

Trust or Company Service Provider

Fit and Proper Test

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



Introduction

Under the Criminal Justice (Money Laundering and Terrorist Financing) Act 2010 a person commits an offence if he/she carries on business as a trust or company service provider without an authorisation issued by the Minister for Justice and Law Reform.

To issue an authorisation the Minister must be satisfied that each of the following persons are a 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 proposal application is designed to provide the Minister with the necessary information to determine whether a person meets the fit and proper requirements as established by legislation. The criteria for determining whether or not a person is fit and proper has 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.

- **All applicants must complete the attached Garda Vetting Application Form**
- **All applicants must sign the appropriate declarations.**
- **The proposing entity must complete the declaration in all cases.**

The proposing entity is required to peruse the information entered in the completed application to ensure accuracy and completeness and seek clarifications from the proposed approved person where necessary.

FORMS SHOULD BE RETURNED TO:

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

FURTHER INFORMATION AVAILABLE AT OUR WEBSITE:

www.antimoneylaundering.gov.ie

DETAILS OF THE PERSON PROPOSED

a. Full Legal Name of the applicant proposed to be considered to be a fit and proper person.

First Name:	Surname:
-------------	----------

b. Nationality

--

c. Date of birth

		/			/		
--	--	---	--	--	---	--	--

d. Have you ever had a change of name

Y		N	
---	--	---	--

e. Address and contact details :

NOTE: YOU ARE ALSO REQUIRED TO PROVIDE ANY PREVIOUS ADDRESS(ES) ON THE ATTACHED GARDA VETTING APPLICATION FORM

Address:	Email:
	Telephone:
	Other:

How long have you resided at this address

Years

Months

f. Position or relationship with the business: (e.g. Director, manager, secretary, partner, beneficial owner etc.)

--

g. Probity, Good Reputation and Character

The following questions should be answered by entering a tick in the appropriate box. **In any case where the response to a question is YES, full details should be given on a separate sheet and referenced to the appropriate question.**

- | | |
|---|---|
| 1. Have you ever been convicted in the State or elsewhere, of any offence involving (i) money laundering; (ii) terrorist financing; or (iii) an offence involving fraud, dishonesty or breach of trust. | Y <input type="checkbox"/> N <input type="checkbox"/> |
| 2. Have you been a principal officer of an entity that was, during your period of association, convicted of an offence involving (i) money laundering; (ii) terrorist financing; or (iii) an offence involving fraud, dishonesty or breach of trust. | Y <input type="checkbox"/> N <input type="checkbox"/> |
| 3. Have you at any time, in the State or elsewhere, been declared bankrupt, or entered into any compromise with creditors related to bankruptcy or insolvency or are you currently the subject of bankruptcy proceedings? Are you aware of any such proceedings pending? | Y <input type="checkbox"/> N <input type="checkbox"/> |
| 5. Have you at any time failed to satisfy a judgement debt under a Court Order made in the State or elsewhere within one year of the making of the Order? | Y <input type="checkbox"/> N <input type="checkbox"/> |
| 6. Have you ever been disqualified or restricted, in the State or elsewhere, by a Court from acting as a director of a company, or from acting in the management or conduct of the affairs of any company, partnership or unincorporated association? | Y <input type="checkbox"/> N <input type="checkbox"/> |
| 7. Have you ever been refused entry to any profession or been dismissed or compelled to resign from any office or employment, or from any fiduciary office or position of trust, whether or not remunerated? | Y <input type="checkbox"/> N <input type="checkbox"/> |
| 8. Have you ever been prohibited, suspended or refused the right, in the State or elsewhere, to carry on any trade, business or profession for which a specific licence, registration or other authority is required? | Y <input type="checkbox"/> N <input type="checkbox"/> |
| 9. In the last ten years, have you been the director of an entity, in the State or elsewhere, which has gone into liquidation, receivership or examinership and, in such circumstances, entered into any arrangements with its creditors which gave rise to a loss to the creditors either while you were a director or within one year of your ceasing to be a director? | Y <input type="checkbox"/> N <input type="checkbox"/> |

References

Please provide two referees who are familiar with your business activities.

Ref (1)

Surname	First Name	Relationship
Address:		
Contact Details:		
EMAIL:		
PHONE:		

Ref (2)

Surname	First Name	Relationship
Address:		
Contact Details:		
EMAIL:		
PHONE:		

DECLARATION BY THE PERSON PROPOSED

DECLARATION

I, _____ (*name of individual*)

declare that:

- i. I have truthfully and fully answered each question in this Questionnaire, and have disclosed any and all other information, which might reasonably be considered relevant to this application.
- ii. I declare that I am not a person who (i) has suspended payments due to creditors, (ii) is unable to meet other obligations to the person's creditors, or (iii) is an undischarged bankrupt
- iii. I will immediately notify the Department of Justice and Law Reform of any changes in the information which I have provided and confirm that I will inform the Anti Money Laundering Compliance Unit in writing of the details of such changes and any other relevant/material information of which I may become aware at any time after the date of this Declaration.
- iv. I hereby authorise the Department of Justice and Law Reform to make enquiries with an Garda Síochána as to any convictions that may or may not be recorded against me.
- v. I authorise an Garda Síochána to furnish to the Department of Justice and Law Reform a statement that there are no convictions recorded against me in the State or a statement of all prosecutions successful or not, pending or completed in the State or elsewhere as the case may be.
- vi. I hereby authorise:
 - a) the Revenue Commissioners,
 - b) the Office of the Director of Corporate Enforcement,
 - c) the Companies Registration Office,
 - d) Irish Auditing and Accounting Services Authority
 - e) the Irish Financial Service Regulatory Authority
 - f) all former employers
 - g) all personal referees

to release information material to this application which they may have about me to the Minister and I release them from any liability or responsibility from doing so.

- vii. This application includes any and all information relevant and material to my application for a fit and proper test.
- viii. I am aware that it may be an offence and/or grounds for refusal of my application and/or grounds for revocation of an authorisation granted on foot of the within application for me and/or the proposing entity;
 - a) to knowingly or recklessly provide false or misleading information and/or
 - b) to make a false or misleading statement (including the withholding by me of relevant information) in the within application for authorisation fail to inform and/or
 - c) withhold from the Minister any details of any change in circumstances/new information which is relevant and/or material to my status as an approved person.

Dated this _____ *day of* _____ *20* _____

Signed: _____

Position/Proposed Position: _____

