



Jersey

**PROCEEDS OF CRIME (PROVISION OF  
INFORMATION BY TRUSTEES) (JERSEY)  
ORDER 2021**

**Official Consolidated Version**

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Showing the law from 17 August 2023 to Current



Jersey

# PROCEEDS OF CRIME (PROVISION OF INFORMATION BY TRUSTEES) (JERSEY) ORDER 2021

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Jersey

## PROCEEDS OF CRIME (PROVISION OF INFORMATION BY TRUSTEES) (JERSEY) ORDER 2021

THE MINISTER FOR EXTERNAL RELATIONS AND FINANCIAL SERVICES makes this Order under Articles 37 and 43 of the [Proceeds of Crime \(Jersey\) Law 1999](#), having consulted the Jersey Financial Services Commission –

Commencement [[see endnotes](#)]

### 1 Interpretation and application

- (1) In this Order –
- “beneficial ownership”, in relation to a trust, means –
- (a) a natural person who is a beneficiary of the trust; or
  - (b) the ultimate owner or controller of a beneficiary of the trust, if that beneficiary is not a natural person;
- “one-off transaction” has the meaning given to it by Article 4 of the [Money Laundering \(Jersey\) Order 2008](#).<sup>1</sup>
- (2) This Order applies to a trustee of an express trust, if –
- (a) that express trust is a Jersey trust; or
  - (b) that express trust is a foreign trust, if –
    - (i) the trustee is resident in Jersey,
    - (ii) any trust property of that foreign trust is situated in Jersey, or
    - (iii) administration of any trust property of that foreign trust is carried on in Jersey.
- (3) In paragraph (2) –
- “express trust” has the meaning given to it by Article 1(1) of the [Financial Services \(Jersey\) Law 1998](#);
- “Jersey trust” has the meaning given to it by Article 1(1) of the [Trusts \(Jersey\) Law 1984](#); and
- “foreign trust” has the meaning given to it by Article 1(1) of the [Trusts \(Jersey\) Law 1984](#).

### 2 Trustee must declare status<sup>2</sup>

A person who is acting as a trustee of a trust must state that that person is acting in his or her capacity as trustee of that trust (and not in that person’s personal capacity) –

- (a) when forming a business relationship with a financial services business; or
- (b) when conducting a one-off transaction with a financial services business.

### 3 Information provided by trustees

- (1) Despite any provision of any trust document, or any other enactment, a trustee of a trust –
  - (a) must provide to a Jersey competent authority any information requested by that Jersey competent authority; and
  - (b) may provide to a financial services business with which the trust has a business relationship, on request by that business, information regarding –
    - (i) the beneficial ownership of the trust,
    - (ii) the settlor, protector or enforcer of the trust, if any, or
    - (iii) the assets of the trust that are to be held or managed by the financial services business under the terms of the business relationship.<sup>3</sup>
- (2) A request for information by an external competent authority must be made via a Jersey competent authority under an appropriate international co-operation request.<sup>4</sup>
- (3) On receipt of a request for information from an external competent authority under paragraph (2), a Jersey competent authority may request all or any of that information from the trust.<sup>5</sup>
- (4) In this Article –
  - “external competent authority” means any person or body having supervisory, regulatory or disciplinary functions in relation to financial services, any profession or any area of commercial activity outside Jersey;
  - “Jersey competent authority” means –
    - (a) an inspector appointed under Article 128 of the [Companies \(Jersey\) Law 1991](#);
    - (b) the Commission;
    - (c) the FIU;
    - (d) the Attorney General;
    - (e) the Minister for External Relations; or
    - (f) any other person or body having supervisory, regulatory or disciplinary functions in relation to financial services, any profession or any area of commercial activity in Jersey.<sup>6</sup>

### 4 Citation and commencement

This Order may be cited as the Proceeds of Crime (Provision of Information by Trustees) (Jersey) Order 2021 and comes into force on the same day as Article 2 of the [Proceeds of Crime \(Amendment No. 4\) \(Jersey\) Law 2021](#).

## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement	Project No (where applicable)
Proceeds of Crime (Provision of Information by Trustees) (Jersey) Order 2021	<a href="#">R&amp;O.125/2021</a>	8 October 2021	
Proceeds of Crime (Provision of Information by Trustees) (Amendment) (Jersey) Order 2023	<a href="#">R&amp;O.69/2023</a>	17 August 2023	

Project available at [statesassembly.gov.je](https://statesassembly.gov.je)

### Table of Endnote References

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<sup>1</sup> Article 1(1)	<i>amended by R&amp;O.69/2023</i>
<sup>2</sup> Article 2	<i>amended by R&amp;O.69/2023</i>
<sup>3</sup> Article 3(1)	<i>amended by R&amp;O.69/2023</i>
<sup>4</sup> Article 3(2)	<i>amended by R&amp;O.69/2023</i>
<sup>5</sup> Article 3(3)	<i>amended by R&amp;O.69/2023</i>
<sup>6</sup> Article 3(4)	<i>amended by R&amp;O.69/2023</i>