

Jersey AML registration– update on non-executive directors and step-by-step guidance on how to register

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Earlier this year, we published a summary of the recent changes to the scope of Jersey's proceeds of crime and anti-money laundering (AML/CFT) legislation which were intended to align Jersey's regime more closely with Financial Action Task Force Recommendations (see [Recent changes to Jersey's AML/CFT regime – a user-friendly summary and FAQ](#)).

One of the key changes made has been to remove exemptions for AML registration for people carrying on the business of being a non-executive director.

Over the course of the summer, there has been considerable consultation between industry, government and the Jersey Financial Services Commission (JFSC) regarding the scope of the changes and the JFSC has published FAQs and guidance to assist entities and individuals to navigate the new requirements. The JFSC also helpfully extended the registration deadline for certain in-scope entities and individuals (including directors and family offices) to 30 September. The guidance issued by the JFSC on 18 September regarding the interpretation of "in or from within Jersey" has been particularly welcomed by industry.

Non-resident directors

We are pleased to confirm that, in accordance with this most recent guidance, most non-resident directors (NRDs) will be out of scope for Schedule 2 registration. The mere provision of services to customers in Jersey or occasional visits to Jersey to attend board meetings is not sufficient to bring NRDs into scope. Instead, NRDs will only be required to register if they have some degree of permanence in Jersey (i.e. an office from which they work when in Jersey which is taken in their own name for the purpose of their business activities).

Resident non-executive directors

Jersey resident non-executive directors, on the other hand, are likely to fall within the scope of Schedule 2 and therefore will be required to register and comply with the applicable AML/CFT requirements from 1 October 2023. By "non-executive director" we mean a director who receives remuneration or other compensation specifically for fulfilling the office of director, and not for some other role of which their office of director forms part (for example as a company/group employee, an executive director under a director's service contract for a specific role such as CEO or CFO, or an employee of a corporate services provider who provides director services to a company in that capacity).

Newly in-scope directors will be able to take advantage of some (albeit temporary and limited) concessions from the requirement to comply with Jersey's AML/CFT regime which are available until 30 September 2024. This includes the requirements to maintain policies, procedures and training to prevent and detect money laundering and to conduct a business risk assessment. It should be noted that, while Schedule 2 directors do not need policies and procedures, they still need to comply with the other applicable requirements of Jersey's AML/CFT regime (including the application of customer due diligence measures).

How to register – step-by-step

Registration must be made through the JFSC's online [portal](#).

1. Choose the option to 'Register' and complete your details in order to obtain a login.
2. Once logged in, click on 'My Applications' and then 'New Application'.
3. From the drop-down menu, select 'Supervisory Bodies Law'.

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4. Suggested responses to the questions are set out below:

Question	Answer
Addresses	You will need to put in your address a number of times (even if this remains the same) at "registered office address", "business address", "address for correspondence" "contact address" and "residential address". You can insert your postcode and choose your address from the drop-down menu.
Legal form	Natural Person
Position held	Director
Activities of the applicant	Choose "Director" then click "Add activity"
Describe the exact nature of your business, your principal activities and how you propose to conduct the activity(ies) described above	Describe what you do giving the number of directorships you hold, the jurisdiction and type of the companies in relation to which you act as director.
Member of group	Answer these questions as they relate to you personally.
Confirm the number of employees	If you are a sole trader director, the answer will be 1 for each of the 3 years.
Total revenue	How much did you earn from your directorships last year?
Projected income	How much are you likely to earn from your directorships for the next three years?
Confirm projected total number of customers	How many companies do you provide director services to? How many board positions do you hold?
AML/CFT/CPF Governance	As noted above, certain requirements have been disapplied until 30 September 2024. This means that some of the questions in this section are not applicable until 30 September 2024.
Have you performed an assessment of Money Laundering, Terrorist Financing and Proliferation Financing (ML/TF/PF) risks for all of your proposed activities?	No – temporarily disapplied
Is the applicant connected to a higher risk jurisdiction?	You will still need to answer this question. Does the company you provide services to have links to a high-risk jurisdiction for example are the other directors of the company, beneficial owners of the company, customers of the company, assets of company, activities of company in a high-risk jurisdiction.
Provide a copy of the applicant's business risk assessment (BRA)	N/A – temporarily disapplied
Is your application in relation to Virtual Asset Service Provider (VASP) activities?	No
Does the applicant have, or will it have AML/CFT/CPF policies and procedures with respect to its activities that reflect the requirements of Jersey's AML/CFT/CPF legislation and framework?	No
Has the applicant provided AML/CFT/CPF training to its employees?	No (although note that there remains an obligation for individuals providing director services to understand the AML/CFT/CPF obligations that apply to them).
If you are a Financial Institution or VASP who has/will have correspondent banking or similar relationships do you have policies and procedures in relation to these relationships?	No

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