituted “Schedule 2 business”;
 - (b) after paragraph (4) there is inserted –

“(5) Despite anything in this Law, the Minister may by Order make such transitional provisions as the Minister thinks fit in connection with the coming into force of the Proceeds of Crime (Consequential and Miscellaneous) (Jersey) Regulations 202-.”.
- (14) The Schedule is deleted.
- (15) In the [Proceeds of Crime \(Supervisory Bodies\) \(Jersey\) Law 2008](#), for “supervised business” wherever it occurs there is substituted “Schedule 2 business”.

7 [Proceeds of Crime \(Supervisory Bodies\) \(Designation of Supervisory Bodies\) \(Jersey\) Order 2008](#) amended

In the [Proceeds of Crime \(Supervisory Bodies\) \(Designation of Supervisory Bodies\) \(Jersey\) Order 2008](#) in Article 2(2) and (3)(a) (designation of the Commission as supervisory body in respect of prescribed persons and businesses), for “specified Schedule 2 business” there is substituted “Schedule 2 business”.

8 [Proceeds of Crime \(Supervisory Bodies\) \(Virtual Currency Exchange Business\) \(Exemption\) \(Jersey\) Order 2016](#) repealed

The [Proceeds of Crime \(Supervisory Bodies\) \(Virtual Currency Exchange Business\) \(Exemption\) \(Jersey\) Order 2016](#) is repealed.

9 [Terrorism \(Jersey\) Law 2002](#) amended

In the [Terrorism \(Jersey\) Law 2002](#) –

- (a) in Article 35(6)(c) (tipping off and interference with material), for “paragraph 2(1) of Part B” there is substituted “paragraph 22(3)”;
- (b) for “supervised business” wherever it occurs there is substituted “Schedule 2 business”.

10 Citation and commencement

These Regulations may be cited as the Proceeds of Crime (Consequential and Miscellaneous) (Jersey) Regulations 202- and come into force immediately after the commencement of the [Proceeds of Crime \(Amendment No. 6\) \(Jersey\) Law 2022](#).