

**Regulations of Anguilla: 32/2015**

Gazette Dated: 24<sup>th</sup> December, 2015

THE PROCEEDS OF CRIME ACT (R.S.A. c. C80)

**EXTERNALLY AND NON-REGULATED SERVICE PROVIDERS (AMENDMENT)  
REGULATIONS, 2015**

Regulations made by the Governor in Council under section 152F of the Proceeds of Crime Act, R.S.A. c. P98 as amended by Act No. 3/2013.

**Interpretation**

1. In these Regulations, the “principal Regulations” means the Externally and Non-Regulated Service Providers Regulations, R.A. 38/2013.

**Amendment of section 19**

2. The principal Regulations are amended in section 19(1)—

(a) by deleting paragraph (c) and replacing it with the following—

“(c) an annual fee shall be paid on or before the 15<sup>th</sup> day of January of each year;” and

(b) by inserting the following new paragraph after paragraph (c)—

“(d) if the registration is granted on or after July 1 in any year, half of the annual fee will be payable”.

**Insertion of Schedules 1 to 4**

3. The principal Regulations are amended by inserting the following Schedules—

**“SCHEDULE 1**  
**(Sections 2 and 3)**

**ANGUILLA FINANCIAL SERVICES COMMISSION**  
Externally and Non-Regulated Service Providers Regulations, R.A. 38/2013

**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: .....

<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 amended, as a person who holds a licence issued under the Banking Act and/or a person who holds a licence issued under Part 4 or Part 9 of the Securities Act.

*Externally and Non-Regulated Service Providers*

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):  
.....  
.....
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: .....

*Externally and Non-Regulated Service Providers  
(Amendment) Regulations, 2015*

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.

*Externally and Non-Regulated Service Providers*

I am aware that, under section 20 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**  
(Sections 2 and 3)

**ANGUILLA FINANCIAL SERVICES COMMISSION**  
Externally and Non-Regulated Service Providers Regulations, R.A. 38/2013

**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.*

.....  
 .....  
 .....  
 .....

---

<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, (as amended), and who does not hold a regulatory licence.

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

*Externally and Non-Regulated Service Providers  
(Amendment) Regulations, 2015*

R.S.A. c. C80

R.A. 32/2015

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"/>
<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"/>
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.)	<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"/>
f. Trades for his own account or for the account of customers in —	<input type="checkbox"/>

*Externally and Non-Regulated Service Providers*

(i) money market instruments, including cheques, bills, certificates of deposit and derivatives: (ii) foreign exchange: (iii) exchange, interest rate and index instruments: (iv) financial futures and options: (v) commodities futures: or (vi) shares and other transferable securities:	
g. A licensed lottery	<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

---

<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.

*Externally and Non-Regulated Service Providers*

R.S.A. c. C80

*(Amendment) Regulations, 2015*

R.A. 32/2015

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 licenced 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

- (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.

---

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



SCHEDULE 4  
(Section 19)

## FEES

ANGUILLA FINANCIAL SERVICES COMMISSION  
Externally and Non-Regulated Service Providers Regulations, R.A. 38/2013

## Fee Schedule – Non-Regulated Service Providers

*Number of relevant employees	Base Fee (USD)	Relevant employee element (USD)	Total Fee Payable (USD)
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

*Externally and Non-Regulated Service Providers*

R.S.A. c. C80

*(Amendment) Regulations, 2015*

R.A. 32/2015

\*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.”.

**Transitional Provisions**

4. Where an annual fee has been paid in 2015 for a period that relates in part to 2016, the Commission may prorate the fee for 2016.

**Citation**

5. These Regulations may be cited as the Externally and Non-Regulated Service Providers (Amendment) Regulations, 2015.

Made on this 17<sup>th</sup> day of December, 2015



Christina Scott

GOVERNOR OF ANGUILLA