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**Revised Regulations of Anguilla: P98-6**

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THE PROCEEDS OF CRIME ACT (R.S.A. c. P98)

**EXTERNALLY AND NON-REGULATED SERVICE PROVIDERS REGULATIONS**

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Note: These Regulations are enabled under section 153 of the Proceeds of Crime Act, R.S.A. c. P98.

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PART 1  
PRELIMINARY PROVISIONS

**Interpretation**

1. In these Regulations—

“AML/CFT obligation” has the meaning specified in the AML/CFT Regulations;

“AML/CFT Regulations” means the Regulations issued under section 162 of the Act;

“ERSP Register” means the register of externally regulated service providers established and kept under section 2;

“NRSP Register” means the register of non-regulated service providers established and kept under section 2;

“NRSP Supervisor” means the person or body designated in the AML/CFT Regulations as the supervisory authority for non-regulated service providers or, where more than two supervisory authorities are designated, each supervisory authority;

“registered service provider” means a service provider registered under section 4;

“relevant business” has the meaning specified in the AML/CFT Regulations;

“senior officer”, in relation to a service provider, means—

- (a) the service provider’s money laundering compliance officer;
- (b) the service provider’s money laundering reporting officer;
- (c) the chief executive of the service provider, or an individual who occupies an equivalent position under a different name;
- (d) an individual employed by the service provider who has responsibilities that include direct involvement in the service provider’s management or decision-making process at a senior level;

“significant owner”, in relation to a service provider, means a person who, whether alone or acting together with one or more associates—

- (a) owns, whether legally or beneficially, a 10% or greater interest in the service provider or its parent;  
*(R.A. 25/2014, s. 1)*
- (b) has the power, directly or indirectly, to exercise, or control the exercise of, 10% or more of the voting rights in the service provider, or its parent; or  
*(R.A. 25/2014, s. 1)*
- (c) has the power to appoint or remove one or more directors of the service provider;

“supervisory authority”, in relation to a service provider, means—

- (a) in the case of the ERSP Register and externally regulated service providers, the Commission;  
and

- (b) in the case of the NRSP Register and non-regulated service providers, the NRSP Supervisor responsible for the AML/CFT supervision of the service provider.

## PART 2

### REGISTRATION AND REPORTING OBLIGATIONS

#### **Registers of externally regulated and non-regulated service providers**

2. (1) The Commission shall establish and keep a register of externally regulated service providers and the NRSP Supervisor shall establish and keep a register of non-regulated service providers.

(2) The ERSP and NRSP Registers shall contain the following information in respect of each service provider registered in accordance with section 4—

- (a) in the case of a service provider that is a corporate body, the name, country of incorporation, date of incorporation and registered office of the service provider;
- (b) in the case of a service provider that is not a corporate body, the name and address of the service provider;
- (c) the principal business address of the service provider in Anguilla and the service provider's telephone number and e-mail address, if any;
- (d) in the case of the ERSP Register—
  - (i) the type of licence held by the externally regulated service provider, and
  - (ii) the name and address of the applicable external supervisor;
- (e) in the case of the NRSP Register, the relevant business for which the non-regulated service provider is registered;
- (f) the date of registration and, if applicable, de-registration of the service provider; and
- (g) such other information as the supervisory authority considers appropriate.

(3) The ERSP Register, the NRSP Register and the information contained in any document filed with a supervisory authority, may be kept in such manner as the supervisory authority considers appropriate, including either wholly or partly, by means of a device or facility that—

- (a) records or stores information magnetically, electronically or by other means; and
- (b) permits the information recorded or stored to be inspected and reproduced in legible and usable form.

#### **Application to register**

3. (1) In accordance with section 152 of the Act, a person who carries on, or intends to carry on, a relevant business in or from within Anguilla shall make an application to be registered for that type of relevant business in the form set out in Schedule 1 or 2.

(2) Application may be made—

- (a) to the Commission to register an externally regulated service provider; or

- (b) to the NRSP Supervisor to register a non-regulated service provider.
- (3) An application under subsection (2) shall—
  - (a) be in writing and in the form specified by the supervisory authority;
  - (b) be signed by the service provider applying for registration or by a person acting on the applicant's behalf; and
  - (c) be accompanied by such documents or information as may be specified by these Regulations or on the application form.
- (4) A supervisory authority may require an applicant to—
  - (a) provide it with such documents and information, in addition to those specified in paragraph (3)(c), as it reasonably requires to determine the application and any such information shall be in such form as the supervisory authority may require; and
  - (b) verify any document and information provided in support of an application in such manner as the supervisory authority may specify.
- (5) If, before the registration of an externally regulated or non-regulated service provider—
  - (a) there is a material change in any information or documentation provided by or on behalf of the applicant to the supervisory authority in connection with the application; or
  - (b) the applicant discovers that any such information or documentation is incomplete, inaccurate or misleading,

the applicant shall, as soon as reasonably practicable, give the supervisory authority written particulars of the change or of the incomplete, inaccurate or misleading information or documentation.

### **Registration**

4. Following receipt of an application for registration under section 3(2) and any additional documents or information that it has required under section 3(4), the supervisory authority shall—
- (a) subject to section 5(2), register the service provider in the appropriate Register and provide the service provider with written notice of its registration as an externally regulated service provider or as a non-regulated service provider, as the case may be; or
  - (b) refuse the application under section 5.

### **Refusal of application to register**

5. (1) A supervisory authority may refuse an application for registration if—
- (a) the application does not comply with section 3(3);
  - (b) the applicant fails to provide any information or documents required by the supervisory authority under section 3(4);
  - (c) the supervisory authority is of the opinion that, in the case of an applicant for registration as a non-regulated service provider, the applicant does not, or does not intend to, carry on the relevant business for which it seeks registration;

- (d) any of the applicant's directors, senior officers or owners, or their associates, have committed an offence which constitutes criminal conduct;
  - (e) the applicant, having previously been registered under these Regulations, has been de-registered under section 6.
- (2) A supervisory authority shall refuse an application for registration if it is of the opinion that—
- (a) the applicant does not, or on registration will not, have the capacity or willingness to comply with its AML/CFT obligations or to identify, mitigate and manage the money laundering and terrorism financing risks to which it is exposed;
  - (b) the service provider, or its business, represents a significant money laundering or terrorist financing risk; or
  - (c) it is contrary to the public interest for the applicant to be registered.

(3) If a supervisory authority refuses an application for registration, it shall send the applicant a written notice of refusal, stating the grounds for its refusal.

### De-registration

6. (1) A supervisory authority may de-register an externally regulated or non-regulated service provider if—

- (a) subject to subsection (2), the service provider applies to be de-registered; or
- (b) in the opinion of the supervisory authority—
  - (i) the service provider is in contravention of, or has contravened, any of its AML/CFT obligations,
  - (ii) the service provider does not have the capacity or willingness to comply with its AML/CFT obligations or to identify, mitigate and manage the money laundering and terrorism financing risks to which the service provider is exposed,
  - (iii) the service provider, or its business, represents a significant money laundering or terrorist financing risk,
  - (iv) any of the service provider's directors, senior officers or owners, or their associates, have carried on criminal conduct, or
  - (v) it is in the public interest for the service provider to be de-registered.

(2) A supervisory authority shall not de-register a service provider under paragraph (1)(a) if the supervisory authority is of the opinion that the de-registration of the service provider would hinder the supervisory authority in the exercise of its functions.

(3) Subject to subsection (4), before de-registering a service provider under paragraph (1)(b), the supervisory authority shall give written notice to the service provider stating—

- (a) the grounds upon which it intends to de-register the service provider; and
- (b) that unless the service provider, by written notice, shows good reason why it should not be de-registered, it will be de-registered on a date not less than 14 days after the date of the notice.

(4) If, in the case of a non-regulated service provider, it is not practicable for the NRSP Supervisor to give notice to the service provider under subsection (3), it may de-register the non-regulated service provider without giving such notice.

(5) Where a supervisory authority de-registers a service provider, it shall mark the name of the service provider in the ERSP Register or the NRSP Register, as the case may be, as de-registered, showing the date of its de-registration.

#### **Notification of changes in directors and senior officers**

7. (1) A registered service provider shall provide the supervisory authority with written notice of any change in its directors (in the case of an undertaking) or senior officers, whether as a result of a director or senior officer ceasing to hold office or the appointment of a new director or senior officer.

(2) A written notice under subsection (1) shall—

- (a) specify the date of the change;
- (b) include the full name of the director or senior officer who has ceased to be, or has been appointed as, a director or senior officer; and
- (c) be provided to the supervisory authority within 14 days of—
  - (i) the change occurring, in the case of the appointment or resignation of a director or senior officer, or
  - (ii) the service provider first becoming aware of the change, in the case of the death of a director or senior officer.

(3) A registered service provider that fails to provide written notice of a change in its directors or senior officers in accordance with this section is guilty of an offence and is liable on summary conviction to a fine not exceeding \$25,000.

#### **Notification of change in significant owners**

8. (1) A registered service provider shall provide the supervisory authority with written notice of any change in its significant owners, whether as a result of a person becoming a significant owner or ceasing to be a significant owner.

(2) A written notice under subsection (1) shall—

- (a) specify the date of the change;
- (b) provide details of the identity of the new or former significant owner and the nature of the significant owner's interest in, or control of, the service provider;
- (c) be provided to the supervisory authority within 14 days of the service provider first becoming aware of the change.

(3) A registered service provider that fails to provide written notice of a change in its significant owners in accordance with this section is guilty of an offence and is liable on summary conviction to a fine not exceeding \$25,000.

**Notification of change in information required to be registered**

9. (1) A registered service provider shall provide the supervisory authority with written notice of any change in the information required to be registered under section 2(2)(a), (b) and (c) and, in the case of an externally regulated service provider, section 2(2)(d).

(2) A written notice under subsection (1) shall—

- (a) specify the date of the change;
- (b) set out the details of the change;
- (c) be provided to the supervisory authority within 14 days of the service provider first becoming aware of the change.

(3) A registered service provider that fails to provide written notice of a change in its registered information in accordance with this section is guilty of an offence and is liable on summary conviction to a fine not exceeding \$25,000.

**PART 3****ADMINISTRATIVE PENALTIES****Interpretation for this Part**

10. (1) For the purposes of this Part—

“disciplinary violation” means a contravention of an AML/CFT obligation;

“late payment penalty” means an administrative penalty imposed in respect of the failure of a service provider to pay the annual fee payable under the Act on or before the date on which the fee is due for payment.

(2) For the purposes of determining whether a disciplinary violation has been committed, the annual fee payable under these Regulations is deemed not to have been paid until it has been paid in full.

(3) The imposition of an administrative penalty becomes final on the earliest of—

- (a) the payment by the service provider of the penalty;
- (b) the date when, in accordance with section 14, the service provider is considered to have committed the disciplinary violation; or
- (c) the dismissal of any appeal of the service provider, provided that the time for any further appeal has expired.

**Supervisory authority may take disciplinary action**

11. (1) A supervisory authority may take disciplinary action against a service provider under this section where it is satisfied that the service provider has committed a disciplinary violation.

(2) A supervisory authority takes disciplinary action against a service provider by imposing an administrative penalty on the service provider.

(3) Disciplinary action may not be taken against a service provider in respect of a disciplinary violation committed more than 2 years prior to the date upon which the supervisory authority sends a notice to the service provider under section 12 or 13.

(4) If the conduct or omission that constitutes a disciplinary violation also constitutes an offence—

- (a) the taking of disciplinary action against a service provider does not prevent the service provider being also prosecuted for the offence; and
- (b) the prosecution of a service provider for the offence does not prevent the taking of disciplinary action against the service provider.

#### **Notice of intention to take disciplinary action**

**12.** (1) Where it intends to take disciplinary action against a service provider, other than by imposing a late payment penalty on the service provider, a supervisory authority shall send a notice of its intention to the service provider—

- (a) specifying—
  - (i) the alleged disciplinary violation and the relevant facts surrounding the violation, and
  - (ii) the amount of the penalty that it intends to impose; and
- (b) advising the service provider of his right to make written representations to the supervisory authority in accordance with subsection (2).

(2) A service provider who receives a notice under subsection (1) may, within 28 days of the date upon which he receives the notice, send written representations to the supervisory authority—

- (a) denying that he has committed the alleged disciplinary violation or disputing the facts of the alleged disciplinary violation; or
- (b) providing reasons that he considers justify the imposition of a lower penalty.

#### **Penalty notice**

**13.** (1) After the expiration of 28 days from the date that it sent a notice under section 12 to a service provider, a supervisory authority may take disciplinary action against that service provider by sending him a penalty notice stating—

- (a) the disciplinary violation in respect of which the notice is issued;
- (b) the date on which notice of intention to take disciplinary action in respect of that violation was sent to the service provider;
- (c) the amount of the administrative penalty imposed;
- (d) a date, not less than 28 days after the date of the penalty notice, by which the administrative penalty shall be paid to the supervisory authority; and
- (e) that if the service provider does not pay the administrative penalty or exercise his rights of appeal under section 156 of the Act, on or before the date referred to in paragraph (d), the service provider will be considered to have committed the violation and be liable for the penalty set out in the notice.

(2) The penalty imposed in a penalty notice shall not exceed the amount specified in the notice of intention sent under section 12.

(3) Before taking disciplinary action against a service provider under subsection (1), a supervisory authority shall consider any written representations that it has received from the service provider and, where it receives such representations, it must provide reasons for the action that it takes.

(4) A service provider who receives a penalty notice under subsection (1) shall pay the penalty stated to the supervisory authority, or appeal the imposition of the penalty under the Act, on or before the date specified in the notice.

#### **Late payment penalties**

**14.** (1) Where a supervisory authority decides to take disciplinary action against a service provider by imposing a late payment penalty on the service provider, it shall send the service provider a penalty notice stating—

- (a) the fee or charge in respect of which the late payment penalty is being imposed; and
- (b) the amount of the penalty.

(2) A service provider who receives a penalty notice under subsection (1) shall pay the late payment penalty stated in the notice to the supervisory authority, or appeal the imposition of the penalty under section 156 of the Act, within 28 days of the date of the penalty notice.

#### **Date service provider considered to commit disciplinary violation**

**15.** (1) If a service provider pays an administrative penalty imposed on him under section 13 or 14 on or before the last date for payment of the penalty, the service provider is considered to have committed the violation and the disciplinary action is over.

(2) A service provider who neither pays an administrative penalty imposed on him under section 13 or 14 nor appeals the imposition of the administrative penalty, on or before the last date for payment of the penalty, is considered to have committed the disciplinary violation and is liable for the administrative penalty.

#### **Fixing of penalties**

**16.** (1) Where a supervisory authority decides to impose an administrative penalty on a service provider, other than a late payment penalty, it shall, after taking account of the factors specified in section 17, fix the amount of the administrative penalty in an amount not exceeding \$100,000.

(2) Where a supervisory authority decides to impose a late payment penalty on a service provider, the penalty shall be calculated as follows—

- (a) where the fee or charge is paid 1 – 30 days after the due date, 10% of the annual fee payable, subject to a minimum of \$20;
- (b) for each additional period of 30 days, or any part, during which the fee or charge remains unpaid, 10% of the annual fee payable, subject to a minimum of \$20.

(3) The amounts payable under paragraphs 2(a) and (b) are cumulative, but may not exceed 100% of the annual fee payable.

**Factors to be considered by supervisory authority**

17. In determining the administrative penalty to be imposed on a service provider, other than a late payment penalty, the supervisory authority—

- (a) shall take into account the following factors—
  - (i) the nature and seriousness of the contravention committed by the service provider,
  - (ii) whether the service provider has previously committed a disciplinary violation and if so, the number and seriousness of the service provider's previous disciplinary violations,
  - (iii) whether the disciplinary violation was deliberate or reckless or caused by the negligence of the service provider,
  - (iv) whether any loss or damage has been sustained by third parties as a result of the disciplinary violation,
  - (v) whether there has been any gain to the service provider as a result of the disciplinary violation, and
  - (vi) the ability of the service provider to pay the penalty; and
- (b) may take into account such other matters as it considers appropriate.

**Imposition of penalty against director or senior manager**

18. (1) A supervisory authority may impose an administrative penalty on a director or senior manager of a service provider if—

- (a) it takes disciplinary action against a service provider under this Part in respect of a disciplinary violation; and
- (b) it is satisfied that the disciplinary violation was committed with the consent or connivance of the director or senior manager.

(2) Where it intends to impose an administrative penalty on a director or senior manager of a service provider, a supervisory authority shall send to the director or senior manager a notice—

- (a) specifying—
  - (i) the disciplinary violation, or alleged disciplinary violation, which the supervisory authority alleges the director or senior manager consented to or connived in the commission of,
  - (ii) the basis for the allegation against the director or senior manager, and
  - (iii) the amount of the penalty that it intends to impose; and
- (b) accompanied by a copy of the notice sent to the service provider under section 12.

(3) A notice may not be sent to a director or senior manager of a service provider under subsection (2) before the supervisory authority has sent a notice to the service provider under section 12.

(4) A director or senior manager of a service provider who receives a notice sent under subsection (2) may, within 28 days of the date on which he receives the notice, send written representation to the supervisory authority—

- (a) denying that the service provider committed the disciplinary violation, or disputing the facts of the disciplinary violation;
- (b) denying that the director or senior manager consented to, or connived in, the commission of the disciplinary violation; or
- (c) providing reasons that justify the imposition of a lower penalty.

(5) For the purposes of this section and sections 19 and 20, “senior manager” means an employee of a service provider who—

- (a) acts as chief executive officer of the service provider or occupies an equivalent position under a different name;
- (b) holds a position that includes direct involvement in the management or decision-making process of the service provider at a senior level.

*(R.A. 110/2022, s. 2)*

### Penalty notice

**19.** (1) After the expiration of 28 days from the date that it sent a notice under section 18(2) to a director or senior manager, a supervisory authority may impose an administrative penalty on the director or senior manager by sending the director or senior manager a penalty notice—

- (a) stating—
  - (i) the disciplinary violation that the director or senior manager consented to or connived in the commission of,
  - (ii) the date on which the notice under subsection (2) was sent to the director or senior manager, and
  - (iii) the amount of the penalty imposed,
  - (iv) a date, not less than 28 days after the date of the penalty notice, by which the penalty shall be paid to the supervisory authority, and
  - (v) that if the director or senior manager does not pay the administrative penalty or exercise his rights of appeal under section 156 of the Act, on or before the date referred to in subparagraph (iv), the director or senior manager will be liable for the penalty set out in the notice; and
- (b) accompanied by the penalty notice sent to the service provider under section 13.

(2) The penalty imposed in a penalty notice shall not exceed the amount specified in the notice of intention sent under section 18.

(3) A supervisory authority shall consider any written representations that it has received from the director or senior manager before imposing an administrative penalty on the director or senior manager and, where it receives any representations, the supervisory authority must provide reasons for the action that it takes.

(4) A director or senior manager of a service provider who receives a penalty notice under subsection (1) shall pay the penalty stated to the supervisory authority or appeal the imposition of the penalty under section 156 of the Act, on or before the date specified in the notice.

*(R.A. 110/2022, s. 2)*

#### **Fixing of administrative penalty**

**20.** (1) Where a supervisory authority decides to impose an administrative penalty on a director or senior manager of a service provider, it shall, after taking account of the factors specified in this section, fix the amount of the administrative penalty in an amount not exceeding \$50,000.

(2) In determining the administrative penalty to be imposed on a director or senior manager of a service provider, a supervisory authority—

(a) shall take into account—

(i) the nature and severity of the disciplinary violation committed by the service provider and the amount of the administrative penalty imposed on the service provider, and

(ii) the role played by the director or senior manager in the commission of the disciplinary violation by the service provider; and

(b) may take into account such other matters as it considers appropriate.

*(R.A. 110/2022, s. 2)*

### PART 4

#### MISCELLANEOUS

#### **Consultation with external supervisor**

**21.** The supervisory authority shall consult with the applicable external supervisor before—

(a) registering or refusing to register an applicant for registration as an externally regulated service provider;

(b) de-registering a service provider as an externally regulated service provider; or

(c) imposing an administrative penalty, other than a late payment penalty, on an externally regulated service provider.

#### **Fees**

**22.** (1) A service provider shall pay to the supervisory authority, in accordance with Schedules 3 or 4, whichever is applicable, the following fees—

(a) a non-refundable application fee on submitting an application for registration under section 4;

(b) a registration fee on registration under section 4; and

(c) an annual fee—

(i) to be paid on or before the 15th day of January of each year; or

- (ii) if the registration is granted on or after July 1 in any year, in an amount equal to one-half of the annual fee.

*(Act 32/2015, s. 2(a) and (b))*

(2) The application, registration and annual fees shall be set by the supervisory authority and different fee levels may be set for different types, categories and descriptions of service provider.

(3) In determining the fees payable by different types, categories and descriptions of service provider, the supervisory authority shall have regard to the following criteria—

- (a) the fee chargeable shall take account of the estimated average cost of supervising service providers of the particular type, category or description to which the fee will apply;
- (b) the fees should be set with the objective that the total fees paid to a supervisory authority are sufficient—
  - (i) to cover the costs to the supervisory authority of discharging its functions under the Act and these Regulations; and
  - (ii) to enable the supervisory authority to accumulate a reserve sufficient to cover the costs of *ad hoc* investigations and other enforcement action that may be required from time to time.

#### **Offence of providing false and misleading information**

**23.** A person who, with intent to deceive or for any purpose of these Regulations—

- (a) provides any information, makes any representation or submits any document or return that he knows to be false or materially misleading or does not believe to be true; or
- (b) recklessly provides any information, makes any representation or submits any document or return that is false or materially misleading;

is guilty of an offence and is liable on summary conviction to imprisonment for a term of one year or to a fine of \$25,000 or to both.

#### **Citation**

**24.** These Regulations may be cited as the Externally and Non-Regulated Service Providers Regulations, P98-6.

**SCHEDULE 1**

(Section 3)

**APPLICATION FOR REGISTRATION OF EXTERNALLY REGULATED SERVICE PROVIDERS**

1. Name of Externally Regulated Service Provider:<sup>1</sup> .....
2. Country of incorporation: .....
3. Date of incorporation: .....
4. Registered office: .....
5. Principal business address in Anguilla: .....
6. Mailing address in Anguilla: .....
7. Contact person and contact details:
  - Name: .....
  - Telephone: .....
  - Fax: .....
  - Email: .....
8. Type of licence held (Banking or Securities): .....
9. Name and address of the applicable external supervisor (Banking or Securities Regulator):
  - .....
  - .....
10. Contact person and contact details of external supervisor (Banking or Securities Regulator):
  - Name: .....
  - Telephone: .....
  - Fax: .....
  - Email: .....
11. Name and physical address of parent company (if applicable):
  - .....
  - .....

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<sup>1</sup> An Externally Regulated Service Provider is defined in section 1(1) and Schedule 3 of the AML/CFT Regulations, R.R.A. P98-1 as a person who holds a licence issued under the Banking Act and a person who holds a licence issued under Part 4 or Part 9 of the Securities Act.

12. Relationship with parent company (branch / subsidiary):  
 .....
13. Country of licensing authority and regulator of parent company (if applicable):  
 .....
14. Number of branches, both domestic and non-domestic (if applicable):  
 .....
15. Details of the appointed money laundering reporting officer:
- Name: .....
- Telephone: .....
- Fax: .....
- Email: .....
16. Details of the appointed money laundering compliance officer:
- Name: .....
- Telephone: .....
- Fax: .....
- Email: .....
17. List the date of appointment of all directors and senior officers of the Externally Regulated Service Provider. (Details must include name, address, job title/role, date of birth, nationality, telephone, fax and email):
18. List all beneficial owners of the Externally Regulated Service Provider. (Details must include, if applicable, name, address, job title/role, date of birth, nationality and percentage interest (if 10% or more)):
19. (a) Have any of the directors/officers of the Externally Regulated Service Provider ever been convicted of any criminal offence (excluding minor traffic offences)? Yes  No

- (b) Have any of the directors/officers ever been arrested, detained, charged, indicted or summoned to answer for any criminal offence of which the result is still pending?    Yes     No

If you have answered yes to either (a) or (b) please give details (list all cases without exception):

**20. Application and declaration by person submitting this application**

This application to register as an Externally Regulated Service Provider is made under section 3 of the Externally and Non-Regulated Service Providers Regulations, 2013 (“ENRSP Regulations”).

I declare that to the best of my knowledge and belief all the information I have given in this application is correct.

I am aware that, under section 23 of the ENRSP Regulations, a person who, with intent to deceive or for any purpose of the Regulations:

- (a) provides any information, makes any representation or submits any document or return that he knows to be false or materially misleading or does not believe to be true; or
- (b) recklessly provides any information, makes any representations or submits any document or return that is false or materially misleading;

is guilty of an offence and is liable on summary conviction to imprisonment for a term not exceeding one year or to a fine not exceeding EC \$25,000 or to both.

I understand that it is a requirement under section 9(1) of the ENRSP Regulations that the Commission be kept up to date with changes to the information supplied in this application form.

Name: .....

Signature: .....

Position: .....

Date: .....

**SCHEDULE 2**

(Section 3)

**APPLICATION FOR REGISTRATION OF NON-REGULATED SERVICE PROVIDERS**

- 1. Name of Non-Regulated Service Provider<sup>2</sup>: .....
- 2. Country of incorporation/establishment: .....
- 3. Date of incorporation/establishment<sup>3</sup>: .....
- 4. Registered office (if applicable): .....
- 5. Principal business address in Anguilla: .....
- 6. Mailing address in Anguilla: .....
- 7. Contact person and contact details:

Name: .....

Telephone: .....

Fax: .....

Email: .....

- 8. Legal name under which the non-regulated service provider will operate and any trading name.

.....

- 9. Are there offices located outside of Anguilla?  
*If yes, please list each office and the jurisdiction below.*

.....

.....

.....

.....

- 10. Tick all relevant boxes to describe the type of service carried out or to be carried out—

a. Provides accountancy or audit services.	<input type="checkbox"/>
b. Acts as a real estate agent, when the person is involved in transactions concerning the buying and selling of real estate.	<input type="checkbox"/>

<sup>2</sup>A non-regulated service provider is a person specified in Schedule 2 of the AML/CFT Regulations, R.R.A. P98-1, and who does not hold a regulatory licence.

<sup>3</sup> Provide copy of the Articles and Certificate of Incorporation.

<p>c. Acts as an ‘independent legal professional’ (which means a firm or sole practitioner who, by way of business, provides legal or notarial services to other persons, when preparing for or carrying out transactions for a customer in relation to—</p> <ul style="list-style-type: none"> <li>(i) the buying and selling of real estate and business entities:</li> <li>(ii) the managing of client money, securities or other assets:</li> <li>(iii) the opening or management of bank, savings or securities accounts:</li> <li>(iv) the organisation of contributions necessary for the creation, operation or management of companies: or</li> <li>(v) the creation, operation or management of trusts, foundations, companies or similar structures, excluding any activity that requires a licence under the Trust Companies and Offshore Banking Act or the Company Management Act.)</li> </ul>	<input type="checkbox"/>
<p>d. Acts as a ‘high value dealer’ (which means a person who, by way of business, trades in goods, including precious metals and precious stones, and receives, in respect of any transaction, a payment or payments in cash of at least EC \$35,000, or the equivalent in a currency other than Eastern Caribbean dollars, whether the transaction is executed in a single operation or in several linked operations.)</p>	<input type="checkbox"/>
<p>e. Conducts as a business one or more of the following activities for, or on behalf of, a customer—</p> <ul style="list-style-type: none"> <li>(i) lending, including consumer credit, mortgage credit, factoring, with or without recourse, and financing of commercial transactions, including forfeiting:</li> <li>(ii) financial leasing:</li> <li>(iii) issuing and managing means of payment, including credit and debit cards, cheques, travellers’ cheques, money orders and bankers’ drafts and electronic money:</li> <li>(iv) financial guarantees or commitments:</li> <li>(v) participation in securities issues and the provision of financial services related to such issues:</li> <li>(vi) providing advice on capital structure, industrial strategy and related questions and advice and services relating to mergers and the purchase of undertakings:</li> <li>(vii) safekeeping and administration of cash:</li> <li>(viii) investing, administering or managing funds or money:</li> <li>(ix) money broking.</li> </ul>	<input type="checkbox"/>
<p>f. Trades for his own account or for the account of customers in —</p> <ul style="list-style-type: none"> <li>(i) money market instruments, including cheques, bills, certificates of deposit and derivatives:</li> <li>(ii) foreign exchange:</li> <li>(iii) exchange, interest rate and index instruments:</li> <li>(iv) financial futures and options:</li> <li>(v) commodities futures: or</li> <li>(vi) shares and other transferable securities:</li> </ul>	<input type="checkbox"/>
<p>g. A licensed lottery</p>	<input type="checkbox"/>

11. State the number of relevant employees<sup>4</sup>.....
12. Details of the appointed money laundering reporting officer.
- Name .....
- Telephone .....
- Fax .....
- Email .....
13. Details of the appointed money laundering compliance officer.
- Name .....
- Telephone .....
- Fax .....
- Email .....
14. List the date of appointment of all directors and senior officers of the non-regulated service provider. (Details must include name, address, job title/role, date of birth, nationality, telephone, fax and email)<sup>5</sup>.
15. List all beneficial owners, partners and principals of the non-regulated service provider. (Details must include name, address, job title/role, date of birth, nationality and percentage interest) (if 10% or more, complete the Information in Support of Application form).
16. Do you hold any licence granted by the Financial Services Commission? (e.g. an attorney licensed under the Company Management Act, R.S.A. c. C75). Yes  No   
If yes, list licence.
17. (a) Have any of the directors/officers ever been convicted of any criminal offence (excluding minor traffic offences)? Yes  No

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<sup>4</sup>Relevant employee means an individual, whether an employee or dependent contractor, who directly or indirectly, full time or part time, performs professional or administrative services for or on the behalf of the following:

- a. business specified in Schedule 2 of the AML/CFT Regulations;
- b. business of an Independent Legal Professional; and
- c. business of a High Value Dealer.

<sup>5</sup> Provide an organisational chart and audited financial statements (if available) OR unaudited financial statements for the last 2 years plus unaudited accounts for the period ending in the quarter most recently completed.

- (b) Have any of the directors/officers ever been arrested, detained, charged, indicted or summoned to answer for any criminal offence of which the result is still pending? Yes  No

If you have answered yes to either (a) or (b) please give details (list all cases without exception).

18. **REAL ESTATE AGENTS ONLY.** What is the predominant nature of the business?

Commercial   
 Residential   
 Property   
 Other (describe)

19. **HIGH VALUE DEALERS ONLY.** How many individual cash payments for goods over EC \$35,000 do you expect to receive each year?

1 to 3   
 4 to 6   
 7 to 10   
 11 +

20. **HIGH VALUE DEALERS ONLY.** What type of goods do you deal in?

Motor vehicles   
 Precious metals / stones   
 Other (describe)

21. **NON-BANKING BUSINESS.** Please specify nature of business.

22. **INVESTMENT BUSINESS.** Please specify nature of business<sup>6</sup>.

23. Is the business regulated by a foreign regulatory authority? Yes  No   
 If yes, name the regulator and provide a copy of licence or registration.

24. Please provide a copy of the Business Plan.

25. Application and declaration by person submitting this application.

This application to register as a non-regulated service provider is made under section 3 of the Externally and Non-Regulated Service Providers Regulations (“ENRSP Regulations”).

I declare that to the best of my knowledge and belief that all the information I have given in this application is correct.

I am aware that, under section 23 of the ENRSP Regulations, a person who, with intent to deceive or for any purpose of the Regulations—

- (a) provides any information, makes any representation or submits any document or return that is false or materially misleading; or

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<sup>6</sup> Provide a Business Plan.

- (b) recklessly provides any information, makes any representations or submits any document or return that is false or materially misleading;

is guilty of an offence and is liable on summary conviction to imprisonment for a term not exceeding 1 year or to a fine not exceeding EC \$25,000 or to both.

I understand that it is a requirement under section 9(1) of the ENRSP Regulations that the Commission be notified of any changes to the information supplied in this application form.

26. The Commission may publish on its website the contact details provided in sections 1, 4, 5, 6 and 7 (excluding contact name) of this application form.

Do you give your consent? Yes  No

Name .....

Signature .....

Position .....

Date .....

(R.A. 32/2015, s. 3)

### SCHEDULE 3

(Section 22)

#### FEE SCHEDULE – EXTERNALLY REGULATED SERVICE PROVIDERS

Type of Fee	Amount (USD)
Non-refundable application fee	1,000
Registration fee	100
Annual fee	15,000

(R.A. 32/2015, s. 3)

**SCHEDULE 4**

(Section 22)

**FEE SCHEDULE – NON-REGULATED SERVICE PROVIDERS**

<b>*Number of relevant employees</b>	<b>Base Fee (USD)</b>	<b>Relevant employee element (USD)</b>	<b>Total Fee Payable (USD)</b>
1	900	100	1,000
2	900	200	1,100
3	900	300	1,200
4	900	400	1,300
5	900	500	1,400
6	900	600	1,500
7	900	700	1,600
8	900	800	1,700
9	900	900	1,800
10	900	1,000	1,900
11	900	1,100	2,000
12	900	1,200	2,100
13	900	1,300	2,200
14	900	1,400	2,300
15	900	1,500	2,400
16	900	1,600	2,500
17	900	1,700	2,600
18	900	1,800	2,700
19	900	1,900	2,800
20	900	2,000	2,900
21 or more	900	2,100	3,000

Non-refundable application fee – US \$200

Registration fee – US\$100

\*Relevant employee means an individual, whether an employee or dependent contractor, who directly or indirectly, full time or part time, performs professional or administrative services for or on the behalf of the following:

- (a) a business specified in Schedule 2 of the AML/CFT Regulations;
- (b) a business of an independent legal professional; and
- (c) a business of a High Value Dealer.

An “independent legal professional” as defined under Part I of the AML/CFT Regulations, R.R.A. P98-1 means a firm or sole practitioner who, by way of business, provides legal or notarial services to other persons, when preparing for or carrying out transactions for a customer in relation to:

- (a) the buying and selling of real estate and business entities;
- (b) the managing of client money, securities or other assets;
- (c) the opening or management of bank, savings or securities accounts;
- (d) the organisation of contributions necessary for the creation, operation or management of companies; or
- (e) the creation, operation or management of trusts, foundations, companies or similar structures, excluding any activity that requires a licence under the Trust Companies and Offshore Banking Act or the Company Management Act:

A “high value dealer” as defined under Part I of the AML/CFT Regulations, R.R.A. P98-1 means a person who, by way of business, trades in goods, including precious metals and precious stones, and receives, in respect of any transaction, a payment or payments in cash of at least EC\$35,000, or the equivalent in a currency other than Eastern Caribbean dollars, whether the transaction is executed in a single operation or in several linked operations.

*(R.A. 32/2015, s. 3)*

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