

2019.07.16

4 Deputy G.P. Southern of the Minister for External Relations regarding the approach of the Government of Jersey to the Fifth Anti-Money Laundering Directive: (OQ.194/2019)

Does the Jersey Government share the approach, adopted by the U.K. Government in response to the Fifth Anti-Money Laundering Directive, that journalists, researchers or other members of the public will have to present evidence of potential wrongdoing before accessing the register of beneficial ownership of businesses, including financial trusts?

[10:15]

Senator I.J. Gorst (The Minister for External Relations):

Just to be clear, there is not a register of beneficial ownership of businesses in the United Kingdom. The U.K. Government has implemented a register of persons with significant control in April 2016; that required the identification of registration of those with direct, or indirect, controlling interests. I am not aware of any access restrictions to that register. Separately, of course, the U.K. Government has run a consultation on transposition of the Fifth Money Laundering Directive earlier this year. The consultation response to that consultation is not yet published. The Government of Jersey made a clear commitment on 19th June this year on transparency of beneficial ownership of companies and will reference practical implementation of this component of the Fifth Money Laundering Directive in doing so.

5.4.1 Deputy G.P. Southern:

Can the Minister now guarantee for all Members that there will be no barriers put in the way of an absolutely freely accessible register of beneficial ownership of businesses in Jersey?

Senator I.J. Gorst:

I am sure, because the Deputy seems to take great interest in these matters, he has read the commitment made by the 3 Crown Dependencies and he will know that there is currently not a uniform approach across the European Union Member States and that is why we are taking a stepped approach. We have made commitments to those 3 steps. The final step is to wait for the implementation review at the beginning of 2022 of how public access is given effect to registers of beneficial ownership across E.U. (European Union) Member States. We are not - and I make this clear, I make no apology for it - following the U.K. approach. We will be informed by that implementation review from the E.U. and, therefore, I cannot know at this stage what will be in that implementation review, nor what the recommendations will be in light of the implementation across the European Union.

5.4.2 Deputy G.P. Southern:

While I hear that the Minister cannot guarantee that there will be completely free access with no barriers to the public, will he nonetheless lobby and argue with the E.U. for the absence of any barriers to public access to the beneficial ownership of businesses?

Senator I.J. Gorst:

Let us just be clear about what I said. I said I could not guarantee what would be in that implementation review, not that I could not guarantee that there will be any barriers to access; 2 very different things. We have already started a conversation with the E.U. Commission, we of course all know that there is a new European Parliament and there are new commissioners yet to be

formally appointed. But we have already started a conversation with the Commission about the interconnected registers, building upon the political commitment that I gave at the end of last year. So, we can be confident in our current approach. It is right now, as evidenced by the independent report of the Home Office, the information that we are providing to third parties is accurate, is up to date, is verified and regulated and we can be confident that it is meeting the current policy aims of fighting financial crime and the financing of terrorism and anti-money laundering. What we are doing in making our commitment and in seeking to be informed by the E.U. Implementation Report is understanding where the international standard is going and making our direction of travel - I hate that term - clear with our 3-step political commitment to this matter.