

TRUST OR COMPANY SERVICE PROVIDER APPLICATION FOR AUTHORISATION

In accordance with the
CRIMINAL JUSTICE
(MONEY LAUNDERING AND TERRORIST FINANCING)
ACT, 2010.



Introduction

The Criminal Justice (Money Laundering and Terrorist Financing) Act, 2010 contains provisions requiring any person wishing to carry on the business of a Trust or Company Service Provider (TCSP) to obtain an authorisation to do so from the Minister for Justice and Law Reform. This application form is for persons wishing to be authorised by the Minister for Justice and Law Reform to carry on business as a trust or company service provider.

The Prohibition on carrying on the business of trust or company service provider without authorisation is provided for in Section 87.—(1) of the Act.

NB: To carry on business as a trust or company service provider without being the holder of an authorisation issued by the Minister is an offence and is liable -

- **on summary conviction, to a fine not exceeding €5,000, or imprisonment for a term not exceeding 12 months (or both), or**
- **on conviction on indictment, to a fine or imprisonment not exceeding 5 years (or both).**

The Anti-Money Laundering Compliance Unit has been established within the Department of Justice and Law Reform to administer the functions of a competent authority under the Criminal Justice (Money Laundering and Terrorist Financing) Act 2010. In summary, the principal functions of the Unit are:

1. to administer the authorisation process for Trust and Company Service Providers
2. to administer the registration process for Private Members Gaming Clubs
3. to undertake the general functions of compliance monitoring of those designated persons that are assigned by the Act to the Minister.

“trust or company service provider” means any person whose business it is to provide any of the following services:

- a. forming companies or other bodies corporate;
- b. acting as a director or secretary of a company under an arrangement with a person other than the company;
- c. arranging for another person to act as a director or secretary of a company;
- d. acting, or arranging for a person to act, as a partner of a partnership;
- e. providing a registered office, business address, correspondence or administrative address or other related services for a body corporate or partnership;
- f. acting, or arranging for another person to act, as a trustee of a trust
- g. acting, or arranging for another person to act, as a nominee shareholder for a person other than a company whose securities are listed on a regulated market.

Application for authorisation

An individual, body corporate or partnership may apply to the Minister for an authorisation to carry on business as a trust or company service provider.

Individual - Sole Trader

- **COMPLETE Sections 1 A and Sections 2, 3 and 4** where an application is made by a **sole trader**.

Partnership

- **COMPLETE Sections 1 B and Sections 2, 3 and 4** where an application is made by a **Partnership**.

Body Corporate

- **COMPLETE Sections 1 C and Sections 2, 3 and 4** where an application is made by a **Body Corporate**.

It should be noted that you may be requested to provide additional information or documents relating to this application.

To issue an authorisation the Minister must be satisfied that each of the following persons are fit and proper persons:

- i. the proposed holder of the authorisation;
- ii. in a case where the proposed holder of the authorisation is a body corporate or partnership or an individual who proposes to carry on business as a trust or company service provider as a partner in a partnership, any principal officer of the body corporate or partnership (as the case may be);
- iii. any person who is, or is proposed to be, a beneficial owner of the business concerned.

“principal officer” means—

(a) in relation to a body corporate, any person who is a director, manager, secretary or other similar officer of the body corporate or any person purporting to act in such a capacity, or

(b) in relation to a partnership—

(i) any person who is a partner in, or a manager or other similar officer of, the partnership or any person purporting to act in such a capacity, and

(ii) in a case where a partner of the partnership is a body corporate, any person who is a director, manager, secretary or other similar officer of such a partner or any person purporting to act in such a capacity;

This Application for Authorisation is designed to provide the Minister with the necessary information to determine whether an application meets the requirements as established by legislation and whether an authorisation can be granted.

Beneficial owner is defined in the Act as follows;

s26. Beneficial owner in relation to bodies corporate.

s27. Beneficial owner in relation to partnerships.

s28. Beneficial owner in relation to trusts.

s29. Beneficial owner in relation to estates of deceased persons.

s30. Other persons who are beneficial owners.

The criteria for determining whether or not a person is fit and proper have been established in conformity with national law and as a core principle reflects the need to protect TCSP businesses from being misused for criminal money laundering purposes.

The criteria include:

- Check against criminal convictions.
- Check against Financial rulings e.g. Bankruptcy
- Check against Company law Breaches

Completed application forms should be returned to:

Department of Justice and Law Reform,
Anti-Money Laundering Compliance Unit,
2nd Floor,
Bishops Square,
Redmond's Hill,
Dublin 2.

web: <http://www.antimoneylaundering.gov.ie> **email:** antimoneylaundering@justice.ie

SECTION 1 A - SOLE TRADER APPLICATIONS ONLY

1. Full Legal Name of the Applicant for Authorisation	
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2. Trading Name if applicable (as registered with the Company Registration Office)	
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A copy of the Certificate of Registration of the Trading Name must be attached, please confirm that a copy is attached yes no

3. Business address	
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4. CONTACT DETAILS

Phone number	Email address	Web address

5. Registered Office address if different from q.3 above	
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6. Do you have Branch offices?	Y <input type="checkbox"/> N <input type="checkbox"/>	Please provide a full list of branch offices on separate sheet and attach to this application
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7. Do you operate from your home address?	Y <input type="checkbox"/> N <input type="checkbox"/>	Home address:	
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8. TCSP Authorisation in other jurisdictions

To each applicant for authorisation

- a. Has the applicant for authorisation applied for authorisation or been authorised to carry on business as a trust or company service provider in another EU Member State or elsewhere? Y N
- b. Has any such authorisation been refused, revoked or terminated? Y N

IF YOU HAVE ANSWERED YES TO QUESTIONS 8.a or 8.b ABOVE FULL DETAILS TO BE PROVIDED INCLUDING COPIES OF AUTHORISATIONS etc.

9. Other principal officers or persons who are in a position to exercise a significant influence over the management/control of the applicant business e.g. manager.
Each of the following persons must complete an application for a "fit and proper" test

Surname	First name	Role/Position in business

SECTION 1B - APPLICANT DETAILS PARTNERSHIPS

10. Full Legal Name of the Applicant for Authorisation (Legal Name of the Partnership)	
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11. Partnership Agreement - You are required to submit a copy of the Partnership Agreement with this application for authorisation.

please confirm that a copy is attached yes no

12. Trading Name of Partnership if applicable (as registered with the Company Registration Office)	
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A copy of the Certificate of Registration of Trading Name should be attached, please confirm that a copy is attached. yes no

13. Business Address	
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14. CONTACT DETAILS

Phone number:	Email address:	Web address:

15. Registered Office address if different from Question 13 above.	
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16. Provide the details requested below for each partner and beneficial owner
s. 27.—In this Part, “beneficial owner”, in relation to a partnership, means any individual who—
(a) ultimately is entitled to or controls, whether the entitlement or control is direct or indirect, more than a 25 per cent share of the capital or profits of the partnership or more than 25 per cent of the voting rights in the partnership,
or
(b) otherwise exercises control over the management of the partnership.
Each of the following persons must complete an application for a "fit and proper" test

A. Partners who are Natural Persons

Surname	First Name	Status (e.g. managing, salaried, limited.)

B. Partners of the partnership - Body Corporate

Name of entity:

17. Please identify any other persons who are in a position to exercise a significant influence over the management of the business of the Partnership.**Each of the following persons must complete an application for a "fit and proper" test:**

Use additional sheets if required:

Surname	First name	Role/Position in Company

18. Do you have Branch offices?Y N

Please provide a full list of branch office addresses on a separate sheet if required

19. Shareholdings held by the partnership

If the partnership owns a shareholding of 25% or more in any company, please give the name, shareholding and principal activities of each company. Use additional sheets if required.

Name of Company etc:	
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a. % of total company shares held:	%	b. Date shares acquired	
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c. Principal activities of the company:	
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20. TCSP Authorisation in other jurisdictions**To each applicant for authorisation**

a. Has the applicant for authorisation applied for authorisation or been authorised to carry on business as a trust or company service provider in another EU Member State or elsewhere?

Y N

b. Has any such authorisation been refused, revoked or terminated ?

Y N **IF YOU HAVE ANSWERED YES TO QUESTIONS 20.a or 20.b ABOVE FULL DETAILS TO BE PROVIDED INCLUDING COPIES OF AUTHORISATIONS etc.**

SECTION 1C - COMPANY APPLICATIONS ONLY APPLICANT DETAILS

21. Full Legal Name of the Applicant for Authorisation (as registered with Company Registration Office)	
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A copy of the Certificate of Incorporation and the Memorandum and Articles of Association should be attached, please confirm that a copy is attached yes no

22. Trading Name if applicable (as registered with the Company Registration Office)	
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A copy of the Certificate of Registration should be attached, please confirm that a copy is attached yes no

23. Company Address	
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24. CONTACT DETAILS

Phone number:	Email address:	Web address:

25. Registered Office address if different from Question 23 above.	
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26. Type of Company (the type of company set up should be clear from the company's Memorandum and Articles)

<input type="checkbox"/> Public limited company	<input type="checkbox"/> Company limited by guarantee with a share capital
<input type="checkbox"/> Private company limited by shares	<input type="checkbox"/> Unlimited Company
<input type="checkbox"/> Company limited by guarantee and not having a share capital	

27. Do you have Branch offices?	Y <input type="checkbox"/> N <input type="checkbox"/> Please provide a full list of branch offices on separate sheet
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28. Company Registration Details - Ireland

Date of Incorporation	Company (CRO) Registration Number
d d / m m / y y y y	
<input type="text"/>	<input type="text"/>

29. Company Registration Details - outside Ireland

Date of Incorporation	Country of incorporation:
d d / m m / y y y y	
<input type="text"/>	<input type="text"/>
	Company Registration Number (outside Ireland)
	<input type="text"/>

30. Previous Company Names	Have you ever changed company name? Y <input type="checkbox"/> N <input type="checkbox"/> Provide details below
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Previous Company Names - Use additional sheets if required	Date of change of name
a.	d d / m m / y y y y
	<input type="text"/>
b.	d d / m m / y y y y
	<input type="text"/>

31. Corporate Groups	Is the applicant a member of a corporate group? Y <input type="checkbox"/> N <input type="checkbox"/>
IF Yes, please submit full details along with a group organisation chart indicating relevant shareholdings and ownership details.	

32. TCSP Authorisation in other jurisdictions

To each applicant for authorisation

- a. Has the applicant for authorisation applied for authorisation or been authorised to carry on business as a trust or company service provider in another EU Member State or elsewhere? Y N
- b. Has any such authorisation been refused, revoked or terminated ? Y N

If the applicant is part of a Corporate Group please answer questions below

- c. Has the body to which you are a subsidiary applied for authorisation or been authorised to carry on business as a trust or company service provider in another Member State or elsewhere? Y N
- d. Has any such authorisation been refused, revoked or terminated ? Y N

If you have answered yes to any of the questions above in section 32 - FULL DETAILS TO BE PROVIDED INCLUDING COPIES OF AUTHORISATIONS etc.

33. Details of all Directors including non-executive and shadow directors
Each of the following persons must complete an application for a "fit and proper" test

USE ADDITIONAL SHEETS IF REQUIRED

Date appointed

Title	Surname	First Name	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%;">d</td><td style="width: 5%;">d</td><td style="width: 5%;">m</td><td style="width: 5%;">m</td><td style="width: 5%;">y</td><td style="width: 5%;">y</td><td style="width: 5%;">y</td><td style="width: 5%;">y</td> </tr> <tr> <td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td> </tr> </table>	d	d	m	m	y	y	y	y								
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d	d	m	m	y	y	y	y												

34. Details of all beneficial owners who directly hold shares or other interests representing 25% or more of the voting or capital rights of the applicant entity including corporate bodies.

USE ADDITIONAL SHEETS IF REQUIRED

NOTE: Section 26 of the Act

26.—In this Part, "beneficial owner", in relation to a body corporate, means any individual who—

(a) in the case of a body corporate other than a company having securities listed on a regulated market, ultimately owns or controls, whether through direct or indirect ownership or control (including through bearer shareholdings), more than 25 per cent of the shares or voting rights in the body, or (b) otherwise exercises control over the management of the body.

A: NATURAL PERSONS - Each of the following persons must complete an application for a "fit and proper" test

Title	Surname	First Name	% of total company shares held
			%
			%
			%
			%
			%

B: PERSONS OTHER THAN NATURAL PERSONS (Corporate Bodies, Partnerships etc.)

Name of entity holding shares <i>Where a body corporate or partnership ultimately owns or controls more than 25 per cent of the shares or voting rights in the body seeking authorisation to carry on business as a trust or company service provider full details of the principal officers of the controlling body must also be supplied on a separate sheet</i>	% of total company shares held
NAME OF ENTITY	%
	%
	%
	%

35. Other principal officers or persons who are in a position to exercise a significant influence over the management/control of the applicant entity.

Each of the following persons must complete an application for a "fit and proper" test

Note Section 84 of the Act "principal officer" means— in relation to a body corporate, any person who is a director, manager, secretary or other similar officer of the body corporate or any person purporting to act in such a capacity

Surname	First name	Role/Position in Company

SECTION 2
TYPE OF TCSP BUSINESS PROPOSED

1. Please indicate the types of activity/service provision you are seeking authorisation for.

- A** forming companies or other bodies corporate
- B** acting as a director or secretary of a company under an arrangement with a person other than the company
- C** arranging for another person to act as a director or secretary of a company
- D** acting, or arranging for a person to act, as a partner of a partnership
- E** providing a registered office, business address, correspondence or administrative address or other related services for a body corporate or partnership
- F** acting, or arranging for another person to act, as a trustee of a trust
- G** acting, or arranging for another person to act, as a nominee shareholder for a person other than a company whose securities are listed on a regulated market.

A: Forming companies or other bodies corporate - further details

Where do you, or intend, to offer to form companies?, please indicate below

Ireland United Kingdom Other European Union (E.U.) Outside the E.U., give details below

Details:

How many companies do you expect to form per annum?

Up to 25 26 to 100 101 to 500 501 to 1,000

B, C and D : Company Director/Company Secretary/Partner Services - further details

How many of these positions do you currently hold?

Up to 25 26 to 100 101 to 500 501 to 1,000

How many additional positions do you intend to hold?

Up to 25 26 to 100 101 to 500 501 to 1,000

E: Providing a registered office, business address, correspondence or administrative address or other related services for a body corporate or partnership - further details Which services do you intend to offer?, please indicate below;

- Mailbox
- Registered office
- Business address
- Correspondence/administrative address and other related services for a company
- A partnership or any other legal person or arrangement
- Other Services, please specify below or on a separate sheet if required

F: Acting, or arranging for another person to act, as a trustee of a trust - further details

How many Trustee/Nominee Shareholder positions do you currently hold?

Up to 25 26 to 100 101 to 500 501 to 1,000

How many additional Trustee/Nominee Shareholder positions do you intend to hold?

Up to 25 26 to 100 101 to 500 501 to 1,000

G: Acting, or arranging for another person to act, as a nominee shareholder for a person other than a company whose securities are listed on a regulated market - further details

How many Trustee/Nominee Shareholder positions do you currently hold?

Up to 25 26 to 100 101 to 500 501 to 1,000

How many additional Trustee/Nominee Shareholder positions do you intend to hold?

Up to 25 26 to 100 101 to 500 501 to 1,000

SECTION 3- Staff Profile, administrative and regulatory arrangements

1. Staff Profile

Total Number of Employees		Number of persons who will be directly involved in providing TCSP services including directors, principals and employees.	
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Principal officers or persons who are in a position to exercise a significant influence over the management/control of the applicant entity.
Each of the following persons must complete an application for a "fit and proper" test

Surname	First name	Role/Position in Company

"principal officer" means—

(a) in relation to a body corporate, any person who is a director, manager, secretary or other similar officer of the body corporate or any person purporting to act in such a capacity, or

(b) in relation to a partnership—

- i. any person who is a partner in, or a manager or other similar officer of, the partnership or any person purporting to act in such a capacity, and
- ii. in a case where a partner of the partnership is a body corporate, any person who is a director, manager, secretary or other similar officer of such a partner or any person purporting to act in such a capacity;

2. Compliance and administrative arrangements

- A. Please explain briefly on a separate sheet, how the applicant entity's anti money laundering compliance obligations will be met and operated.
- B. It is recommended that a Money Laundering Compliance Officer be appointed who will assume responsibility within the applicant's organisation for ensuring that the applicant complies with its obligations under the Criminal Justice (Money Laundering and Terrorist Financing) Act, 2010. The name and contact details of the MLCO should be provided.
- C. Please set out on a separate sheet a description of the staff training which is to be put in place in relation to the obligations imposed by the Criminal Justice (Money Laundering and Terrorist Financing) Act, 2010.
- D. What recruitment procedures are followed by the applicant for authorisation? Set out on a separate sheet, details of the measures taken to establish the fitness and probity of potential employees.

3. Regulatory Issues

In any case where the response to any of the following questions is yes, full details should be given on a separate sheet and referenced to the appropriate question.

1. Is the applicant entity authorised/licensed by the Financial Regulator (Irish Financial Services Regulatory Authority) or any other Regulatory Authority for any activity? Y N
2. Has the applicant entity ever applied to be authorised/licensed by the Financial Regulator (Irish Financial Services Regulatory Authority) or any other Regulatory Authority for any activity? Y N
3. Is the applicant entity supervised by, or a member of, any professional or regulatory body in the State? (e.g. a designated accountancy body, the Irish Taxation Institute, the Law Society of Ireland or the General Council of the Bar of Ireland or other.) Y N

If so please give details:

4. Has the applicant ever had an application for membership of any professional or regulatory body in the State refused? Y N

If so please give details:

5. Is the applicant entity supervised by any professional or regulatory body in another jurisdiction? Y N

If so please give details:

- Has any such authorisation been revoked, varied or terminated? Y N

If so please give details:

6. Has the applicant, or in the case of a corporate group, its parent company, applied for authorisation or been authorised to carry on business as a trust or company service provider in another Member State or elsewhere? Y N

If so please give details:

- Has any such authorisation been revoked, varied or terminated? Y N

If so please give details:

7. To the applicants knowledge and belief have any *principal officers, beneficial owners, shareholders ever been convicted of any of the following offences in the State or elsewhere:

(i) money laundering; , (ii) terrorist financing; (iii) an offence involving fraud, dishonesty or breach of trust. Y N

8. To the applicants knowledge and belief do any of the following apply to any *principal officers, beneficial owners, shareholders of the applicant body;

i. has suspended payments due to the person's creditors Y N

ii. is unable to meet other obligations to the person's creditors, Y N

iii. is an individual who is an undischarged bankrupt Y N

9. The Minister must be satisfied that where the proposed holder of the authorisation is a body corporate, the body corporate is not being wound up. Please confirm that no such proceedings are currently being undertaken or considered

I declare that the applicant for authorisation, being a body corporate, is not being wound up nor are any such proceedings currently under consideration.

Y

N

If this is not the case please provide further details:



Section 4: TO BE COMPLETED BY ALL APPLICANTS - Declaration

Note:

- 1. An application shall not be complete unless an original signed declaration is submitted to the Anti-Money Laundering Compliance Unit.**
- 2. Where the applicant is a company or partnership, the declaration must be signed by at least two directors/partners.**

I/we hereby make application to the Minister for Justice and Law Reform for authorisation in accordance with section 88 of the Criminal Justice (Money Laundering and Terrorist Financing) Act 2010 on the basis of information supplied with this application, and any additional information supplied to the AMLCU in the course of the application.

The proposed holder of the authorisation is:

I/we am/are aware of the requirements that the Criminal Justice (Money Laundering and Terrorist Financing) Act, 2010 places upon me/us as a "designated person" and undertake to comply with the obligations imposed on trust or company service providers, as designated persons, under the Act.

I/we acknowledge that the AMLCU may disclose information in the performance of its statutory functions or otherwise as may be specifically authorised by law.

I/we declare that I/we have truthfully and fully answered the relevant questions in this form and disclosed any other information which might reasonably be considered relevant for the purpose of my/our application.

I/we hereby give consent to the Minister for Justice and Law Reform to access data including personal data (within the meaning of the Data Protection Acts 1988 and 2003) held by other persons or bodies and that is required to assist the Minister in determining, for the purposes of section 89 (including as applied by section 92) whether or not the proposed holder and other persons referred to in paragraph (b) are fit and proper persons,

I/we declare that the structure of this form has not been altered.

I/we declare that I/we will promptly notify the AMLCU of any changes in the information I/we have provided and supply any other relevant information which may come to light in the period during which my/our application is being considered and, my/our application is accepted thereafter.

Dated this *day of* *year*

Signed: _____ *Position:* _____

PRINT NAME: _____

Signed: _____ *Position:* _____

PRINT NAME: _____

Signed: _____ *Position:* _____

PRINT NAME: _____