

SCHEDULES

SCHEDULE 1

Regulation 7(1)(b)

Professional Bodies

1. Association of Accounting Technicians
2. Association of Chartered Certified Accountants
3. Association of International Accountants
4. Association of Taxation Technicians
5. Chartered Institute of Legal Executives
6. Chartered Institute of Management Accountants
7. Chartered Institute of Taxation
8. Council for Licensed Conveyancers
9. Faculty of Advocates
10. Faculty Office of the Archbishop of Canterbury
11. General Council of the Bar
12. General Council of the Bar of Northern Ireland
13. Insolvency Practitioners Association
14. Institute of Certified Bookkeepers
15. Institute of Chartered Accountants in England and Wales
16. Institute of Chartered Accountants in Ireland
17. Institute of Chartered Accountants of Scotland
18. Institute of Financial Accountants
19. International Association of Bookkeepers
20. Law Society
21. Law Society of Northern Ireland
22. Law Society of Scotland

Status: Point in time view as at 27/06/2023.

Changes to legislation: There are currently no known outstanding effects for the *The Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017*. (See end of Document for details)

SCHEDULE 2

Regulation 10(4)

[^{F1}Listed Activities]

Textual Amendments

- F1** Sch. 2 heading substituted (17.8.2022) by [The Financial Services Act 2021 \(Prudential Regulation of Credit Institutions and Investment Firms\) \(Consequential Amendments and Miscellaneous Provisions\) Regulations 2022 \(S.I. 2022/838\)](#), regs. 1(2), **12(4)(a)** (with regs. 24-26)

The activities ^{F2}... are—

“2. Lending including, inter alia: consumer credit, credit agreements relating to immovable property, factoring, with or without recourse, financing of commercial transactions (including forfeiting).

3. Financial leasing.

[^{F3}4. Payment services as defined in regulation 2(1) of the Payment Services Regulations 2017^{F4}, other than an account information service (within the meaning of that term in regulation 2(1) of those Regulations).]

5. Issuing and administering other means of payment (e.g. travellers' cheques and bankers' drafts) ^{F5}....

6. Guarantees and commitments.

7. Trading for own account or for account of customers in any of the following:

- (a) money market instruments (cheques, bills, certificates of deposit, etc.);
- (b) foreign exchange;
- (c) financial futures and options;
- (d) exchange and interest-rate instruments;
- (e) transferable securities.

8. Participation in securities issues and the provision of services relating to such issues.

9. Advice to undertakings on capital structure, industrial strategy and related questions and advice as well as services relating to mergers and the purchase of undertakings.

10. Money broking.

11. Portfolio management and advice.

12. Safekeeping and administration of securities.

14. Safe custody services.

15. Issuing electronic money.”

Textual Amendments

- F2** Words in Sch. 2 omitted (17.8.2022) by virtue of [The Financial Services Act 2021 \(Prudential Regulation of Credit Institutions and Investment Firms\) \(Consequential Amendments and Miscellaneous Provisions\) Regulations 2022 \(S.I. 2022/838\)](#), regs. 1(2), **12(4)(b)** (with regs. 24-26)

- F3** Sch. 2 para. 4 substituted (1.9.2022) by [The Money Laundering and Terrorist Financing \(Amendment\) \(No. 2\) Regulations 2022 \(S.I. 2022/860\)](#), regs. 1(5), **15**
- F4** S.I. 2017/752. There have been amendments to regulation 2 but none are relevant.
- F5** Words in Sch. 2 omitted (17.8.2022) by virtue of [The Financial Services Act 2021 \(Prudential Regulation of Credit Institutions and Investment Firms\) \(Consequential Amendments and Miscellaneous Provisions\) Regulations 2022 \(S.I. 2022/838\)](#), regs. 1(2), **12(4)(d)** (with regs. 24-26)

Textual Amendments

- F2** Words in Sch. 2 omitted (17.8.2022) by virtue of [The Financial Services Act 2021 \(Prudential Regulation of Credit Institutions and Investment Firms\) \(Consequential Amendments and Miscellaneous Provisions\) Regulations 2022 \(S.I. 2022/838\)](#), regs. 1(2), **12(4)(b)** (with regs. 24-26)
- F3** Sch. 2 para. 4 substituted (1.9.2022) by [The Money Laundering and Terrorist Financing \(Amendment\) \(No. 2\) Regulations 2022 \(S.I. 2022/860\)](#), regs. 1(5), **15**
- F4** S.I. 2017/752. There have been amendments to regulation 2 but none are relevant.
- F5** Words in Sch. 2 omitted (17.8.2022) by virtue of [The Financial Services Act 2021 \(Prudential Regulation of Credit Institutions and Investment Firms\) \(Consequential Amendments and Miscellaneous Provisions\) Regulations 2022 \(S.I. 2022/838\)](#), regs. 1(2), **12(4)(d)** (with regs. 24-26)

SCHEDULE 3

Regulation 26(14)

Relevant Offences

1. An offence under the Perjury Act 1911 ^{M1}.

Marginal Citations

M1 1911 c.6.

2. An offence under section 89 of the Criminal Justice Act 1967 (false written statements tendered in evidence) ^{M2}.

Marginal Citations

M2 1967 c.80.

3. An offence under section 20BB of the Taxes Management Act 1970 (falsification of documents) ^{M3}.

Marginal Citations

M3 1970 c.9. Section 20BB was inserted by section 145(1) of the [Finance Act 1989 \(c.26\)](#), and amended by section 149(3) of the [Finance Act 2000 \(c.17\)](#), paragraph 69 of Schedule 36 to the [Finance Act 2008 \(c.9\)](#), and paragraph 46 of Schedule 38 to the [Finance Act 2012 \(c.14\)](#), and by [S.I. 2009/56](#).

4. An offence under section 11 of the European Communities Act 1972 (EU offences) ^{M4}.

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Marginal Citations

M4 [1972 c.68](#).

5. An offence under Article 10 of the Perjury (Northern Ireland) Order 1979 (false statutory declarations and other false unsworn statements) ^{M5}.

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Marginal Citations

M5 [S.I. 1979/1714 \(N.I. 19\)](#).

6. An offence under the Customs and Excise Management Act 1979 ^{M6}.

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Marginal Citations

M6 [1979 c.2](#).

7. An offence under the Estate Agency Act 1979, or specified for the purposes of section 3 of that Act in the Estate Agents (Specified Offences) (No 2) Order 1991 ^{M7}.

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Marginal Citations

M7 [S.I. 1991/1091](#), amended by [S.I. 1992/2833](#).

8. An offence under any of sections 1 to 5 of the Forgery and Counterfeiting Act 1981 ^{M8} (counterfeiting offences).

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Marginal Citations

M8 [1981 c.45](#).

9. An offence under section 35 of the Administration of Justice Act 1985 (penalty for pretending to be a licensed conveyancer or recognised body) ^{M9}.

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Marginal Citations

M9 [1985 c.61](#). Section 35 was amended by paragraph 25 of Schedule 17 and Schedule 23 to the [Legal Services Act 2007 \(c.29\)](#)

10. An offence under section 11(1) (undischarged bankrupts) or 13 (criminal penalties) of the Company Directors Disqualification Act 1986 ^{M10}.

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Marginal Citations

M10 [1986 c.46](#).

11. An offence under section 1, 2, 3, 3ZA or 3A of the Computer Misuse Act 1990 ^{M11} (computer misuse offences).

Marginal Citations

M11 1990 c.18. Section 1 was amended by s.35 of the [Police and Justice Act 2006 \(c.48\)](#) and paragraph 7 of Schedule 4 to the [Serious Crime Act 2015 \(c.9\)](#). Section 2 was amended by paragraph 17 of Schedule 14 to the [Police and Justice Act 2006 \(c.48\)](#) and paragraph 7 of Schedule 4 to the Serious Crime Act 2015. Section 3 was amended by section 36 of the [Police and Justice Act 2006 \(c.48\)](#), and paragraph 7 of Schedule 4 to the Serious Crime Act 2015. Section 3ZA was inserted by section 41(2) of the Serious Crime Act 2015. Section 3A was inserted by section 37 of the [Police and Criminal Justice Act 2006 \(c.48\)](#) and amended by section 41 and 42 of and paragraphs 7 and 8 of Schedule 4 to the Serious Crime Act 2015.

12. An offence under section 112 (false representations or obtaining benefit) or 114 (offences relating to contributions) of the Social Security Administration Act 1992 ^{M12}.

Marginal Citations

M12 1992 c.5. Section 112 was amended by paragraph 4 of Schedule 1 to the [Social Security Administration \(Fraud\) Act 1997 \(c.47\)](#), paragraph 6 of Schedule 6 and paragraph 1 of Schedule 9 to the [Child Support, Pensions and Social Security Act 2000 \(c.19\)](#) and by section 16(3) of the [Social Security Fraud Act 2001 \(c.11\)](#). Section 114 was amended by section 61 of the [Social Security Act 1998 \(c.14\)](#).

13. An offence under section 52 of the Criminal Justice Act 1993 ^{M13} (the offence of insider dealing).

Marginal Citations

M13 1993 c.36.

14. An offence under the Value Added Tax Act 1994 ^{M14}.

Marginal Citations

M14 1994 c.23.

15. An offence under section 44(2) of the Criminal Law (Consolidation) (Scotland) Act 1995 (false statement and declarations) ^{M15}.

Marginal Citations

M15 1995 c.39.

16. An offence under the Data Protection Act 1998 ^{M16}.

Marginal Citations

M16 1998 c.29.

17. An offence under the Terrorism Act 2000 ^{M17}.

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Marginal Citations

M17 [2000 c.11](#).

18. An offence under paragraph 7(2) or (3) of Schedule 3 to the Anti-Terrorism, Crime and Security Act 2001 ^{M18} (offences).

Marginal Citations

M18 [2001 c.24](#).

19. An offence under the Money Laundering Regulations 2001 ^{M19}, the Money Laundering Regulations 2003 ^{M20}, the Money Laundering Regulations 2007 ^{M21} or under these Regulations.

Marginal Citations

M19 [S.I. 2001/3641](#).

M20 [S.I. 2003/3075](#).

M21 [S.I. 2007/2157](#).

20. An offence under section 35 of the Tax Credits Act 2002 ^{M22} (offence of fraud).

Marginal Citations

M22 [2002 c.21](#). Section 35 was amended by section 124 of the [Welfare Reform Act 2012 \(c.5\)](#), and will be repealed when Schedule 14 to that Act comes into force.

21. An offence under Part 7 (money laundering) or Part 8 (investigations) 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 ^{M23}.

Marginal Citations

M23 [2002 c. 29](#).

22. An offence under the Commissioners for Revenue and Customs Act 2005 ^{M24}.

Marginal Citations

M24 [2005 c.11](#).

23. An offence under the Terrorism Act 2006 ^{M25}.

Marginal Citations

M25 [2006 c.11](#).

24. An offence under section 1, 2, 6 or 7 of the Bribery Act 2010 ^{M26} (bribery).

Marginal Citations

M26 2010 c.23.

25. An offence under section 45 of the Serious Crime Act 2015^{M27} (offence of participating in activities of organised crime gang).

Marginal Citations

M27 2015 c.9.

26. An offence under Parts 1 (general privacy protections); 2 (lawful interception of communications), 3 (authorisations for obtaining communications data), 5 (equipment interference), 6 (bulk warrants) and 7 (bulk personal dataset warrants) of the Investigatory Powers Act 2016^{M28}.

Marginal Citations

M28 2016 c.25.

27. An offence under section 45 (failure to prevent facilitation of UK tax evasion offences) or 46 (failure to prevent facilitation of foreign tax evasion offences) of the Criminal Finances Act 2017^{M29}.

Marginal Citations

M29 2017 c.22.

[^{F6}27A An offence under the Data Protection Act 2018, apart from an offence under section 173 of that Act.]

Textual Amendments

F6 Sch. 3 para. 27A inserted (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), [Sch. 19 para. 419](#) (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)

28. An offence of cheating the public revenue.

29. An offence under the law of any part of the United Kingdom consisting of being knowingly concerned in, or in taking steps with a view to, the fraudulent evasion of tax.

30. Any offence which has deception or dishonesty as one of its components.

31. The common law offences of conspiracy to defraud and perverting the course of justice.

32. An offence of attempting, conspiring or inciting the commission of an offence specified in this Schedule.

33. An offence under section 44 of the Serious Crime Act 2007 of doing an act capable of encouraging or assisting the commission of an offence specified in this Schedule.

34. An offence of aiding, abetting, counselling or procuring the commission of an offence specified in this Schedule.

35. An act which—

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- (a) constituted an offence under the law of a foreign country, and
- (b) would have constituted an offence under any of paragraphs 1 to 34 under the law of any part of the United Kingdom if it had been done—
 - (i) in that part of the United Kingdom;
 - (ii) by a person who is linked to part of the United Kingdom (within the meaning of paragraph 5(3) of Schedule 7A to the Proceeds of Crime Act 2002 (connection with relevant part of the United Kingdom)^{M30}); or
 - (iii) as regards the United Kingdom.

Marginal Citations

M30 Schedule 7A was inserted by section 48 of the [Crime and Courts Act 2013 \(c.22\)](#).

[^{F7}SCHEDULE 3AZA

Regulation 30A

Material Discrepancies

Textual Amendments

F7 [Sch. 3AZA](#) inserted (1.4.2023) by [The Money Laundering and Terrorist Financing \(Amendment\) \(No. 2\) Regulations 2022 \(S.I. 2022/860\)](#), regs. 1(4), **9(j)**

A material discrepancy in this Schedule may arise, as the case may be, in relation to information about a beneficial owner within the meaning of regulation 3 of these Regulations (including about a person of significant control within the meaning of Part 21A of the Companies Act 2006) and in relation to information about a registrable beneficial owner within the meaning of Part 3 of Schedule 1 to the Economic Crime (Transparency and Enforcement) Act 2022.

1. A material discrepancy in this Schedule is one which satisfies the condition in paragraph 2, including one which is in a form listed in paragraph 3.
2. The condition in this paragraph is that the discrepancy, by its nature, and having regard to all the circumstances, may reasonably be considered—
 - (a) to be linked to money laundering or terrorist financing; or
 - (b) to conceal details of the business of the customer.
3. Discrepancies listed in this paragraph are in the form of—
 - (a) a difference in name;
 - (b) an incorrect entry for nature of control;
 - (c) an incorrect entry for date of birth;
 - (d) an incorrect entry for nationality;
 - (e) an incorrect entry for correspondence address;
 - (f) a missing entry for a person of significant control or a registrable beneficial owner;
 - (g) an incorrect entry for the date the individual became a registrable person.]

[^{F8}SCHEDULE 3ZA

Regulation 33(3)

High-Risk Third Countries

Textual Amendments

F8 Sch. 3ZA substituted (27.6.2023) by The Money Laundering and Terrorist Financing (High-Risk Countries) (Amendment) Regulations 2023 (S.I. 2023/704), regs. 1(2), **2(2)**

1. Albania
2. Barbados
3. Burkina Faso
4. Cayman Islands
5. Democratic People's Republic of Korea
6. Democratic Republic of the Congo
7. Gibraltar
8. Haiti
9. Iran
10. Jamaica
11. Jordan
12. Mali
13. Mozambique
14. Myanmar
15. Panama
16. Philippines
17. Senegal
18. South Sudan
19. Syria
20. Tanzania
21. Turkey
22. Uganda
23. United Arab Emirates
24. Yemen]

Status: Point in time view as at 27/06/2023.**Changes to legislation:** There are currently no known outstanding effects for the The Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017. (See end of Document for details)[^{F9}SCHEDULE 3A

Regulation 42

Excluded Trusts

Textual Amendments**F9** Sch. 3A inserted (6.10.2020) by [The Money Laundering and Terrorist Financing \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/991\)](#), regs. 1(2), **11****Legislative Trusts**

1. A trust imposed or required by an enactment.

Trusts imposed by court order

2. A trust created by, or in order to satisfy the terms of, an order of a court or tribunal.

Pension scheme trusts

3. A trust holding sums or assets of a pension scheme which is a registered pension scheme for the purposes of Part 4 of the Finance Act 2004.

Trusts of insurance policies

- [^{F10}4.—(1) A trust of a life policy paying out only—
- (a) on the death, terminal or critical illness, or permanent or temporary disablement of the person assured; or
 - (b) to meet the cost of healthcare services provided to the person assured.
- (2) A trust of an insurance policy paying out only—
- (a) on the temporary disablement of the person assured, where that policy was applied for at the same time as a policy under sub-paragraph (1); or
 - (b) to meet the cost of healthcare services provided to the person assured.
- (3) A trust of the benefits payable on the death of the person assured under a retirement policy.]

Textual Amendments**F10** Sch. 3A para. 4 substituted (9.3.2022) by [The Money Laundering and Terrorist Financing \(Amendment\) Regulations 2022 \(S.I. 2022/137\)](#), regs. 1, **5(a)****Charitable trusts**

5. A trust for charitable purposes which—
 - (a) in Scotland or Northern Ireland, is registered as a charity; or
 - (b) in England and Wales, is registered as a charity or not required to register by virtue of section 30(2)(a) to (d) of the Charities Act 2011.

Pilot trusts

6. A trust which—

- (a) holds property with a value not exceeding £100, and
- (b) was created before the date on which regulation 42(2)(iii) of these Regulations comes into force.

[^{F11}Bank accounts for minors etc

6A.—(1) A trust which is created as a requirement of opening a relevant account for the sole benefit of—

- (a) a person under the age of 18;
- (b) a person who lacks capacity within the meaning of section 2 of the Mental Capacity Act 2005;
- (c) a person who is incapable within the meaning of section 1 of the Adults with Incapacity (Scotland) Act 2000; or
- (d) a person who is incapable of managing and administering the person’s property and affairs, by reason of mental disorder within the meaning of Article 3(1) of the Mental Health (Northern Ireland) Order 1986.

(2) In this paragraph—

“relevant account” means an account, consisting only of a sum of money, held with an authorised Part 4A person carrying on by way of business the activity specified in article 5 (accepting deposits) of the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001;

“authorised Part 4A person” means an authorised person who has a Part 4A permission, within the meaning given to that term in section 55A(5) of FSMA, to carry on that specified activity.]

Textual Amendments

F11 Sch. 3A para. 6A inserted (9.3.2022) by *The Money Laundering and Terrorist Financing (Amendment) Regulations 2022 (S.I. 2022/137)*, regs. 1, **5(b)**

Trusts having effect on death

7.—(1) A trust effected by will where—

- (a) the trust is holding only the property comprised in a person’s estate on death, and
- (b) less than two years has passed since that person’s death.

(2) In this paragraph, a person’s “estate” means the aggregate of all the property to which that person is beneficially entitled.

8. A trust where—

- (a) the trust is holding only benefits received on the death of the person assured under a policy within paragraph 4, and
- (b) less than two years has passed since that person’s death.

Co-ownership

9. A trust of jointly held property where the trustees and the beneficiaries are the same persons.

Financial markets infrastructure

10.—(1) A trust—

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- (a) created under, or for the purpose of, the default arrangements of a designated system or of the default rules of a recognised body, or for the purpose of any action or proceedings taken by or for such a system or body under such arrangements or rules;
 - (b) relating to the creation of a beneficial interest in securities belonging to a person whose name and address are maintained on a register of securities (within the meaning of regulation 3(1) of the Uncertificated Securities Regulations 2001); or
 - (c) created by or for a segregating entity—
 - (i) for the purpose of protecting sums or assets belonging to the segregating entity’s clients; or
 - (ii) for the purpose of complying with a legal obligation to safeguard and segregate sums or assets belonging to the segregating entity’s clients or to keep separate client records and accounts.
- (2) In this paragraph—
- “clearing member” and “default rules” have the meanings given, respectively, in sections 190(1) and 188 of the Companies Act 1989;
- “default arrangements”, “designated system” and “participant” have the meanings given in regulation 2(1) of the Financial Markets and Insolvency (Settlement Finality) Regulations 1999;
- “recognised body” and “recognised central counterparty” have the meanings given in section 313 of FSMA;
- “segregating entity” means—
- (a) an authorised person;
 - (b) a clearing member of a recognised central counterparty;
 - (c) a participant in a designated system;
 - (d) a designated system; or
 - (e) a recognised body.

Professional services

11. A trust created for the purpose of enabling or facilitating the holding of sums, assets or (in the case of sub-paragraph (c)), documents, belonging to a person other than the trustee, in connection with which sums, assets or documents the trustee is—

- (a) carrying on by way of business the activity specified in article 40 (safeguarding and administering investments) of the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001;
- (b) acting by way of business as the trustee of an authorised unit trust scheme (and for this purpose “trustee” and “authorised unit trust scheme” have the meanings given in section 237 of FSMA); or
- (c) acting by way of business as an agent holding sums, assets or documents in escrow until the performance of a contractual condition agreed between two or more other persons, including the person for whom the sums, assets or documents are being held.

Client money etc.

12. A trust created by a relevant supervised person for the purpose of holding client money, securities or other assets, where that trust is incidental to the carrying on of business by the relevant supervised person.

Capital markets etc.

13. A trust created for the purpose of enabling or facilitating an activity listed in points 2, 3, 6, 7 or 8 of ^{F12}... Schedule 2, or for protecting or enforcing rights relating to that activity, where—

- (a) one or more of the participants in that activity is a relevant supervised person, and
- (b) the use of the trust is incidental to the principal purpose of that activity.

Textual Amendments

F12 Words in Sch. 3A para. 13 omitted (17.8.2022) by virtue of The Financial Services Act 2021 (Prudential Regulation of Credit Institutions and Investment Firms) (Consequential Amendments and Miscellaneous Provisions) Regulations 2022 (S.I. 2022/838), regs. 1(2), **12(5)** (with regs. 24-26)

Commercial transactions

14. A trust created for the purpose of—

- (a) enabling or facilitating a transaction effected for genuine commercial reasons; or
- (b) protecting or enforcing rights relating to such a transaction,

where the use of the trust is incidental to the principal purpose of the transaction.

Registration of assets

15. A trust created on the transfer or disposal of an asset where the purpose of the trust is to hold the legal title to the asset on trust for the person to whom the transfer or disposal is being made until the time when the procedure required by law to effect the transfer or disposal of legal title is completed.

Trusts meeting legislative requirements

16. A trust holding property to which section 71A or 71D of the Inheritance Tax Act 1984 applies.

17. A trust of property in respect of which a direction under paragraph 1 of Schedule 4 to the Inheritance Tax Act 1984 has effect.

18. A trust of funds derived from a payment—

- (a) made for the benefit of a person in consequence of a personal injury to that person, and
- (b) disregarded from capital under regulation 46(2) of, and paragraph 12 of Schedule 10 to, the Income Support (General) Regulations 1987.

19. A trust holding tenants' contributions for the purposes of section 42 of the Landlord and Tenant Act 1987.

20. The plan trust of a share incentive plan which meets the requirements of Part 9 of Schedule 2 to the Income Tax (Earnings and Pensions) Act 2003.

21. A trust created under a share option scheme that meets the requirements of Parts 2 to 7 of Schedule 3 to the Income Tax (Earnings and Pensions) Act 2003.

22. A trust holding property for a beneficiary who is a disabled person within the meaning given by Schedule 1A to the Finance Act 2005.

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Public authorities

23. A trust created for the purposes of enabling or assisting—
- (a) a public authority, within the meaning of section 3(1) of the Freedom of Information Act 2000, or a body specified in section 80(2) of that Act;
 - (b) a Scottish public authority, within the meaning of section 3(1) of the Freedom of Information (Scotland) Act 2002;
 - (c) the Security Service, the Secret Intelligence Service, the Government Communications Headquarters or the National Crime Agency; or
 - (d) the Welsh Assembly Government,

to carry out its functions, including any functions as a court or tribunal and, in the case of the Bank of England, any of its functions as a monetary authority within the meaning of section 244(2)(c) of the Banking Act 2009.

Interpretation

24. In this Schedule, “relevant supervised person” means—
- (a) a relevant person; or
 - (b) a person who is subject to requirements in national legislation having an equivalent effect to those laid down in the fourth money laundering directive on an obliged entity (within the meaning of that directive) and supervised for compliance with those requirements in a manner equivalent to section 2 of Chapter VI of the fourth money laundering directive.]

SCHEDULE 4

Regulation 51(1)

Supervisory Information

1. The number of persons subject to the supervision of the supervisory authority, or in the case of a self-regulatory organisation, the number of its members (“supervised persons”).
2. The number of supervised persons who are individuals.
3. In the case of a self-regulatory organisation, the number of its supervised persons who act as trust or company service providers.
4. In the case of a self-regulatory organisation, the number of applications for membership which the organisation has—
 - (a) received,
 - (b) rejected, and
 - (c) accepted.
5. The services provided by supervised persons.
6. The number of firms subject to the supervision of the supervisory authority which the authority considers to be—
 - (a) high risk;
 - (b) medium risk;
 - (c) low risk;

and for these purposes, “risk” refers to the risk that the firm will be subject to money laundering or terrorist financing.

7. The number of applications for approval received by the supervisory authority under regulation 26, and the number of those that—

- (a) were refused;
- (b) were accepted;
- (c) are to be determined.

8. The number of approvals under regulation 26 which were not valid, or ceased to be valid under paragraph (9) of that regulation.

9. In the case of a self-regulatory organisation, the number, amount and type of disciplinary measures it has imposed in relation to contraventions of these Regulations on supervised persons.

10. The number of times the supervisory authority has—

- (a) refused to register an applicant for registration under regulation 59; or
- (b) exercised any powers under regulation 60.

11. The number of times the supervisory authority has exercised any powers under Part 8.

12. The number of contraventions of these Regulations committed by supervised persons.

[^{F13}12A. The number of contraventions of these Regulations identified upon exercise of the powers under Part 8.]

Textual Amendments

F13 Sch. 4 para. 12A inserted (10.1.2020) by [The Money Laundering and Terrorist Financing \(Amendment\) Regulations 2019 \(S.I. 2019/1511\)](#), regs. 1(2), **11(a)**

13. The number and amount of penalties or charges which have been imposed under Part 9.

14. The number of times the supervisory authority has exercised the other powers under Part 9.

15. The number of times the supervisory authority or any of its supervised persons has made a suspicious activity disclosure to the NCA, and for these purposes, “suspicious activity disclosure” has the meaning given in regulation 104(4).

[^{F14}15A. A copy of any suspicious activity disclosure (within the meaning given in regulation 104(4)) the supervisory authority or any of its supervised persons has made to the NCA.]

Textual Amendments

F14 Sch. 4 para. 15A inserted (1.9.2022) by [The Money Laundering and Terrorist Financing \(Amendment\) \(No. 2\) Regulations 2022 \(S.I. 2022/860\)](#), regs. 1(5), **13(2)**

16. The number of supervised persons who have contravened requirements imposed by or under—

- (a) Part 3 of the Terrorism Act 2000 (terrorist property) ^{M31}, or
- (b) Part 7 (money laundering) or 8 (investigations) of the Proceeds of Crime Act 2002 ^{M32}.

Status: Point in time view as at 27/06/2023.

Changes to legislation: There are currently no known outstanding effects for the *The Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017*. (See end of Document for details)

Marginal Citations

M31 2000 c.11.

M32 2002 c. 29.

17. Information on the money laundering and terrorist financing practices that the supervisory authority considers apply to its own sector.

18. Indications that the supervisory authority considers to suggest that a transfer of criminal funds takes place in their own sector.

[^{F15}**19.** The amount of human resource allocated by the supervisory authority to supervising the countering of money laundering and terrorist financing.]

Textual Amendments

F15 Sch. 4 para. 19 inserted (10.1.2020) by [The Money Laundering and Terrorist Financing \(Amendment\) Regulations 2019 \(S.I. 2019/1511\)](#), regs. 1(2), **11(b)**

SCHEDULE 5

Regulation 65(3)

Connected Persons

Corporate Bodies

1. If the relevant person or payment service provider is a body corporate, any person who is or has been—

- (a) an officer or manager of the body corporate;
- (b) an officer or manager of a parent undertaking of the body corporate;
- (c) an employee of the body corporate;
- (d) an agent of the body corporate; or
- (e) an agent of a parent undertaking of the body corporate.

Partnerships

2. If the relevant person or payment service provider is a partnership, any person who is or has been a member, manager, employee or agent of the partnership.

Unincorporated Associations

3. If the relevant person or payment service provider is an unincorporated association of persons which is not a partnership, any person who is or has been a member, an officer, manager, employee or agent of the association.

Individuals

4. If the relevant person or payment service provider is an individual, any person who is or has been an employee or agent of that individual.

SCHEDULE 6

Regulation 75

Meaning of “relevant requirement”

1. For the purposes of Part 9 of these Regulations, “relevant requirement” means—
 - (a) a requirement imposed by the funds transfer regulation specified—
 - (i) in relation to a payment service provider of a payer, in paragraph 2;
 - (ii) in relation to a payment service provider of a payee, in paragraph 3;
 - (iii) in relation to the payment service provider of an intermediary, in paragraph 4.
 - (b) a requirement imposed (otherwise than on supervisory authorities, registering authorities or auction platforms) in or under the regulations specified in paragraphs 5 to 13;
 - (c) the following requirements imposed on auction platforms—
 - (i) the customer due diligence requirements in [F16]regulation 17 of the UK auctioning regulations];
 - (ii) the monitoring and record keeping requirements of [F17]regulation 37 of the UK auctioning regulations]; or
 - (iii) the requirements imposed in regulations 18 to 21 or 24 of these Regulations;
 - (iv) any requirement imposed under regulations 66, 69(2), 70(7), 77(2) and (6) or 78(2) or (5) of these Regulations.

Textual Amendments

- F16** Words in Sch. 6 para. 1(c)(i) substituted (22.4.2021) by [The Recognised Auction Platforms \(Amendment and Miscellaneous Provisions\) Regulations 2021 \(S.I. 2021/494\)](#), regs. 1(2), **8(6)(a)**
- F17** Words in Sch. 6 para. 1(c)(ii) substituted (22.4.2021) by [The Recognised Auction Platforms \(Amendment and Miscellaneous Provisions\) Regulations 2021 \(S.I. 2021/494\)](#), regs. 1(2), **8(6)(b)**

2. The requirements specified in this paragraph are those imposed in—
 - (a) Article 4 (information accompanying transfers of funds);
 - (b) Article 5 (information within the EEA);
 - (c) Article 6 (transfer of funds outside the EEA);
 - (d) Article 14 (provision of information);
 - (e) Article 15 (data protection);
 - (f) Article 16 (record retention).
3. The requirements specified in this paragraph are those imposed in—
 - (a) Article 7 (detection of missing information on the payer or the payee);
 - (b) Article 8 (transfers of funds with missing or incomplete information on the payer or the payee);
 - (c) Article 9 (assessment and reporting);
 - (d) Article 14 (provision of information);
 - (e) Article 15 (data protection);
 - (f) Article 16 (record retention).
4. The requirements specified in this paragraph are those imposed in—
 - (a) Article 10 (retention of information on the payer and the payee with the transfer);

Status: Point in time view as at 27/06/2023.

Changes to legislation: There are currently no known outstanding effects for the *The Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017*. (See end of Document for details)

- (b) Article 11 (detection of missing information on the payer or the payee);
 - (c) Article 12 (transfer of funds with missing information on the payer or the payee);
 - (d) Article 13 (assessment and reporting);
 - (e) Article 14 (provision of information);
 - (f) Article 15 (data protection);
 - (g) Article 16 (record retention).
5. The requirements specified in this paragraph are those—
- (a) imposed in—
 - (i) regulation 18 (risk assessment by relevant persons);
 - [^{F18}(ia) regulation 18A (risk assessment by relevant persons in relation to proliferation financing);]
 - (ii) regulation 19 (policies, controls and procedures);
 - [^{F19}(iia) regulation 19A (policies, controls and procedures in relation to proliferation financing);]
 - (iii) regulation 20 (policies, controls and procedures: group level);
 - (iv) regulation 21 (internal controls);
 - ^{F20}(v)
 - (vi) regulation 23 (requirement on authorised person to inform the FCA);
 - (vii) regulation 24 (training);
 - (b) imposed by supervisory authorities under regulation 25 (supervisory action).

Textual Amendments

- F18** Sch. 6 para. 5(a)(ia) inserted (1.9.2022) by [The Money Laundering and Terrorist Financing \(Amendment\) \(No. 2\) Regulations 2022 \(S.I. 2022/860\)](#), regs. 1(5), **6(9)(a)**
- F19** Sch. 6 para. 5(a)(iia) inserted (1.9.2022) by [The Money Laundering and Terrorist Financing \(Amendment\) \(No. 2\) Regulations 2022 \(S.I. 2022/860\)](#), regs. 1(5), **6(9)(b)**
- F20** Sch. 6 para. 5(a)(v) omitted (31.12.2020) by virtue of [The Money Laundering and Transfer of Funds \(Information\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/253\)](#), regs. 1(2), **11(3)** (with savings in S.I. 2019/680, reg. 11); 2020 c. 1, Sch. 5 para. 1(1)

6. The requirements specified in this paragraph are those imposed in regulation 26(1), (4), (5) and (10) (prohibition and approvals).

7. The requirements specified in this paragraph are those imposed in—
- (a) regulation 27 (customer due diligence);
 - (b) regulation 28 (customer due diligence measures);
 - (c) regulation 29 (additional customer due diligence measures: credit institutions and financial institutions),
 - (d) regulation 30 (timing of verification);
 - [^{F21}(da) regulation 30A (requirement to report discrepancies in registers);]
 - (e) regulation 31(1) (requirement to cease transactions);
 - (f) regulation 33(1) and (4) to (6) (obligation to apply enhanced customer due diligence);

- (g) regulation 34 (enhanced customer due diligence: credit institutions, financial institutions and correspondent relationships);
- (h) regulation 35 (enhanced customer due diligence: politically exposed persons);
- (i) regulation 37 (application of simplified due diligence);
- (j) regulation 38(3) (electronic money).

Textual Amendments

F21 Sch. 6 para. 7(da) inserted (10.1.2020) by [The Money Laundering and Terrorist Financing \(Amendment\) Regulations 2019 \(S.I. 2019/1511\)](#), regs. 1(2), **12(a)**

8. The requirements specified in this paragraph are those imposed in—
- (a) regulation 39(2) and (4) (reliance);
 - (b) regulation 40(1) and (5) to (7) (record keeping);
 - (c) regulation 41 (data protection).
9. The requirements specified in this paragraph are those imposed in—
- (a) regulation 43 (corporate bodies: obligations);
 - (b) regulation 44 (trustee obligations);
 - (c) regulation 45(2) [^{F22}, (9) and (10A) to (10I)] (register of beneficial ownership);
 - [^{F23}(d) regulation 45ZA(3) to (7) (register of beneficial ownership: additional types of trust).]

Textual Amendments

F22 Words in Sch. 6 para. 9(c) substituted (6.10.2020) by [The Money Laundering and Terrorist Financing \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/991\)](#), regs. 1(2), **12(a)**

F23 Sch. 6 para. 9(d) inserted (6.10.2020) by [The Money Laundering and Terrorist Financing \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/991\)](#), regs. 1(2), **12(b)**

[^{F24}9A. The requirements specified in this paragraph are those imposed in regulation 45B (duty to respond to requests for information) and 45G(1) and (3) (record keeping).]

Textual Amendments

F24 Sch. 6 para. 9A inserted (10.9.2020) by [The Money Laundering and Terrorist Financing \(Amendment\) Regulations 2019 \(S.I. 2019/1511\)](#), regs. 1(4), **12(b)**

10. The requirements specified in this paragraph are those imposed in—
- (a) regulation 56(1) and (5) (requirement to be registered);
 - (b) regulation 57(1) and (4) (applications for registration in a register maintained under regulations 54 or 55);
 - [^{F25}(c) regulation 60A (disclosure by cryptoasset businesses).]

Textual Amendments

F25 Sch. 6 para. 10(c) inserted (10.1.2020) by [The Money Laundering and Terrorist Financing \(Amendment\) Regulations 2019 \(S.I. 2019/1511\)](#), regs. 1(2), **12(c)**

Status: Point in time view as at 27/06/2023.

Changes to legislation: There are currently no known outstanding effects for the *The Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017*. (See end of Document for details)

11. The requirements specified in this paragraph are those imposed in regulation 64(2) (obligations of payment service providers);

12. The requirements specified in this paragraph are those imposed under—

- (a) regulation 66 (power to require information);
- (b) regulation 69(2) (entry, inspection of premises without a warrant);
- (c) regulation 70(7) (entry of premises under warrant);
- [^{F26}(ca) regulation 74A (reporting requirements: cryptoasset businesses);
- (cb) regulation 74B (report by a skilled person: cryptoasset businesses);
- (cc) regulation 74C (directions: cryptoasset businesses);]
- (d) regulation 77(2) and (6) (power to impose civil penalties: suspension and removal of authorisation);
- (e) regulation 78(2) and (5) (power to prohibit individuals from managing).

Textual Amendments

F26 Sch. 6 para. 12(ca)-(cc) inserted (10.1.2020) by [The Money Laundering and Terrorist Financing \(Amendment\) Regulations 2019 \(S.I. 2019/1511\)](#), regs. 1(2), **12(d)**

13. The requirement specified in this paragraph is the requirement imposed in regulation 84(1).

[^{F27}SCHEDULE 6A

Regulation 104A

The United Kingdom's Financial Intelligence Unit

Textual Amendments

F27 Sch. 6A inserted (10.1.2020) by [The Money Laundering and Terrorist Financing \(Amendment\) Regulations 2019 \(S.I. 2019/1511\)](#), regs. 1(2), **13**

Interpretation

1. In this Schedule

“external request” means a request to the NCA for information by a foreign FIU which may be relevant for the purpose of the foreign FIU’s performance of FIU functions;

“FIU functions” means the functions of a financial intelligence unit as set out in the fourth money laundering directive;

“foreign competent authority” means an authority in an EEA state other than the United Kingdom which has equivalent functions to those of a United Kingdom competent authority to which a foreign FIU may provide information in connection with its performance of FIU functions;

“foreign FIU” means an authority in an EEA state other than the United Kingdom which performs FIU functions in that state;

“relevant information” means information the NCA possesses in connection with its performance of FIU functions which it considers relevant to an external request;

“the 2000 Act” means the Terrorism Act 2000 ^{M33};

“the 2002 Act” means the Proceeds of Crime Act 2002 ^{M34};

“United Kingdom competent authority” means any authority other than the NCA concerned in the prevention, investigation, detection or prosecution of criminal offences contained in Part 7 (money laundering) of the 2002 Act or Part 3 (terrorist property) of the 2000 Act, and any supervisory authority, to which the NCA disseminates information in its performance of FIU functions.

Marginal Citations

M33 2000 c. 11.

M34 2002 c. 29.

Reports to the National Crime Agency

2. Where the NCA has, in its performance of FIU functions, disseminated any information to a United Kingdom competent authority, that authority must, upon request, provide a report to the NCA about the authority’s use of that information, including the outcome of any investigations or inspections conducted on the basis of that information.

Co-operation

3. The NCA must take such steps as it considers appropriate to co-operate with foreign FIUs in their performance of FIU functions.

Provision of information in response to external requests

4. In response to an external request, the NCA must (subject to paragraph 10) provide promptly any relevant information in the NCA’s possession.

5. Where an external request is received and the NCA does not possess information which the NCA considers relevant to the external request, and it suspects a relevant person possesses such information, the NCA—

- (a) may exercise its powers under Parts 7 ^{M35} and 8 ^{M36} (investigations) of the 2002 Act, any orders made under section 445 ^{M37} (external investigations) of that Act, or Part 3 of the 2000 Act ^{M38}, as applicable, to seek an order for information from such person, and
- (b) must (subject to paragraph 10) provide any relevant information received in consequence of any such order promptly to the foreign FIU concerned.

Marginal Citations

M35 Sections 339ZH-339ZK (further information orders) were inserted into Part 7 by section 12 of the Criminal Finances Act 2017 (c. 22) (“the 2017 Act”). Other amendments have been made to Part 7 but none are relevant.

M36 Sections 362A-362I (unexplained wealth orders: England and Wales and Northern Ireland) and 396A-396I (unexplained wealth orders: Scotland) were inserted into Part 8 by sections 1 and 4 of the 2017 Act. Sections 357, 358 and 362 (disclosure orders: England and Wales and Northern Ireland) and sections 391, 392 and 396 (disclosure orders: Scotland) were amended by sections 7 and 8 of the 2017 Act. Other amendments have been made to Part 8 but none are relevant.

M37 Section 445 was amended by section 24(3) of the 2017 Act.

Status: Point in time view as at 27/06/2023.

Changes to legislation: There are currently no known outstanding effects for the *The Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017*. (See end of Document for details)

M38 Part 3 was amended by Schedule 2 (disclosure orders) to the 2017 Act. Sections 22B-22E (further information orders) were inserted into Part 3 by section 37 of the 2017 Act. Other amendments have been made to Part 3 but none are relevant.

6. The NCA must designate at least one point of contact with responsibility for receiving external requests.

7. Where the NCA has provided relevant information to a foreign FIU, and that foreign FIU makes a request for consent to disseminate some or all of the relevant information to a foreign competent authority, the NCA must (subject to paragraph 11) consent to the dissemination of as much of the requested information as possible and communicate its consent promptly to the foreign FIU.

8. Where the NCA provides relevant information in response to an external request in accordance with this Schedule, the NCA shall take such steps as it considers appropriate to ensure that such information is transmitted securely.

Marginal Citations

M35 Sections 339ZH-339ZK (further information orders) were inserted into Part 7 by section 12 of the Criminal Finances Act 2017 (c. 22) (“the 2017 Act”). Other amendments have been made to Part 7 but none are relevant.

M36 Sections 362A-362I (unexplained wealth orders: England and Wales and Northern Ireland) and 396A-396I (unexplained wealth orders: Scotland) were inserted into Part 8 by sections 1 and 4 of the 2017 Act. Sections 357, 358 and 362 (disclosure orders: England and Wales and Northern Ireland) and sections 391, 392 and 396 (disclosure orders: Scotland) were amended by sections 7 and 8 of the 2017 Act. Other amendments have been made to Part 8 but none are relevant.

M37 Section 445 was amended by section 24(3) of the 2017 Act.

M38 Part 3 was amended by Schedule 2 (disclosure orders) to the 2017 Act. Sections 22B-22E (further information orders) were inserted into Part 3 by section 37 of the 2017 Act. Other amendments have been made to Part 3 but none are relevant.

Conditions and restrictions on provision or further dissemination of relevant information

9. The NCA may impose such restrictions and conditions on the use of relevant information provided in response to an external request as the NCA considers appropriate.

10. Where an obligation arises under this Schedule for the NCA to provide relevant information in response to an external request, the NCA may decide not to provide some or all of the information where and to the extent that the NCA considers that doing so could be contrary to national law.

11. The NCA is not required to comply with the duty to give consent to the dissemination of information to a foreign competent authority under paragraph 7 if and to the extent that the NCA considers that the giving of such consent could—

- (a) prejudice an investigation, whether into a criminal cause or matter or in relation to any investigation referred to in section 341 (investigations) of the 2002 Act^{M39} or to which Schedule 5A (terrorist financing investigations) to the 2000 Act^{M40} applies; or
- (b) be contrary to national law.

Marginal Citations

M39 Section 341 is amended by section 75(1) of the Serious Crime Act 2007 (c. 27); paragraph 2 of Schedule 19 to the Coroners and Justice Act 2009 (c. 25); paragraph 110 of Schedule 7 to the Policing and Crime Act 2009 (c. 26); paragraphs 2 and 25 of Schedule 19 to the Crime and Courts Act 2013 (c. 22);

section 38(1) of, and paragraph 55 of Schedule 4 to, the Serious Crime Act 2015 (c. 9); and section 33 of, and paragraph 39 of Schedule 5 to, the Criminal Finances Act 2017 (“the 2017 Act”).

M40 Schedule 5 was inserted by paragraphs 3 and 4 of Schedule 2 to the 2017 Act.

12. The NCA must have particular regard—

- (a) where making a decision under paragraph 10, to the need for as unfettered an exchange of relevant information in response to external requests as possible, or
- (b) where making a decision under paragraph 11, to the need for as unfettered dissemination of information as possible by a foreign FIU to foreign competent authorities,

in order for the foreign FIU concerned to carry out FIU functions efficiently and effectively.

Marginal Citations

M39 Section 341 is amended by section 75(1) of the Serious Crime Act 2007 (c. 27); paragraph 2 of Schedule 19 to the Coroners and Justice Act 2009 (c. 25); paragraph 110 of Schedule 7 to the Policing and Crime Act 2009 (c. 26); paragraphs 2 and 25 of Schedule 19 to the Crime and Courts Act 2013 (c. 22); section 38(1) of, and paragraph 55 of Schedule 4 to, the Serious Crime Act 2015 (c. 9); and section 33 of, and paragraph 39 of Schedule 5 to, the Criminal Finances Act 2017 (“the 2017 Act”).

M40 Schedule 5 was inserted by paragraphs 3 and 4 of Schedule 2 to the 2017 Act.

Requests for information by the NCA to foreign FIUs

13. Paragraphs 14 and 15 apply where the NCA wishes to obtain information concerning a relevant person which has its head office in an EEA state other than the United Kingdom.

14. The NCA must address a request for the information to the foreign FIU in the state in which the relevant person has its head office.

15. Where the NCA makes a request to a foreign FIU for information which the NCA considers may be relevant for its performance of FIU functions, the request must contain the relevant facts and background information, reasons for the request and how the information sought is proposed to be used.

Conditions and restrictions on use of information received by the NCA from foreign FIUs

16. Where the NCA receives information from a foreign FIU, the NCA must—

- (a) use the information only for the purpose for which it was sought or provided, unless it has obtained the prior consent of the foreign FIU to any other use of the information;
- (b) comply with any restrictions or conditions of use which have been imposed by the foreign FIU in respect of the information; and
- (c) obtain the prior consent of the foreign FIU to any further dissemination of the information.]

Status: Point in time view as at 27/06/2023.

Changes to legislation: There are currently no known outstanding effects for the The Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017. (See end of Document for details)

[^{F28}SCHEDULE 6B

Regulation 60B

Changes in Control of Registered Cryptoasset Businesses

Textual Amendments

F28 Sch. 6B inserted (11.8.2022) by [The Money Laundering and Terrorist Financing \(Amendment\) \(No. 2\) Regulations 2022 \(S.I. 2022/860\)](#), regs. 1(2)(c), **12(4)**

Modifications: Control over registered cryptoasset exchange providers and registered custodian wallet providers

1. With respect to an acquisition of or an increase in control over a cryptoasset business, Part 12 of FSMA (control over authorised persons)^{F29} applies with the following modifications—

- (a) references to a “UK authorised person” are to be read as references to a registered cryptoasset exchange provider or registered custodian wallet provider to which Part 12 of FSMA does not otherwise apply;
- (b) references to “appropriate regulator” and “each regulator” are to be read as references to the FCA;
- (c) section 178 (obligation to notify the appropriate regulator: acquisitions of control)^{F30} is to be read as if—
 - (i) subsection (2ZA) were omitted;
 - (ii) subsection (2A) were omitted;
- (d) section 181 (acquiring control)^{F31} is to be read as if—
 - (i) for the heading there were substituted “Acquiring or increasing control”;
 - (ii) for subsections (1) and (2) there were substituted—

“For the purposes of this Part, a person (“A”) acquires or increases control over a UK authorised person (“B”) or a parent undertaking of B (“P”) if A would become a beneficial owner of B or P within the meaning of regulations 5 or 6 of the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 if the acquisition were to proceed.”;
- (e) section 182 (increasing control)^{F32} and section 183 (reducing or ceasing to have control) are to be disregarded;
- (f) section 184 (disregarded holdings)^{F33} is to be read as if—
 - (i) in subsection (1), for “For the purposes of sections 181 to 183” there were substituted “For the purposes of section 181”;
 - (ii) subsections (4) to (10) were omitted;
- (g) section 185 (assessment: general)^{F34} is to be read as if—
 - (i) in subsection (2)(a), “and the financial soundness of the acquisition” were omitted;
 - (ii) in subsection (3)(a), for “matters” there were substituted “matter”;
- (h) section 186 (assessment criteria)^{F35} is to be read as if it said—

“Assessment criteria

186. The matter specified in section 185(3)(a) is whether the section 178 notice-giver is a fit and proper person within the meaning of regulation 58A^{F36} of the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 (fit and proper test: cryptoasset businesses).”;

- (i) section 187 (approval with conditions)^{F37} is to be read as if subsection (2)(b) were omitted;
- (j) section 187A (assessment: consultation by PRA with FCA)^{F38} is to be disregarded;
- (k) section 187B (assessment: consultation by FCA with PRA)^{F39} is to be disregarded;
- (l) section 187C (variation etc of conditions)^{F40} is to be disregarded;
- (m) section 189 (assessment: procedure)^{F41} is to be read as if—
 - (i) subsections (1A), (1ZB) and (1B) were omitted;
 - (ii) in subsection (6), “Unless section 190A applies” were omitted;
- (n) section 190 (requests for further information)^{F42} is to be read as if subsections (1A) and (4)(b) were omitted;
- (o) section 190A (assessment and resolution)^{F43} is to be disregarded;
- (p) section 191A (objection by the appropriate regulator)^{F44} is to be read as if—
 - (i) in subsection (2)(c), for “matters in” there were substituted “matter specified in”;
 - (ii) subsection (4A) were omitted;
 - (iii) after subsection (7) there were inserted—

“(8) A person (“A”) acquires or increases control for the purposes of this section if it acquires or increases control over a UK authorised person (“B”) or a parent undertaking of B (“P”) by becoming a beneficial owner of B or P within the meaning of regulations 5 or 6 of the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017^{F45}.”;
- (q) section 191B (restriction notices)^{F46} is to be read as if—
 - (i) in subsection (2)(a), after “voting power” there were inserted “or otherwise being a beneficial owner (within the meaning of regulations 5 or 6 of the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017) of the UK authorised person (“B”) or a parent undertaking of B”;
 - (ii) in subsection (2)(b), “in relation to the shares or voting power,” were omitted;
 - (iii) subsection (2A) were omitted;
 - (iv) after subsection (3) there were inserted—

“(3ZA) In a restriction notice, the appropriate regulator may direct that, in respect of a beneficial owner of a UK authorised person (“B”) or a parent undertaking of B, until further notice, no influence over the management or activities of B is to be exercisable by the beneficial owner.”;
 - (v) subsection (3A) were omitted;
 - (vi) in subsection (6)(b), after “held in” there were inserted “, or beneficial ownership of,”;
- (r) section 191C (orders for sale of shares)^{F47} is to be read as if subsections (2A), (7) and (8) were omitted;

Status: Point in time view as at 27/06/2023.

Changes to legislation: There are currently no known outstanding effects for the The Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017. (See end of Document for details)

- (s) section 191D (obligation to notify the appropriate regulator: dispositions of control)^{F48} is to be read as if—
- (i) subsection (1A) were omitted;
 - (ii) after subsection (2) there were inserted—
 - “(3) For the purposes of this section, a person (“A”) reduces or ceases to have control over a UK authorised person (“B”) or a parent undertaking of B (“P”) if A would cease to be a beneficial owner of B or P within the meaning of regulations 5 or 6 of the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 if the disposition were to proceed.”;
- (t) section 191F (offences under this Part)^{F49} is to be read as if—
- (i) in subsection (2), “or section 190A applies” were omitted;
 - (ii) subsection (4A) were omitted;
 - (iii) for subsections (8) and (9) there were substituted—
 - “(8) A person guilty of an offence under subsection (1) to (3) or (5) to (7) is liable—
 - (a) on summary conviction—
 - (i) in England and Wales, to a fine;
 - (ii) in Scotland or Northern Ireland, to a fine not exceeding the statutory maximum;
 - (b) on conviction on indictment, to a fine.
 - (9) A person guilty of an offence under subsection (4) is liable—
 - (a) on summary conviction—
 - (i) in England and Wales, to a fine;
 - (ii) in Scotland or Northern Ireland, to a fine not exceeding the statutory maximum;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine, or both.”;
 - (iv) after subsection (9) there were inserted—
 - “(10) A person is not guilty of an offence under this section if that person took all reasonable steps and exercised all due diligence to avoid committing the offence.”;
- (u) section 191G (interpretation)^{F50} is to be read as if the definitions of “the appropriate regulator”, “qualifying credit institution” and “UK authorised person” were omitted.

Textual Amendments

- F29** 2000 c. 8.
- F30** Subsection (2ZA) was added by [S.I. 2018/135](#); subsection (2A) was added by section 26(1) and (3) of the Financial Services Act 2012 ([c. 21](#)).
- F31** Section 181 was substituted by [S.I. 2009/534](#).
- F32** Section 182 was substituted by [S.I. 2009/534](#).
- F33** Section 184 was substituted by [S.I. 2009/534](#) and amended by [S.I. 2013/3115](#), [2015/1755](#) and [2019/534](#).
- F34** Section 185 was substituted by [S.I. 2009/534](#) and amended by section 26(1) and (2) of the Financial Services Act 2012 ([c. 21](#)).
- F35** Section 186 was substituted by [S.I. 2009/534](#) and amended by [S.I. 2013/3115](#).
- F36** Regulation 58A was inserted by [S.I. 2019/1511](#).

- F37** Section 187 was substituted by [S.I. 2009/534](#); subsection (2) was substituted by section 26(1) and (5) of the Financial Services Act 2012.
- F38** There have been amendments to section 187A but none are relevant.
- F39** There have been amendments to section 187B but none are relevant.
- F40** There have been amendments to section 187C but none are relevant.
- F41** Section 189 was substituted by [S.I. 2009/534](#) and amended by s.26(1) and (2) of the Financial Services Act 2012. There are other amendments but none are relevant.
- F42** There have been amendments to section 190 but none are relevant.
- F43** There have been amendments to section 190A but none are relevant.
- F44** Section 191A was substituted by [S.I. 2009/534](#); subsection (2) was amended by section 26(1) and (2) of the Financial Services Act 2012; subsection (4A) was substituted by section 26(1) and (7) of that Act. There have been other amendments but none are relevant.
- F45** [S.I. 2017/692](#).
- F46** Section 191B was substituted by [S.I. 2009/534](#); subsection (2) was amended by section 26(1) and (2) of the Financial Services Act 2012; subsection (2A) was added by section 26(1) and (8) of that Act. There have been other amendments but none are relevant.
- F47** Section 191B was substituted by [S.I. 2009/534](#); subsection (2A) was added by section 26(1) and (9) of the Financial Services Act 2012; subsection (2A) was added by section 26(1) and (8) of that Act; Subsections (7) and (8) were added by [S.I. 2016/1239](#). There have been other amendments but none are relevant.
- F48** Section 191D was substituted by [S.I. 2009/534](#). Subsection (1A) was added by section 26(1) and (10) of the Financial Services Act 2012. There have been other amendments but none are relevant.
- F49** There have been amendments to section 191F but none are relevant.
- F50** Section 191G was substituted by [S.I. 2009/534](#) and amended by section 26(1) and (12) of the Financial Services Act 2012 and [S.I. 2019/632](#).

Interpretation

2. In this Schedule—

“cryptoasset business” means a cryptoasset exchange provider or a custodian wallet provider;

“cryptoasset exchange provider” has the meaning given by regulation 14A(1)^{F51};

“custodian wallet provider” has the meaning given by regulation 14A(2);

“parent undertaking” has the meaning given by section 420 of the Financial Services and Markets Act 2000^{F52}

“registered cryptoasset exchange provider” means a cryptoasset exchange provider which is included in the register maintained by the FCA under regulation 54(1A) (duty to maintain registers of certain relevant persons)^{F53};

“registered custodian wallet provider” means a custodian wallet provider which is included in the register maintained by the FCA under regulation 54(1A).]

Textual Amendments

F51 Regulation 14A was inserted by [S.I. 2019/1511](#).

F52 [2000 c. 8](#). Section 420(1) was amended by [S.I. 2008/948](#); sub-section (2)(b) was amended by [S.I. 2019/632](#).

F53 Regulation 54(1A) was inserted by [S.I. 2019/1511](#).

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SCHEDULE 7

Regulation 109

Consequential Amendments

PART 1

Consequential Amendments to Primary Legislation

Solicitors (Scotland) Act 1980

1. In section 34 of the Solicitors (Scotland) Act 1980 ^{M41}, after subsection (1C), insert—
 - “(1D) Rules made under this section may make provision as to the way in which solicitors and incorporated practices are to comply with the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017.”.

Marginal Citations

M41 1980 c.46. Subsection (1A) was inserted by paragraph 12 of Schedule 1 to the [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1985 \(c.73\)](#). Subsections (1B) and (1C) were inserted by [S.S.I. 2004/383](#), and amended by section 31(3)(a) of the [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1990 \(c.40\)](#), and section 124(2) of the [Legal Services \(Scotland\) Act 2010 \(asp 16\)](#).

Northern Ireland Act 1998

2. In Schedule 3 to the Northern Ireland Act 1998 (reserved matters) ^{M42}—
 - (a) in paragraph 25, for “the Money Laundering Regulations 2007”^{M43} substitute “the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017”;
 - (b) omit paragraph 25A.

Marginal Citations

M42 1998 c. 47.
M43 S.I. 2007/2157.

Financial Services and Markets Act 2000

- 3.—(1) FSMA ^{M44} is amended as follows.
- (2) In section 226 (complaints: the ombudsman scheme etc) after subsection (7) insert—
 - “(7A) The rules must provide that a person within subsection (7B) is eligible in relation to a complaint to which subsection (7C) applies.
 - (7B) A person is within this subsection if he or she has been identified by a respondent, in carrying on an activity to which the rules apply, as—
 - (a) a politically exposed person;
 - (b) a family member of a politically exposed person; or
 - (c) a known close associate of a politically exposed person.
 - (7C) This subsection applies to a complaint—

- (a) that the complainant has been incorrectly identified as a person within subsection (7B); or
 - (b) relating to an act or omission of the respondent in consequence of the identification of the complainant as a person within subsection (7B).
- (7D) In subsection (7B), “politically exposed person”, “family member” and “known close associate” have the meanings given in regulation 35(12) of the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017.”.
- (3) For the heading of Part 20C (as inserted by the Bank of England and Financial Services Act 2016)^{M45}, substitute “Politically exposed persons: money laundering and terrorist financing”.
 - (4) In section 333U (guidance relating to money laundering and politically exposed persons)—
 - (a) in the heading, after “Money laundering” insert “ and terrorist financing ”; and
 - (b) in subsection (3)—
 - (i) for “Secretary of State” substitute “ Treasury ”; and
 - (ii) in paragraph (b), after “by the FCA” insert “ or under the ombudsman scheme ”.

Marginal Citations

M44 2000 c. 8.

M45 Part 20C was inserted by section 30 of the [Bank of England and Financial Service Act 2016 \(c.14\)](#).

Terrorism Act 2000

- 4.—(1) The Terrorism Act 2000^{M46} is amended as follows.
- (2) In section 21G (other permitted disclosures etc), in subsection (1)(a), for “the Money Laundering Regulations 2007 (S.I. 2007/2157)” substitute “ the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 ”.
 - (3) In section 21H(4), for the words from “Directive [2005/60/EC](#)” to “2005” substitute “ Directive 2015/849/EU of the European Parliament and of the Council of 20th May 2015^{M47} ”.
 - (4) Part 1 of Schedule 3A^{M48} (business in the regulated sector) is amended in accordance with sub-paragraphs (5) to (10).
 - (5) In paragraph 1(1)—
 - (a) in paragraph (b)^{M49}—
 - (i) at the end of sub-paragraph (i), omit “or”;
 - (ii) after sub-paragraph (i), insert—
 - “(ia) an undertaking whose only listed activity is as a creditor under an agreement which—
 - (aa) falls within section 12(a) of the Consumer Credit Act 1974^{M50} (debtor-creditor-supplier agreements);
 - (bb) provides fixed sum credit (within the meaning given in section 10(1)(b) of the Consumer Credit Act 1974 (running-account credit and fixed-sum credit)) in relation to the provision of services; and
 - (cc) provides financial accommodation by way of deferred payment or payment by instalments over a period not exceeding 12 months; or”;

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- (b) after paragraph (j) ^{M51}, insert—
- “(ja) the carrying on of local audit work within the meaning of Schedule 5 to the Local Audit and Accountability Act 2014 (eligibility and regulation of local auditors) by any firm or individual who is a local auditor within the meaning of section 4(1) of that Act (general requirements for audit);”;
- (c) in paragraph (q)—
- (i) after “involves the” insert “ making or ”;
- (ii) for “15,000” substitute “ 10,000 ”.
- (6) In paragraph 1(5)(b), omit “contained in international standards and are”.
- (7) In paragraph 1(6) ^{M52}, at the end of paragraph (c) for “or” substitute “ and ”.
- (8) In paragraph 2(1)—
- (a) in paragraph (c) for “25” substitute “ 26 ”;
- (b) in paragraph (d), at the end, omit “or”;
- (c) at the end, insert—
- “(g) the carrying on by a local authority (within the meaning given in article 3(1) of the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001) ^{M53} of an activity which would be a regulated activity for the purposes of the Financial Services and Markets Act 2000 but for article 72G of that Order; or
- (h) the preparation of a home report, which for these purposes means the documents prescribed for the purposes of sections 98, 99(1) or 101(2) of the Housing (Scotland) Act 2006 ^{M54}.”.
- (9) In paragraph 2(3)—
- (a) in paragraph (a), for “£64,000” substitute “£100,000”;
- (b) in paragraph (f), after “(r)” insert “ to (t) ”.
- (10) In paragraph 3—
- (a) in sub-paragraph (1), at the appropriate place insert—
- ““the Capital Requirements Directive” means Directive 2013/36/EU of the European Parliament and of the Council of 26th June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms ^{M55}.”;
- (b) in sub-paragraph (3)—
- (i) after “Capital Requirements Regulation” insert “ , the Capital Requirements Directive ”;
- (ii) after “Part as” insert “ in that Regulation or ”.
- (11) In Part 2 of Schedule 3A ^{M56} (supervisory authorities), in paragraph 4—
- (a) in sub-paragraph (1), omit paragraphs (b), (ea) and (f) (but not the “and” after paragraph (f));
- (b) in sub-paragraph (2)—
- (i) after paragraph (d), insert—
- “(da) the Chartered Institute of Legal Executives;”;
- (ii) omit paragraph (f).

Marginal Citations

- M46** 2000 c. 11.
- M47** OJ No L 141, 05.06.15, p. 73.
- M48** 2000 c.11. Part 1 of Schedule 3A was substituted by [S.I. 2007/3288](#). Paragraph 1 of that Schedule was amended by [S.I. 2011/99](#), [2013/3115](#) and [2015/575](#). Paragraph 3 of that Schedule was amended by [S.I. 2011/2701](#), [2013/3115](#) and [2015/575](#).
- M49** Paragraph (b) was amended by [S.I. 2011/99](#) and [2013/3115](#).
- M50** 1974 c.39.
- M51** Paragraph (j) was amended by [S.I. 2008/948](#).
- M52** Paragraph 1(6) was substituted by [S.I. 2016/680](#).
- M53** [S.I. 2001/544](#). Article 72G was inserted by [S.I. 2014/366](#).
- M54** 2006 asp 1.
- M55** OJ L 176, 27.6.2013, p.338.
- M56** 2000 c.11. Part 2 of Schedule 3A was substituted by [S.I. 2007/3288](#). Paragraph 4 was amended by paragraph 87(1), (2)(a) and (b) of Schedule 18 to the [Financial Services Act 2012 \(c.21\)](#), and by [S.I. 2014/892](#).

Criminal Justice and Police Act 2001

5. In the Criminal Justice and Police Act 2001 ^{M57}—
- (a) in section 68(2) (application to Scotland)—
- (i) in paragraph (g), for “regulation 39(6) of the Money Laundering Regulations 2007”^{M58} substitute “regulation 70(7) of the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017”;
- (ii) omit paragraph (h);
- (b) in Part 1 of Schedule 1 (powers of seizure to which section 50 of the 2001 Act applies)—
- (i) in the heading above paragraph 73J, for “The Money Laundering Regulations 2007” substitute “ The Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 ”;
- (ii) in paragraph 73J, for “regulation 39(6) of the Money Laundering Regulations 2007” substitute “ regulation 70(7) of the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 ”;
- (iii) omit paragraph 73K and the heading above it.

Marginal Citations

- M57** 2001 c. 16.
- M58** [S.I. 2007/2157](#).

Proceeds of Crime Act 2002

- 6.—(1) The Proceeds of Crime Act 2002 ^{M59} is amended as follows.
- (2) In section 333D (other permitted disclosures etc), in subsection (1)(a) for “the Money Laundering Regulations 2007 (S.I. 2007/2157)” substitute “ the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 ”.

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(3) In section 333E (interpretation), in subsection (4), for the words from “Directive 2005/60/EC”^{M60} to “2005” substitute “Directive 2015/849/EU of the European Parliament and of the Council of 20th May 2015”^{M61};

(4) In Part 1 of Schedule 9^{M62} (business in the regulated sector), in paragraph 1(1)—

(a) in paragraph (b)^{M63}—

(i) for “Capital Requirements Regulation”, in both places, substitute “ Capital Requirements Directive ”;

(ii) at the end of sub-paragraph (i), omit “or”;

(iii) after sub-paragraph (i), insert—

“(ia) an undertaking whose only listed activity is as a creditor under an agreement which—

(aa) falls within section 12(a) of the Consumer Credit Act 1974^{M64} (debtor-creditor-supplier agreements);

(bb) provides fixed sum credit (within the meaning given in section 10(1)(b) of the Consumer Credit Act 1974 (running-account credit and fixed-sum credit)) in relation to the provision of services; and

(cc) provides financial accommodation by way of deferred payment or payment by instalments over a period not exceeding 12 months; or”;

(b) after paragraph (j), insert—

“(ja) the carrying on of local audit work within the meaning of Schedule 5 to the Local Audit and Accountability Act 2014^{M65} (eligibility and regulation of local auditors) by any firm or individual who is a local auditor within the meaning of section 4(1) of that Act (general requirements for audit);”;

(c) in paragraph (q)—

(i) after “involves the” insert “ making or ”;

(ii) for “15,000” substitute “ 10,000 ”.

(5) In paragraph 1(5)(b), omit “contained in international standards and are”.

(6) In paragraph 1(6)^{M66}, at the end of paragraph (c) for “or” substitute “ and ”.

(7) In paragraph 2—

(a) in sub-paragraph (1)(c) for “25” substitute “ 26 ”;

(b) in sub-paragraph (1)(d), at the end, omit “or”;

(c) at the end, insert—

“(g) the carrying on by a local authority (within the meaning given in article 3(1) of the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001^{M67}) of an activity which would be a regulated activity for the purposes of the Financial Services and Markets Act 2000 but for article 72G of that Order^{M68}; or

(h) the preparation of a home report, which for these purposes means the documents prescribed for the purposes of sections 98, 99(1) or 101(2) of the Housing (Scotland) Act 2006^{M69}.”;

(d) in sub-paragraph (3)—

(i) in paragraph (a), for “£64,000” substitute “£100,000”;

- (ii) in paragraph (f), after “(r)” insert “ to (t) ”.
- (8) In paragraph 3—
 - (a) in sub-paragraph (1)—
 - (i) at the appropriate place insert—

““the Capital Requirements Directive” means Directive 2013/36/EU of the European Parliament and of the Council of 26th June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms^{M70}.”;
 - (ii) at the end of the definition of “the Capital Requirements Regulation insert “ of 26th June 2013 on prudential requirements for credit institutions and investment firms ”; and
 - (b) in sub-paragraph (3)—
 - (i) for “the Banking Consolidation Directive” substitute “ the Capital Requirements Regulation, the Capital Requirements Directive ”;
 - (ii) after “Part as”, insert “ in that Regulation or ”.
- (9) In Part 2 of Schedule 9 (supervisory authorities), in paragraph 4—
 - (a) in sub-paragraph (1), omit paragraphs (b), (ea) and (f) (but not the “and” after paragraph (f));
 - (b) in sub-paragraph (2)—
 - (i) after paragraph (d), insert—

“(da) the Chartered Institute of Legal Executives;”;
 - (ii) omit paragraph (f).

Marginal Citations

M59 2002 c. 29.

M60 OJ L 309, 25.11. 05, p.15.

M61 OJ L 141, 05.06.15, p.73.

M62 2002 c.29. Part 1 of Schedule 9 was substituted by [S.I. 2007/3287](#). Paragraph 1 of that Schedule was amended by [S.I. 2011/99](#), [2013/3115](#) and [2015/575](#). Paragraph 3 of that Schedule was amended by [S.I. 2011/2701](#), [2013/3115](#) and [2015/575](#).

M63 Paragraph (b) was amended by [S.I. 2011/99](#) and [2013/3115](#).

M64 1974 c.39.

M65 2014 c.2.

M66 Paragraph 1(6) was amended by [S.I. 2016/680](#).

M67 [S.I. 2001/544](#). Article 3(1) was amended, but the amendments are not relevant to these Regulations.

M68 Article 72G was inserted by [S.I. 2014/366](#), and amended by [S.I. 2015/910](#) and [2016/392](#).

M69 2006 asp.1.

M70 OJ L 176, 27.6.2013, p.338.

Counter-Terrorism Act 2008

7. In Schedule 7 to the Counter-Terrorism Act 2008^{M71} (terrorist financing and money laundering), for paragraph 45(3), substitute—

“(3) Unless otherwise defined, expressions used in this Schedule and in Directive 2015/849/EU of the European Parliament and of the Council of 20th May 2015 on the prevention of the

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use of the financial system for the purpose of money laundering or terrorist financing have the same meaning as in that Directive.”.

Marginal Citations

M71 2008 c.28.

Borders, Citizenship and Immigration Act 2009

8. In section 1 (general customs functions of the Secretary of State) of the Borders, Citizenship and Immigration Act 2009 ^{M72}, in subsection (2)—

- (a) in paragraph (d), for “Directive [2005/60/EC](#) on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing”^{M73} substitute “Directive 2015/849/EU of the European Parliament and of the Council of 20th May 2015 on the prevention of the use of the financial system for the purpose of money laundering or terrorist financing ^{M74}”;
- (b) in paragraph (e), for “Regulation (EC) No [1781/2006](#) on information on the payer accompanying transfers of funds”^{M75} substitute “Regulation (EU) 2015/847 of the European Parliament and of the Council of 20th May 2015 on information accompanying transfers of funds”.

Marginal Citations

M72 2009 c. 11.

M73 OJ L 309, 25.11. 05, p.15.

M74 OJ L 141, 05.06.15, p.73.

M75 OJ L 345, 8.12. 06, p.1.

Crime and Courts Act 2013

9. In Schedule 17 (offences in relation to which a deferred prosecution arrangement may be entered into) to the Crime and Courts Act 2013 ^{M76}, in paragraph 27, for “regulation 45 of the Money Laundering Regulations 2007 (S.I. 2007/2157)” substitute “ regulation 86 of the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 ”.

Marginal Citations

M76 2013 c. 22.

Finance Act 2014

10. In Schedule 34 to the Finance Act 2014 ^{M77}, in paragraph 6(4)(j) (criminal offences) for “regulation 45(1) of the Money Laundering Regulations 2007 (S.I. 2007/2157)” substitute “ regulation 86(1) of the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 ”.

Marginal Citations

M77 2014 c. 26.

Bank of England and Financial Services Act 2016

11. In the Bank of England and Financial Services Act 2016—

- (a) in the italic heading above section 30, after “Money laundering” insert “ and terrorist financing ”;
- (b) in section 30 (politically exposed persons: money laundering)^{M78}—
 - (i) in the heading, after “Money laundering” insert “ and terrorist financing ”; and
 - (ii) in subsection (1) for “Secretary of State” substitute “ Treasury ”.

Marginal Citations

M78 2016 c. 14.

PART 2

Consequential Amendments to Secondary Legislation

Estate Agents (Undesirable Practices) (No 2) Order 1991

12. Schedule 3 (other matters) to the Estate Agents (Undesirable Practices) (No 2) Order 1991^{M79} is amended as follows—

- (a) at the beginning of paragraph 2, insert “ Subject to paragraph 2A ”;
- (b) after paragraph 2, insert—

“2A. Paragraph 2 does not apply if the estate agent does not forward accurate details of the offer because the estate agent is unable to apply the customer due diligence measures required by regulation 28, and where relevant, those required by regulations 33, and 35 to 37 of the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 in relation to the offeror.”.

Marginal Citations

M79 S.I. 1991/1032.

Public Interest Disclosure (Prescribed Persons) Order (Northern Ireland) 1999

13. In the Schedule (description of persons and matters) to the Public Interest Disclosure (Prescribed Persons) Order (Northern Ireland) 1999^{M80}—

- (a) in the entry relating to Her Majesty's Revenue and Customs, in column 2, for “regulation 23(1)(d)(vii) of the Money Laundering Regulations 2007” substitute “ regulation 7(1)(c)(vii) of the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 ”;
- (b) in the appropriate place, insert the following entry—

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“National Crime Agency	Matters relating to compliance with— (a) the Terrorism Act 2000; (b) the Proceeds of Crime Act 2002; or (c) the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017”
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Marginal Citations

M80 S.I. 1999/401. The Schedule was substituted by S.R. (N.I.) 2014 No 48. There are other amendments which are not relevant to these Regulations.

Terrorism Act 2000 (Crown Servants and Regulators) Regulations 2001

14. In the meaning of “relevant business” in regulation 2 (interpretation) of the Terrorism Act 2000 (Crown Servants and Regulators) Regulations 2001 ^{M81} for “regulation 3(1)(a) to (h) of the Money Laundering Regulations 2007” substitute “ regulation 8(2)(a) to (h) of the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 ”.

Marginal Citations

M81 S.I. 2001/192. The definition of “relevant business” was amended by S.I. 2003/3075, 2007/2157.

Representation of the People (England and Wales) Regulations 2001

15. In regulation 114(3)(b) in the Representation of the People (England and Wales) Regulations 2001 ^{M82} (sale of full register to credit reference agencies), for “the Money Laundering Regulations 2007” substitute “ the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 ”.

Marginal Citations

M82 S.I. 2001/341. Regulation 114(3)(b) was amended by S.I. 2003/3075, 2007/2157, 2013/472.

Representation of the People (Scotland) Regulations 2001

16. In regulation 113(3)(b) in the Representation of the People (Scotland) Regulations 2001 ^{M83} (sale of full register to credit reference agencies), for “the Money Laundering Regulations 2007” substitute “ Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 ”.

Marginal Citations

M83 S.I. 2001/497 (S.2). Regulation 113(3)(b) was amended by S.I. 2003/3075, 2007/2157, 2013/472.

Financial Services and Markets Act 2000 (Regulated Activities) Order 2001

17. In article 72E(9) in the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001^{M84} (Business and Angel-led Enterprise Capital Funds) for “the Money Laundering Regulations 2007”^{M85} substitute “the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017”.

Marginal Citations

M84 [S.I. 2001/544](#). Regulation 72E was inserted by [S.I. 2005/1518](#), and paragraph (9) was amended by [S.I. 2007/2157](#).

M85 [S.I. 2007/2157](#).

Open-Ended Investment Companies Regulations 2001

18. Regulation 48 (bearer shares) of the Open-Ended Investment Companies Regulations 2001^{M86} is amended as follows—

- (a) the existing text is renumbered as paragraph (1);
- (b) in that paragraph (1), after “investment company” insert “ authorised before the day on which the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 came into force (“the relevant date”) ”;
- (c) after paragraph (1) insert—
 - “(2) An open-ended investment company authorised on or after the relevant date may not issue any bearer shares under paragraph (1), and any provision in the instrument of incorporation of such an open-ended investment company purporting to authorise it to do so is void.
 - (3) Paragraph (2) does not apply to an open-ended investment company if—
 - (a) an application for an authorisation order was made in relation to that open-ended investment company before the relevant date; and
 - (b) that application was not determined until a date on or after the relevant date.”.

Marginal Citations

M86 [S.I. 2001/1228](#).

Proceeds of Crime Act 2002 (Disclosure of information to and by Lord Advocate and Scottish Ministers) Order 2003

19. In article 3(d) (disclosure of information by Lord Advocate and by Scottish Ministers) of the Proceeds of Crime Act 2002 (Disclosure of Information to and by Lord Advocate and Scottish Ministers) Order 2003^{M87} for “the Money Laundering Regulations 2007” substitute “ the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 ”.

Marginal Citations

M87 [S.I. 2003/93](#). Article 3(d) was amended by [S.I. 2007/2157](#) and [S.S.I. 2014/49](#).

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Proceeds of Crime Act 2002 (Failure to Disclose Money Laundering: Specified Training) Order 2003

20. In article 2 of the Proceeds of Crime Act 2002 (Failure to Disclose Money Laundering: Specified Training) Order 2003 ^{M88} (training specified), for “regulation 21 of the Money Laundering Regulations 2007” substitute “ regulation 24 of the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 ”.

Marginal Citations

M88 [S.I. 2003/171](#). Article 2 was amended by [S.I. 2007/2157](#).

Legislative and Regulatory Reform (Regulatory Functions) Order 2007

21.—(1) Part 1 of the Schedule to the Legislative and Regulatory Reform (Regulatory Functions) Order 2007 ^{M89} is amended as follows.

(2) In the reference to “Her Majesty's Revenue and Customs” for “the Money Laundering Regulations 2007” substitute “ the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 ”.

(3) In the reference to a “professional body” for “Schedule 3 to the Money Laundering Regulations 2007” substitute “ Schedule 1 to the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 ”.

Marginal Citations

M89 [S.I. 2007/3544](#). The references to Her Majesty's Revenue and Customs and a professional body were amended by [S.I. 2009/2981](#). There are other amendments to the Schedule which are not relevant to these Regulations.

Representation of the People (Northern Ireland) Regulations 2008

22. In regulation 112(3)(b) of the Representation of the People (Northern Ireland) Regulations 2008 ^{M90} (sale of full register etc to credit reference agencies), for paragraph (i), substitute—

“(i) the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017;”.

Marginal Citations

M90 [S.I. 2008/1741](#).

Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009

23. In paragraph 2(6) of Schedule 3 (transitional and saving provisions) to the Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 ^{M91}, in the definition of “review and appeal provisions”—

- (a) in paragraph (i) for “regulations 43 and 44 of the Money Laundering Regulations 2007” substitute “ regulations 94 to 100 of the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 ”;
- (b) omit paragraph (j).

Marginal Citations

M91 S.I. 2009/56.

Payment Services Regulations 2009

24.—(1) The Payment Services Regulations 2009^{M92} are amended as follows.

(2) In regulation 2(1) (interpretation)^{M93}, in the definition of “the money laundering directive” for “Directive 2005/60/EC of the European Parliament and of the Council of 26th October 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing” substitute “ Directive 2015/849/EU of the European Parliament and of the Council of 20th May 2015 on the prevention of the use of the financial system for the purpose of money laundering or terrorist financing ”.

(3) In regulation 6(7) (conditions for authorisation as a payment institution) for “the Money Laundering Regulations 2007” substitute “ the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 ”.

(4) In regulation 13 (conditions for registration as a small payment institution)—

(a) in sub-paragraph (a) of paragraph (4) for “the Money Laundering Regulations 2007” substitute “ the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 ”,

(b) in paragraph (6) for “the Money Laundering Regulations 2007” substitute “ the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 ”.

(5) In regulation 25(4)(a) (supervision of firms exercising passport rights) for “the Money Laundering Regulations 2007” substitute “ the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 ”.

(6) In regulation 29 (use of agents)—

(a) in sub-paragraph (a)(ii)(aa) of paragraph (3) for “the Money Laundering Regulations 2007” substitute “ the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 ”,

(b) in subparagraph (c)(i) of paragraph (6) for “the Money Laundering Regulations 2007” substitute “ the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 ”.

(7) In regulation 119(2) (duty to co-operate and exchange of information) for “regulation 49A of the Money Laundering Regulations 2007” substitute “ regulation 105 of the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 ”.

(8) In paragraph 6 of Schedule 2 (information to be included in or with an application for authorisation)—

(a) for “the Money Laundering Regulations 2007” substitute “ the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 ”;

(b) for “Regulation (EC) No 1781/2006 of the European Parliament and of the Council of 15 November 2006 on information on the payer accompanying transfers of funds”^{M94} substitute “Regulation 2015/847/EU of the European Parliament and of the Council of 20 May 2015 on information accompanying transfers of funds”^{M95}.

(9) In paragraph 3(d)(ii) in Part 1 of Schedule 5^{M96} (application and modification of the Financial Services and Markets Act 2000) for “the Money Laundering Regulations 2007” substitute

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“ the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 ”.

(10) In paragraph 10(h) in Part 2 of Schedule 5 ^{M97} (application and modification of secondary legislation) for “the Money Laundering Regulations 2007” substitute “ the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 ”.

Marginal Citations

M92 [S.I. 2009/209](#).

M93 Regulation 2(1) was amended, but those amendments are not relevant to these Regulations.

M94 OJ L 345, 8.12.2006, p.1.

M95 OJ L 141, 05.06.2015, p.1.

M96 [2000 c. 8](#).

M97 Paragraph 10(h) was amended by [S.I. 2015/1911](#).

Companies (Disclosure of Address) Regulations 2009

25. In paragraph 7(b) of Schedule 2 (disclosure to a credit reference agency) of the Companies (Disclosure of Address) Regulations 2009 ^{M98}—

- (a) for “the Money Laundering Regulations 2007” substitute “ the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 ”;
- (b) for “Directive [2005/60/EC](#) of the European Parliament and of the Council of 26 October 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing”^{M99} substitute “Directive 2015/849/EU of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purpose of money laundering or terrorist financing”^{M100}.

Marginal Citations

M98 [S.I. 2009/214](#). Paragraph 7(b) was amended by [S.I. 2013/472](#).

M99 OJ L 309, 25.11. 05, p15.

M100 OJ L 141, 05.06.15, p73.

Overseas Companies Regulations 2009

26. In paragraph 7(b) of Schedule 2 (disclosure to a credit reference agency) of the Overseas Companies Regulations 2009 ^{M101}—

- (a) for “the Money Laundering Regulations 2007” substitute “ the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 ”;
- (b) for “Directive [2005/60/EC](#) of the European Parliament and of the Council of 26 October 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing” substitute “ Directive 2015/849/EU of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purpose of money laundering or terrorist financing ”.

Marginal Citations

M101 [S.I. 2009/1801](#). Paragraph 7(b) was amended by [S.I. 2013/472](#).

Defence and Security Public Contracts Regulations 2011

27. In regulation 23(1)(i) of Part 4 (criteria for the rejection of economic operators) to the Defence and Security Public Contracts Regulations 2011 ^{M102}, at the end insert “ or of the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 ”.

Marginal Citations

M102 S.I. 2011/1848.

Electronic Money Regulations 2011

28.—(1) The Electronic Money Regulations 2011 ^{M103} are amended as follows.

(2) In regulation 2(1) (interpretation), in the definition of “money laundering directive” for “Directive 2005/60/EC of the European Parliament and of the Council of 26th October 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing”^{M104} substitute “Directive 2015/849/EU of the European Parliament and of the Council of 20th May 2015 on the prevention of the use of the financial system for the purpose of money laundering or terrorist financing”^{M105}.

(3) In regulation 6(7) (conditions for authorisation) for “the Money Laundering Regulations 2007” substitute “ the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 ”.

(4) In regulation 13 (conditions for registration) —

(a) in subparagraph (a) of paragraph (8) for “the Money Laundering Regulations 2007” substitute “ the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 ”;

(b) in paragraph (10) for “the Money Laundering Regulations 2007” substitute “ the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 ”.

(5) In regulation 30(4)(a) (supervision of firms exercising passport rights) for “the Money Laundering Regulations 2007” substitute “ the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 ”.

(6) In regulation 34 (requirement for agents to be registered)—

(a) in subparagraph (a)(ii)(aa) in paragraph (3) for “the Money Laundering Regulations 2007” substitute “ the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 ”;

(b) in subparagraph (c)(i) in paragraph (6) for “the Money Laundering Regulations 2007” substitute “ the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 ”.

(7) In regulation 71(2) (duty to cooperate and exchange information), in the words before sub-paragraph (a), for “regulation 49A of the Money Laundering Regulations 2007” substitute “ regulation 105 of the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 ”.

(8) In paragraph 6 of Schedule 1 (information to be included in or with an application for authorisation)—

(a) for “the Money Laundering Regulations 2007” substitute “ the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 ”;

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- (b) for “Regulation (EC) No 1781/2006 of the European Parliament and of the Council of 15 November 2006 on information on the payer accompanying transfers of funds”^{M106} substitute “Regulation 2015/847/EU of the European Parliament and of the Council of 20 May 2015 on information accompanying transfers of funds”^{M107}.

Marginal Citations

M103 S.I. 2011/99.

M104 OJ No L 309, 25.11. 05, p15.

M105 OJ No L 141, 05.06.15, p73.

M106 OJ No L 345, 8.12. 06, p1.

M107 OJ L 141, 05.06.2015, p.1.

Terrorism Act 2000 and Proceeds of Crime Act 2002 (Business in the Regulated Sector) (No 2) Order 2012

29.—(1) Regulation 4 (review) of the Terrorism Act 2000 and Proceeds of Crime Act 2002 (Business in the Regulated Sector) (No 2) Order 2012 ^{M108} is amended as follows.

(2) In paragraph (2) for “Directive 2005/60/EC of the European Parliament and of the Council on the protection of the use of the financial system for the purpose of money laundering and terrorist financing” substitute “ Directive 2015/849/EU of the European Parliament and of the Council of 20th May 2015 on the prevention of the use of the financial system for the purpose of money laundering or terrorist financing ”^{M109}.

(3) In paragraph (4) for “the end of the period of five years beginning with the day on which this Order comes into force” substitute “ 26th June 2022 ”.

Marginal Citations

M108 S.I. 2012/2299.

M109 OJ L 141, 05.06.15, p.73.

Payment to Treasury of Penalties (Enforcement Costs) Order 2013

30. In regulation 2(1)(d) (enforcement of powers) of the Payment to Treasury of Penalties (Enforcement Costs) Order 2013 ^{M110} for “regulation 42 of the Money Laundering Regulations 2007” substitute “ regulation 76 of the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 ”.

Marginal Citations

M110 S.I. 2013/418.

Public Interest Disclosure (Prescribed Persons) Order 2014

31. In the Schedule (description of persons and matters) to the Public Interest Disclosure (Prescribed Persons) Order 2014 ^{M111}, in the entry relating to the National Crime Agency, for the words in the second column substitute—

“Matters relating to—

- (a) corrupt individuals or companies offering or receiving bribes to secure a benefit for themselves or others;
- (b) compliance with—
 - (i) the Terrorism Act 2000;
 - (ii) the Proceeds of Crime Act 2002; or
 - (iii) the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017”.

Marginal Citations

M111 [S.I. 2014/2418](#). There are amendments to the Schedule, but they are not relevant to these Regulations.

Companies (Disclosure of Date of Birth Information) Regulations 2015

32. In paragraph 7(b) of Schedule 2 (disclosure to a credit reference agency) to the Companies (Disclosure of Date of Birth Information) Regulations 2015 ^{M112}—

- (a) for “the Money Laundering Regulations 2007” substitute “ the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 ”;
- (b) for “Directive [2005/60/EC](#) of the European Parliament and of the Council of 26 October 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing”^{M113} substitute “Directive 2015/849/EU of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purpose of money laundering or terrorist financing”.

Marginal Citations

M112 [S.I. 2015/1694](#).

M113 OJ L 309, 25.11. 05, p.15.

Payment Accounts Regulations 2015

33. In regulation 25(1)(b) of Part 4 (refusal of application) in the Payment Accounts Regulation 2015 ^{M114} for “the Money Laundering Regulations 2007” substitute “ the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 ”.

Marginal Citations

M114 [S.I. 2015/2038](#).

Register of People with Significant Control Regulations 2016

34. In paragraph 8(b) of Schedule 4 (disclosure to a credit reference agency) of the Register of People with Significant Control Regulations 2016 ^{M115}—

- (a) in paragraph (i) for “the Money Laundering Regulations 2007” substitute “ the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 ”;
- (b) in paragraph (iii) for “Directive [2005/60/EC](#) of the European Parliament and of the Council on the prevention of the use of the financial system for the purpose of money laundering

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and terrorist financing” substitute “ Directive 2015/849/EU of the European Parliament and of the Council on the prevention of the use of the financial system for the purpose of money laundering or terrorist financing ”.

Marginal Citations

M115 [S.I. 2016/339](#).

Economic Growth (Regulatory Functions) Order 2017

35. In Part 1 of the Schedule to the Economic Growth (Regulatory Functions) Order 2017 ^{M116}, in the entry for Her Majesty's Revenue and Customs, for “the Money Laundering Regulations 2007” substitute “ the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 ”.

Marginal Citations

M116 [S.I. 2017/267](#).

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Changes to legislation:

There are currently no known outstanding effects for the The Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017.