
STATUTORY INSTRUMENTS

2007 No. 2157

The Money Laundering Regulations 2007

PART 4

SUPERVISION AND REGISTRATION

Registration of high value dealers, money service businesses and trust or company service providers

Fit and proper test

28.—(1) The Commissioners must refuse to register an applicant as a money service business or trust or company service provider if they are satisfied that—

- (a) the applicant;
- (b) a person who effectively directs, or will effectively direct, the business or service provider;
- (c) a beneficial owner of the business or service provider; or
- (d) the nominated officer of the business or service provider,

is not a fit and proper person.

(2) For the purposes of paragraph (1), a person is not a fit and proper person if he—

- (a) has been convicted of—
 - (i) an offence under the Terrorism Act 2000⁽¹⁾;
 - (ii) an offence under paragraph 7(2) or (3) of Schedule 3 to the Anti-Terrorism, Crime and Security Act 2001⁽²⁾ (offences);
 - (iii) an offence under the Terrorism Act 2006⁽³⁾;
 - (iv) an offence under Part 7 (money laundering) of, or listed in Schedule 2 (lifestyle offences: England and Wales), 4 (lifestyle offences: Scotland) or 5 (lifestyle offences: Northern Ireland) to, the Proceeds of Crime Act 2002⁽⁴⁾;
 - (v) an offence under the Fraud Act 2006⁽⁵⁾ or, in Scotland, the common law offence of fraud;
 - (vi) an offence under section 72(1), (3) or (8) of the Value Added Tax Act 1994⁽⁶⁾ (offences); or
 - (vii) the common law offence of cheating the public revenue;

(1) 2000 c. 11.
(2) 2001 c. 24.
(3) 2006 c. 11.
(4) 2002 c. 29.
(5) 2006 c. 35.
(6) 1994 c. 23.

- (b) has been adjudged bankrupt or sequestration of his estate has been awarded and (in either case) he has not been discharged;
 - (c) is subject to a disqualification order under the Company Directors Disqualification Act 1986⁽⁷⁾;
 - (d) is or has been subject to a confiscation order under the Proceeds of Crime Act 2002;
 - (e) has consistently failed to comply with the requirements of these Regulations, the Money Laundering Regulations 2003⁽⁸⁾ or the Money Laundering Regulations 2001⁽⁹⁾;
 - (f) has consistently failed to comply with the requirements of regulation 2006/1781/EC of the European Parliament and of the Council of 15th November 2006 on information on the payer accompanying the transfer of funds⁽¹⁰⁾;
 - (g) has effectively directed a business which falls within sub-paragraph (e) or (f);
 - (h) is otherwise not a fit and proper person with regard to the risk of money laundering or terrorist financing.
- (3) For the purposes of this regulation, a conviction for an offence listed in paragraph (2)(a) is to be disregarded if it is spent for the purposes of the Rehabilitation of Offenders Act 1974⁽¹¹⁾.

(7) 1986 c. 46.

(8) S.I. 2003/3075.

(9) S.I. 2001/3641.

(10) OJ No L 345, 8.12.2006, p.1.

(11) 1974 c. 53.