



Jersey

PROCEEDS OF CRIME (SUPERVISORY BODIES) (TRANSITIONAL PROVISIONS) (JERSEY) ORDER 2023

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PROCEEDS OF CRIME (SUPERVISORY BODIES) (TRANSITIONAL PROVISIONS) (JERSEY) ORDER 2023

THE MINISTER FOR EXTERNAL RELATIONS AND FINANCIAL SERVICES makes this Order under Article 43(5) of the [Proceeds of Crime \(Supervisory Bodies\) \(Jersey\) Law 2008](#) –

Commencement [[see endnotes](#)]

1 Interpretation

In this Order –

“Amendment Law” means the [Proceeds of Crime \(Amendment No. 6\) \(Jersey\) Law 2022](#);

“Consequential and Miscellaneous Regulations” means the [Proceeds of Crime \(Consequential and Miscellaneous\) \(Jersey\) Regulations 2023](#);

“Law” means the [Proceeds of Crime \(Supervisory Bodies\) \(Jersey\) Law 2008](#).

2 Schedule 2 business carried on by registered person

- (1) Subject to paragraph (2), until 1st July 2023, a registered person who immediately before the commencement of the Consequential and Miscellaneous Regulations was carrying on a Schedule 2 business in respect of which the registered person does not hold a registration certificate under Article 14 of the Law –
 - (a) may continue to carry on that Schedule 2 business; and
 - (b) is treated as being registered under Part 3 of the Law in respect of that Schedule 2 business.
- (2) A registered person referred to in paragraph (1) must make an application for registration under Article 13 of the Law before 1st July 2023.
- (3) If a registered person makes an application under paragraph (2) before 1st July 2023, until the application and any appeal against the decision of the Commission in respect of the application are determined, the registered person –
 - (a) may continue to carry on the Schedule 2 business stated in the application; and
 - (b) is treated as being registered under Part 3 of the Law for the Schedule 2 business stated in the application.
- (4) An application under paragraph (2) must be accompanied by the fee under Article 13(1)(c) of the Law.

3 Schedule 2 business carried on by regulated person

- (1) Subject to paragraph (2), until 1st July 2023, a regulated person who immediately before the commencement of the Consequential and Miscellaneous Regulations was carrying on a Schedule 2 business that is a regulated business or in respect of which the regulated person was deemed registered under Article 14 of the Law –
 - (a) may continue to carry on that Schedule 2 business; and
 - (b) is treated as being registered under Part 3 of the Law in respect of that Schedule 2 business.
- (2) A regulated person referred to in paragraph (1) must, before 1st July 2023, notify the Commission under Article 11(3) of the Law that the regulated person intends to continue to carry on the Schedule 2 business.
- (3) Despite Article 11(4) of the Law, the Commission shall determine the form and content of a notification under paragraph (2).
- (4) Despite Article 11(5) of the Law, no fee is payable for a notification under paragraph (2).

4 Schedule 2 business carried on by a person who was a regulated person

- (1) Subject to paragraph (2), until 1st July 2023, a person may continue to carry on a Schedule 2 business and is treated as being registered under Part 3 of the Law in respect of that Schedule 2 business if –
 - (a) the person is not a regulated person; and
 - (b) immediately before the commencement of the Consequential and Miscellaneous Regulations, the person was, subject to paragraph (5), a former regulated person and was carrying on a Schedule 2 business.
- (2) A person referred to in paragraph (1) must make an application for registration under Article 13 of the Law before 1st July 2023.
- (3) If a person makes an application under paragraph (2) before 1st July 2023, until the application and any appeal against the decision of the Commission in respect of the application are determined, the person –
 - (a) may continue to carry on the Schedule 2 business stated in the application; and
 - (b) is treated as being registered under Part 3 of the Law for the Schedule 2 business stated in the application.
- (4) An application under paragraph (2) must be accompanied by the fee under Article 13(1)(c) of the Law.
- (5) In paragraph (1)(b), “former regulated person” has the meaning assigned in paragraphs (b), (c) and (d) of the definition “regulated person” in Article 1(1) of the Law before the commencement of the Amendment Law.

5 Business that became Schedule 2 business on commencement of Consequential and Miscellaneous Regulations

- (1) Subject to paragraph (2), until 1st July 2023, a person, other than a registered person or regulated person, who immediately before the commencement of the Consequential and Miscellaneous Regulations was carrying on a business that became a Schedule 2 business on the commencement of the Amendment Law –
 - (a) may continue to carry on that Schedule 2 business; and

- (b) is treated as being registered under Part 3 of the Law in respect of that Schedule 2 business.
- (2) A person referred to in paragraph (1) must make an application for registration under Article 13 of the Law before 1st July 2023.
- (3) If a person makes an application under paragraph (2) before 1st July 2023, until the application and any appeal against the decision of the Commission in respect of the application are determined, the person –
 - (a) may continue to carry on the Schedule 2 business stated in the application; and
 - (b) is treated as being registered under Part 3 of the Law for the Schedule 2 business stated in the application.
- (4) An application under paragraph (2) must be accompanied by the fee under Article 13(1)(c) of the Law.

5A Modification of Article 5 for qualifying persons¹

- (1) In the application of Article 5 to a qualifying person, the references in paragraphs (1), (2) and (3) to 1st July 2023 are to be read as 1st October 2023.
- (2) A “qualifying person” means any of the following persons to whom Article 5(1) applies –
 - (a) a person acting as a director of a company where that role became a Schedule 2 business (within paragraph 23(2) of Schedule 2) on commencement of the Amendment Law;
 - (b) a trustee carrying on lending activity in relation to one or more trusts where that activity became a Schedule 2 business (within paragraph 3 of Schedule 2) on commencement of the Amendment Law;
 - (c) a person carrying on family office business that became a Schedule 2 business (within one or more paragraphs of Schedule 2) on commencement of the Amendment Law;
 - (d) a person providing a gambling service by means only of giving people the opportunity to participate in the game known as Crown and Anchor that became a Schedule 2 business (within paragraph 18 of Schedule 2) on commencement of the Amendment Law.
- (3) For the purposes of paragraph (2)(c), “family office business” does not include a business that uses a private trust company administered by a person registered to carry on trust company business in Jersey; and in determining whether a person is carrying on family office business, regard must be had to any relevant guidance issued by the Commission.
- (4) In this Article, “Schedule 2” means Schedule 2 to the [Proceeds of Crime \(Jersey\) Law 1999](#).

6 Citation and commencement

This Order may be cited as the Proceeds of Crime (Supervisory Bodies) (Transitional Provisions) (Jersey) Order 2023 and comes into force immediately after the commencement of the Consequential and Miscellaneous Regulations.

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement	°Projet No (where applicable)
Proceeds of Crime (Supervisory Bodies) (Transitional Provisions) (Jersey) Order 2023	R&O.8/2023	30 January 2023	
Proceeds of Crime (Supervisory Bodies) (Transitional Provisions – Amendment) (Jersey) Order 2023	R&O.52/2023	30 June 2023	

°Projets available at statesassembly.gov.je

Table of Endnote References

¹ Article 5A *inserted by R&O.52/2023*