



Jersey

**PROCEEDS OF CRIME (DUTIES OF NON-
PROFESSIONAL TRUSTEES) (JERSEY)
ORDER 2016**

Official Consolidated Version

This is an official version of consolidated legislation compiled and issued under the authority of the Legislation (Jersey) Law 2021.

Showing the law from 29 August 2023 to Current



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PROCEEDS OF CRIME (DUTIES OF NON-PROFESSIONAL TRUSTEES) (JERSEY) ORDER 2016

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THE CHIEF MINISTER, in pursuance of Articles 37 and 43 of the [Proceeds of Crime \(Jersey\) Law 1999](#), and having consulted the Jersey Financial Services Commission, orders as follows –

Commencement [[see endnotes](#)]

1 Interpretation

In this Order “Money Laundering Order” means the [Money Laundering \(Jersey\) Order 2008](#).

2 Application of this Order¹

This Order applies to a natural person –

- (a) who is acting as a trustee of an express trust (as defined by Article 1(1) of the [Financial Services \(Jersey\) Law 1998](#)); but
- (b) whose activity is not conducted as a business.

3 Provisions of the Money Laundering Order applying

(1) The provisions of the Money Laundering Order listed in paragraph (2) shall apply, with such modifications as are specified in that paragraph, to a person to whom this Order applies, and shall so apply as though references in those provisions –

- (a) to a “relevant person”, included references to a person to whom this Order applies;
 - (b) to a “customer”, were references –
 - (i) to a settlor, and to a protector, of a trust in relation to which a person to whom this Order applies acts as trustee,
 - (ii) to a person who, having regard to the risk of the person’s being involved in money laundering, has a beneficial interest in the trust or is an object of a power in relation to the trust, and
 - (iii) to a person who otherwise exercises control over the trust;
- and

- (c) to the Money Laundering Order or its purposes, were references to the provisions of the Money Laundering Order as applied by this Order or to the purposes of this Order, as the case may be.
- (2) The provisions of the Money Laundering Order mentioned in paragraph (1) are –
- (a) in Part 1 –
 - (i) (so far as required for the interpretation of the other provisions of the Money Laundering Order applied by this Order) Articles 1, 2, 3, and 4(1), and
 - (ii) Article 6;
 - (b) in Part 3 –
 - (i) Article 13(1), (4), and (6) to (12),
 - (ii) Article 14(1) to (4), (5) and (7) (as though in each of those paragraphs, the words “Subject to paragraph (6),” were omitted), and (8) to (12),
 - (iii) Articles 15, 15A and 15B,
 - (iv) Article 16 (as though references to “obliged person” were, despite the definition of “obliged person” in Article 1(1) of that Order, references only to a person carrying on equivalent business), except for Article 16(7), and
 - (v) Article 18; and
 - (c) Part 4.²

4 Transitional provision

Where, on the day on which this Order comes into force, any person is acting, otherwise than by way of business, as trustee of an existing express trust, that person shall complete the application of identification measures under Article 3 of the Money Laundering Order, in relation to that trust –

- (a) as though for the purposes of Article 13(1)(a) of the Money Laundering Order as applied by this Order, any existing business relationship were one which had not yet been established; and
- (b) by no later than the end of the period of 6 months beginning with that day.

5 Citation

This Order may be cited as the Proceeds of Crime (Duties of Non-Professional Trustees) (Jersey) Order 2016.

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement
Proceeds of Crime (Duties of Non-Professional Trustees) (Jersey) Order 2016	R&O.100/2016	26 September 2016 (R&O.99/2016)
Money Laundering (Amendment No. 11) (Jersey) Order 2020	R&O.8/2020	12 February 2020
Proceeds of Crime (Duties of Non-Professional Trustees) (Amendment) (Jersey) Order 2023	R&O.71/2023	29 August 2023

Table of Renumbered Provisions

Original	Current
4	spent, omitted
5	4
6	5

Table of Endnote References

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- ¹ Article 2 *substituted by R&O.71/2023*
² Article 3(2) *amended by R&O.8/2020*