

**Criminal Justice (Money Laundering and Terrorist Financing) Act  
2010 as amended by the Criminal Justice Act 2013**

**TRUST OR COMPANY SERVICE PROVIDER**

**APPLICATION FOR A NEW AUTHORISATION**

**or**

**FOR THE RENEWAL OF AN AUTHORISATION**

**SOLE TRADER**



**AN ROINN DLÍ AGUS CIRT AGUS COMHIONANNAIS  
DEPARTMENT OF JUSTICE AND EQUALITY**

**Anti-Money Laundering Compliance Unit**

## **INTRODUCTION**

If you wish to carry on business as a Trust or Company Service Provider (TCSP) and are not a credit or financial institution then under Section 88 of the Criminal Justice (Money Laundering and Terrorist Financing) Act 2010 you are required to make an application for Authorisation to the Minister for Justice and Equality. There may be exceptions to this if you are an Accountant, a Solicitor or a Barrister – check out the website [www.antimoneylaundering.gov.ie](http://www.antimoneylaundering.gov.ie).

## **TRUST or COMPANY SERVICE PROVIDER**

A Trust or Company Service Provider (TCSP) 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.

## **PROHIBITION ON CARRYING ON TCSP ACTIVITIES WITHOUT AUTHORISATION**

A business is prohibited from carrying on the activities of a TCSP without Authorisation under Section 87(1) of the 2010 Act. Please note that it is an offence to carry out TCSP activities without an Authorisation where you could be 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).

## SECTION 1 - APPLICANT DETAILS

**PLEASE WRITE CLEARLY AS APPLICATIONS WHICH CANNOT BE READ  
WILL BE RETURNED.**

*(Please circle options as appropriate)*

1. Full Legal Name and Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

2. Trading Name (if applicable): \_\_\_\_\_  
(as registered with the CRO)

\_\_\_\_\_

3. Business Address and  
eircode: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

4. Home Address and eircode:  
\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Do you operate your business from your home address? **YES NO**

5. Contact Details:

Phone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

Web Address: \_\_\_\_\_

6. **Registered Office Address:** \_\_\_\_\_  
*(if different from Business Address above)*

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7. **Do you have branch offices?** **YES** **NO**

*If YES, provide address details below:*

8. **Do you own a shareholding of 25% or more in any other company?** **YES** **NO**

**Details of Shareholdings held by the applicant:**

*Please provide the name, shareholding and principal activities of each company.  
(Use additional sheets if required).*

**Name of Company/Companies:** \_\_\_\_\_

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**% of total company shares held:** \_\_\_\_\_

**Date shares acquired:** \_\_\_\_\_

**Principal activities of the company/companies:** \_\_\_\_\_

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**9. Have you any association with any other entity that is Authorised or has applied for Authorisation to carry on business as a TCSP e.g. partnership, controlling interest, etc. YES NO**

*If YES, please provide:*

**Name and Address of this entity:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Nature of your association with this entity:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Principal activities of this entity:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**10. Have you any association with any other entity that is Authorised, licensed for any activity or registered by the Central Bank of Ireland? YES NO**

*If YES, please provide:*

**Name and Address of this entity:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Nature of your association with this entity:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Principal activities of this entity:** \_\_\_\_\_

\_\_\_\_\_

**11. Details of 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 (See Section 84 of the 2010 Act):**

<b>SURNAME</b>	<b>FIRST NAME</b>	<b>POSITION/ROLE</b>

*(Each of the above persons must complete a 'fit and proper' application)*

**12. TCSP Authorisation in other jurisdictions:**

Have you applied for Authorisation or been authorised to carry on business as a TCSP in another EU Member State or elsewhere?

**YES**                      **NO**

If YES, has that Authorisation been refused, revoked or terminated?

**YES**                      **NO**

*If you have answered YES above please provide full details below of the Authorisation(s) including a copy of same.*

## SECTION 2 – TYPE OF TCSP BUSINESS PROPOSED

**1. Please indicate the TCSP activities for which you are seeking Authorisation:**  
*(Please circle letters A to G as appropriate)*

- A. Forming companies or other bodies corporate
- B. Acting as a Director or Secretary 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

**2. Where do you currently offer TCSP activities or where do you intend to offer such activities?**  
*(Please circle A to D as appropriate)*

- A. Ireland
- B. United Kingdom
- C. Other EU countries
- D. Outside the EU

If outside the EU please provide details: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**3. Company Formations**

How many companies do you expect to form annually?  
*(please circle as appropriate):*

Up to 25      26-100      101-500      Over 500

**4. Company Director/Secretary/Partner Services**

How many of these positions do you currently hold?  
*(Please circle as appropriate):*

Up to 25      26-100      101-500      Over 500

How many additional positions do you intend to hold?  
*(Please circle as appropriate):*

Up to 25      26-100      101-500      Over 500

**5. Nature of service intended to offer**

*(Please circle as appropriate):*

- I**      Mailbox
- II**     Registered Office
- III**    Business Address
- IV**    Correspondence/administrative address and other related services for a company
- V**     A partnership or any other legal person or arrangement
- VI**    Other services *(please specify below or on a separate sheet):*

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**6. Acting or arranging for another person to act as a trustee of a trust**

How many Trustee/Nominee Shareholder positions do you currently hold?  
*(Please circle as appropriate)*

Up to 25      26-100      101-500      Over 500

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

*(Please circle as appropriate):*

Up to 25      26-100      101-500      Over 500

**7. 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**

How many Trustee/Nominee Shareholder positions do you currently hold?  
*(Please circle as appropriate)*

Up to 25      26-100      101-500      Over 500

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

*(Please circle as appropriate):*

Up to 25      26-100      101-500      Over 500

## SECTION 3 – Staff Profile, Administrative and Regulatory Arrangements

### 1. STAFF PROFILE

Total number of Employees: \_\_\_\_\_

Number of persons who will be involved in providing TCSP services including Directors, Principals and Employees: \_\_\_\_\_

**Principal Officers<sup>1</sup> 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 a 'fit and proper' application)*

SURNAME	FIRST NAME	ROLE/POSITION IN COMPANY

**Directors, Principals and Employees of the applicant body who are member(s) of a designated accountancy body, the Law Society or the Bar Council**

NAME	NAME OF DESIGNATED ACCOUNTANCY BODY OR OTHER BODY	ROLE/POSITION IN COMPANY

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<sup>1</sup> '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 –
  - a. 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
  - b. 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**

- 1. Explain briefly how the applicant entity's anti-money laundering compliance obligations will be met and operated.**

- 2. The name and contact details of the Money Laundering Compliance Officer.**

- 3. Description of the staff training which will be put in place further to the obligations imposed by the Criminal Justice (Money Laundering and Terrorist Financing) Act 2010.**

- 4. An outline of recruitment procedures followed by the applicant and details of the measures taken to establish the fitness and probity of potential employees.**

### 3. REGULATORY ISSUES

*(For each question please circle as appropriate and provide additional information in the box provided)*

1. Is the applicant entity authorised/licensed by the Central Bank of Ireland or any other Regulatory Authority for any activity? **YES** **NO**

2. Has the applicant entity ever applied to be authorised/licensed by the Central Bank of Ireland or any other Regulatory Authority for any activity? **YES** **NO**

3. Is the applicant entity supervised by, or a member of, any Professional or Regulatory body in the State? **YES** **NO**

4. Has an applicant ever had an application for membership of any Professional or Regulatory body in the State refused? **YES** **NO**

5. Is the applicant entity supervised by a Professional or Regulatory body in another jurisdiction? **YES** **NO**

6. To the applicant's knowledge and belief have you or any of the listed Principal Officers ever been convicted of the offences of money laundering, terrorist financing or an offence invoking fraud, dishonesty or breach of trust in the State or elsewhere? **YES** **NO**

7. To the applicant's knowledge and belief do any of the following apply to the applicant or any Principal Officers? If Yes please provide details below.

- |   |            |           |
|---|------------|-----------|
| (a) Has suspended payments due to the person's Creditors          | <b>YES</b> | <b>NO</b> |
| (b) Is unable to meet other obligations to the person's creditors | <b>YES</b> | <b>NO</b> |
| (c) Is an individual who is an undischarged Bankrupt              | <b>YES</b> | <b>NO</b> |

## SECTION 4 – DECLARATION (To be completed by all Applicants)

### NOTE:

- 1. An application shall not be complete unless an original signed declaration is submitted to the Anti-Money Laundering Compliance Unit.**
- 2. The Declaration must be signed by the applicant**

I hereby make an application to the Minister for Justice and Equality for authorisation in accordance with Section 88 of the Criminal Justice (Money Laundering and Terrorist Financing) Act 2010 2010 as amended by the Criminal Justice Act 2013 on the basis of information supplied with this application and any additional information supplied to the Anti-Money Laundering Compliance Unit (AMLCU) in the course of the application.

The full legal name of the sole trader applying for the Authorisation is:

I am aware of the requirements that the Criminal Justice (Money Laundering and Terrorist Financing) Act 2010 2010 as amended by the Criminal Justice Act 2013 places upon me as a 'designated person' and undertake to comply with the obligations imposed on the TCSP under the Act.

I am aware that Section 77 of the Act confers rights on an Authorised Officer to conduct an inspection of the business for the purpose of assessing that it is compliant with the 2010 and 2013 Acts. I am further aware that in that context I may be required to provide the Authorised Officer with records/ access to documents which demonstrate that customer due diligence was carried out.

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

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

I hereby give consent to the Minister for Justice and Equality 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 declare that the structure of this form has not been altered.

I declare that in accordance with section 88(4) I will promptly notify the AMLCU of any changes in the information provided and will supply any other relevant information which may come to light in the period during which the application is being considered or after the application has been approved.

***Dated this***                      ***day of***                      ***year***

***Signed:*** \_\_\_\_\_                      ***Position:*** \_\_\_\_\_

**Print name:** \_\_\_\_\_

## APPLICATION CHECKLIST

To obtain Authorisation you must complete and submit the following:

- a. An application form
- b. A 'Fit and Proper' form for each beneficial owner and each principal accompanied by a copy of photographic identification in the form of a passport or driving licence and proof of address in the form of a utility bill/bank statement/government document
- c. A completed 'Garda Vetting' form for persons resident on the island of Ireland
- d. A Police Certificate for persons resident abroad
- e. Registration of Trading Name
- f. Money Laundering Policies and Procedures
- g. Copy of Authorisation from other jurisdictions (if applicable)
- h. A cheque for €130 made payable to the Department of Justice & Equality.

Should you wish to renew an existing Authorisation please note that you are required to submit all of the above with the exception of (e) (g). However if these documents have changed since the last application they must also be submitted.

***Completed application forms should be returned to:***

**Anti-Money Laundering Compliance Unit  
Department of Justice and Equality  
94 St. Stephen's Green  
DUBLIN 2**

**Web:** [www.antimoneylaundering.gov.ie](http://www.antimoneylaundering.gov.ie)  
**Email:** [antimoneylaundering@justice.ie](mailto:antimoneylaundering@justice.ie)