



## Guernsey Financial Services Commission

### **INSTRUCTION (NUMBER 04/2014) FOR FINANCIAL SERVICES BUSINESSES**

#### **REPORTING SUSPICION**

22 August 2014

This Instruction is made under section 49.(7) of the Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) Law, 1999.

#### **Introduction**

When the International Monetary Fund (“IMF”) evaluated the Bailiwick in 2010, it highlighted the fact that the existing power to seek additional information did not apply to all parties who are required to make reports, in line with international standards, but only to the reporting entity in any given case.

Since the 2010 IMF evaluation, the feedback given in other similar evaluations has identified the need for the Bailiwick to consider taking steps by which to pro-actively address this, if the Bailiwick is to remain compliant with the anti-money laundering and counter terrorism financing standards of the Financial Action Task Force, (“FATF”).

#### **Amendments to Regulations**

On the 7 August 2014 the Disclosure (Bailiwick of Guernsey) (Amendment) Regulations, 2014 and the Terrorism and Crime (Bailiwick of Guernsey) (Amendment) Regulations, 2014 came into operation.

The amendments enable the Financial Intelligence Service (“FIS”) to obtain additional information relating to a disclosure which has been received by it, from parties in addition to those who made the original disclosure.

The internal policies and procedures that the FIS will adopt will be summarised separately in a guidance document which will be issued separately by the FIS. They will reiterate that the FIS may only obtain this information from a third party if there are reasonable grounds that are proportionate, rational and justified to believe that the information is necessary to assist in the investigation of offences relating to money laundering, proceeds of crime, or terrorist financing.

#### **Amendments to Disclosure Form**

Some amendments have also been made to the Disclosure Form, which businesses are asked to complete when making a disclosure to the FIS and submit via THEMIS. The first amendment is the addition of wording at the start of question 4 – Relevant Transactions, which states, “Please note that the obligation to report suspicion applies to all types of transactions and attempted transaction, including attempted transactions in circumstances where there is no existing business relationship with the disclosure subject and no such business relationship is subsequently established”.

A new subsection has been added to section 6 of the Form – Reasons for Suspicion - entitled, “Suspected Underlying Offences”, where information is requested about the nature of the offences which are suspected to underlie or otherwise be relevant to the transaction.

The Commission has amended the published Handbook by incorporating the amendments into Chapter 10, Reporting Suspicion and the amendments made to the Disclosure Form, a sample of which is found at Appendix D2 of the Handbook.

### **Scope of Instruction**

This Instruction is being issued to ensure that the above changes are reflected in the Handbook for Financial Services Businesses on Countering Financial Crime and Terrorist Financing and incorporated into existing compliance arrangements.

### **Action to be taken by Financial Service Businesses**

The Commission requires the Board, or equivalent, of each financial service business, by no later than **close of business 5 September 2014** to:

- a) Replace existing hard copies of Chapter 10 of the Handbook with the revised version of Chapter 10 attached to this Instruction.
- b) Replace existing hard copies of Appendix D2 of the Handbook with the revised version of Appendix D2 attached to this Instruction.
- c) Replace any electronic copies of the Handbook with the revised version which can be accessed on the Commission's website.
- d) Take steps to ensure that the business' policies, procedures and controls concerning the reporting of suspicious activity and the forms used to report suspicious activity to the FIS, are updated to incorporate the amendments.

When undertaking the review Boards must note that, in accordance with paragraph 30 of the Handbook, a financial service business must ensure that the Commission is advised of any material failure to comply with the provisions of the Regulations and the rules in the Handbook and of any serious breaches of the policies, procedures or controls of the financial service business.

The action taken by each financial service business under this Instruction will be reviewed during on-site visits and by other means as necessary to verify compliance with its requirements.

HANDBOOK FOR FINANCIAL SERVICES BUSINESSES ON COUNTERING  
FINANCIAL CRIME AND TERRORIST FINANCING

RECORD OF CHANGES

CHAPTER 10 REPORTING SUSPICION

Page	Point No.	Title	Guidance / Rule Reference	Change
84	-	Chapter 10 – Reporting Suspicion.	-	Revised contents.
85	-	Additional Legislation.	-	Revised to include hyperlinks to the relevant legislation.
86 - 106	-	Legislation.	-	Legislation removed.
108 - 113	-	-	-	Pages renumbered 85 – 94.
87	10.1	Objectives.	291	Added reference to attempted transactions and attempted activity.
93	10.8	Request for Additional Information from Third Parties.		New section. The guidance is intentionally unnumbered.
93	10.9	Definitions.		New section. The guidance is intentionally unnumbered.
93	10.10	Additional information Requests.		New Section. The guidance is intentionally unnumbered.
94	N/A	Blank Page.		
95- 113	Previous pages withdrawn.			
164	Appendix D		N/A	Replaced Appendix D with replacement pages. Revised Disclosure Form included in Appendix D2.

## **CHAPTER 10 – REPORTING SUSPICION**

### **Key Regulations**

Regulation 12 Reporting Suspicion	86
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### **Sections in this Chapter**

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## ADDITIONAL LEGISLATION

In addition to the Regulations, rules and guidance in the Handbook there are four other pieces of legislation which have specific requirements with regard to the reporting and disclosure of suspicions.

Financial services businesses must comply with the relevant provisions of the Disclosure (Bailiwick of Guernsey) Law, 2007, the Terrorism and Crime (Bailiwick of Guernsey) Law, 2002, the Disclosure (Bailiwick of Guernsey) Regulations, 2007 and the Terrorism and Crime (Bailiwick of Guernsey) Regulations, 2007. Financial services businesses should note that the Court will take account of the Rules and also of the Guidance provided in the Handbook in considering compliance with the disclosure requirements of this legislation and the Regulations.

The requirements of the legislation to which the rules and guidance in this chapter particularly relate are:

The Disclosure (Bailiwick of Guernsey) Law, 2007

Section 1 and 2 of the Disclosure (Bailiwick of Guernsey) Law, 2007.

<http://www.guernseylegalresources.gg/CHttpHandler.ashx?id=71019&p=0>

The Disclosure (Bailiwick of Guernsey) Regulations, 2007.

<http://www.guernseylegalresources.gg/CHttpHandler.ashx?id=73344&p=0>

The Disclosure (Bailiwick of Guernsey) (Amendment) Regulations, 2014.

<http://www.guernseyfiu.gov.gg/CHttpHandler.ashx?id=90483&p=0>

The Terrorism and Crime (Bailiwick of Guernsey) Law, 2002.

<http://www.guernseylegalresources.gg/CHttpHandler.ashx?id=70911&p=0>

Sections 15 and 15A of the Terrorism and Crime (Bailiwick of Guernsey) Law, 2002.

The Terrorism and Crime (Bailiwick of Guernsey) Regulations, 2007.

<http://www.guernseylegalresources.gg/CHttpHandler.ashx?id=73347&p=0>

The Terrorism and Crime (Bailiwick of Guernsey) (Amendment) Regulations, 2014.

<http://www.guernseyfiu.gov.gg/CHttpHandler.ashx?id=90482&p=0>

## REGULATIONS

The requirements of the Regulations to which the rules and guidance in this chapter particularly relate are:

- Regulation 12, which provides for the reporting and disclosing of suspicion. See below.
- Regulation 15, which makes provisions in relation to the review of compliance. See chapter 2.

### **Regulation 12**

12. A financial services business shall –

- (a) appoint a person of at least management level as the money laundering reporting officer and provide the name and title of that person to the Commission and the Financial Intelligence Service as soon as is reasonably practicable and, in any event, within fourteen days starting from the date of that person's appointment,
- (b) nominate another person to receive disclosures, under Part I of the Disclosure Law and section 15 of the Terrorism Law ("nominated officer"), in the absence of the money laundering reporting officer, and ensure that any relevant employee is aware of the name of that nominated officer,
- (c) ensure that where a relevant employee, other than the money laundering reporting officer, is required to make a disclosure under Part I of the Disclosure Law or section 15 of the Terrorism Law, that this is done by way of a report to the money laundering reporting officer, or, in his absence, to a nominated officer,
- (d) ensure that the money laundering reporting officer, or in his absence a nominated officer, in determining whether or not he is required to make a disclosure under Part I of the Disclosure Law or section 15A of the Terrorism Law, takes into account all relevant information,
- (e) ensure that the money laundering reporting officer, or, in his absence, a nominated officer, is given prompt access to any other information which may be of assistance to him in considering any report, and
- (f) ensure that it establishes and maintains such other appropriate and effective procedures and controls as are necessary to ensure compliance with requirements to make disclosures under Part I of the Disclosure Law and sections 15 and 15A of the Terrorism Law.

## 10 REPORTING SUSPICION

A financial services business must comply with the Rules in addition to the Regulations. The Rules are boxed and shaded for ease of reference. A financial services business should note that the Court must take account of the Rules and Guidance issued by the Commission in considering compliance with the Regulations

### 10.1 Objectives

289. This chapter outlines the statutory provisions concerning disclosure of information, the policies, procedures and controls necessary for reporting and disclosing suspicion and the provision of information on the reporting and the disclosing of suspicion.
290. References in this chapter to a transaction or activity include an attempted or proposed transaction or activity.
291. References in this chapter to a transaction or activity also include attempted transaction, attempted activity and attempts or proposals to enter into a business relationship or to undertake an occasional transaction.
292. References in this chapter to any suspicion are references to suspicion of either money laundering or terrorist financing.

### 10.2 Obligation to Report

293. A suspicion may be based upon a transaction or activity which is inconsistent with a customer's known legitimate business, activities or lifestyle or with the normal business for that type of product/service.
294. It follows that an important precondition of recognition of a suspicious transaction or activity is for the financial services business to know enough about the business relationship and occasional transaction to recognise that a transaction or activity is unusual. Such knowledge would arise mainly from complying with the monitoring and ongoing customer due diligence requirements in Regulation 11 – see chapter 9. Suspicion need not only be based on transactions or activities within the business relationship, but also on information from other sources, including law enforcement agencies, other government bodies, the media, intermediaries, or the customer himself.

295. A financial services business must establish appropriate and effective policies, procedures and controls in order to facilitate compliance with the reporting requirements of the Regulations and the relevant enactments to ensure that:

- each suspicion is reported to the MLRO regardless of the amount involved and regardless of whether, amongst other things, it is thought to involve tax matters in a manner sufficient to satisfy the statutory obligations of the employee;
- the MLRO promptly considers each such internal suspicion report and determines whether it results in there being knowledge or suspicion or reasonable grounds for knowing or suspecting that someone is engaged in money laundering or terrorist financing;
- where the MLRO has determined that an internal suspicion report does result in there being such knowledge or suspicion or reasonable grounds for so knowing or suspecting that he discloses that suspicion of money laundering or terrorist financing to the FIS – see section 10.4; and
- where, during the CDD process, a financial services business knows or suspects that someone is engaged in money laundering or terrorist financing a disclosure is made to the FIS.

296. The Board of a financial services business and all relevant employees should appreciate and understand the significance of what is often referred to as the objective test of suspicion. It is a criminal offence for anyone employed by a financial services business to fail to report where they have knowledge, suspicion or reasonable grounds for knowledge or suspicion that another person is laundering the proceeds of any criminal conduct or is carrying out terrorist financing.

297. What may constitute reasonable grounds for knowledge or suspicion will be determined from facts or circumstances from which an honest and reasonable person engaged in a financial services business would have inferred knowledge or formed the suspicion that another was engaged in money laundering or terrorist financing.

298. A transaction or activity which appears unusual, is not necessarily suspicious. An unusual transaction or activity is, in the first instance, likely to be a basis for further enquiry, which may in turn require judgement as to whether it is suspicious. For example, an out of the ordinary transaction or activity within a business relationship should prompt the financial services business to conduct enquiries about the transaction or activity – see section 10.6 on tipping off.

299. There may be a number of reasons why the financial services business is not entirely happy with CDD information or where the financial services business otherwise needs to ask questions. Enquiries of their customer should be made where the financial services business has queries, regardless of their level of suspicion, to either assist them in formulating a suspicion, or conversely to negate it, having due regard to the tipping off provisions.



300. Although a financial services business is not expected to conduct the kind of investigation carried out by law enforcement agencies, it must act responsibly and ask questions to satisfy any gaps in the CDD or its understanding of a particular transaction or activity or proposed transaction or activity.

### **10.3 Internal Reporting**

301. A financial services business must have appropriate and effective internal reporting policies, procedures and controls to ensure that:

- all employees of the financial services business know to whom within the financial services business and in what format their suspicions must be reported;
- all suspicion reports are considered by the MLRO and where the MLRO makes a decision not to make a disclosure to the FIS, the reasons for the decision not to disclose are documented and retained; and
- once a disclosure has been made to the FIS, the MLRO immediately informs the FIS where subsequent, relevant information or documentation is received.

302. An example of an internal reporting form is set out in Appendix D1.

### **10.4 Form and Manner of Disclosing to the FIS**

303. Prior to making a disclosure to the FIS the financial services business should consider all available options in respect of the business relationship or occasional transaction.

304. Reports of suspicion of money laundering (including drug money laundering) must be disclosed under the provisions of the Disclosure (Bailiwick of Guernsey) Law, 2007 and suspicions relating to terrorism must be disclosed under the Terrorism and Crime (Bailiwick of Guernsey) Law, 2002 as amended. Both of these laws require that information contained in internal reports made to a MLRO is disclosed to the FIS where the MLRO knows or suspects or has reasonable grounds for knowing or suspecting as a result of the report, that a person is engaged in money laundering or terrorist financing.

305. Regulations made under the provisions of the Disclosure Law and of the Terrorism and Crime Law prescribe the manner and form of disclosure. The Disclosure (Bailiwick of Guernsey) (Amendment) Regulations, 2011 and the Terrorism and Crime (Bailiwick of Guernsey) (Amendment) Regulations, 2011 provide that disclosures are to be made through the online reporting facility available on the website of the Financial Investigation Unit at [www.guernseyfiu.gov.gg](http://www.guernseyfiu.gov.gg). A copy of the prescribed online form is set out in Appendix D2.

306. The financial services business should provide as much information and documentation (for example, statements, contract notes, correspondence, minutes, transcripts, etc.) as possible to demonstrate why suspicion has been raised and to enable the FIS to fully understand the purpose and intended nature of the business relationship or occasional transaction.

307. When considering the provision of information to the FIS a financial services business should be aware of the Disclosure (Bailiwick of Guernsey) Law, 2007 and the Terrorism and Crime (Bailiwick of Guernsey) Law, 2002. These laws provide that a disclosure made in good faith to a prescribed police officer does not contravene any obligation as to confidentiality or other restriction on the disclosure of information imposed by statute, contract or otherwise. Additionally, both laws provide that disclosures made under them include disclosure of any information or document relating to the knowledge, suspicion or reasonable grounds for suspicion that the person in respect of whom the disclosure is made is engaged in money laundering, and any fact or matter upon which such knowledge, suspicion or reasonable grounds for suspicion is based.

For the purposes of the above paragraph information or document includes any information or document relating to –

- a) any money or property;
- b) any transaction concerning such money or property; and
- c) the parties to any such transaction.

308. Where the MLRO considers that a disclosure should be made urgently (for example, where the customer's financial services product is already part of a current investigation), initial notification to the FIS may be made by telephone.

309. In addition to the requirements of Regulation 14 for the keeping of records of internal reports a financial services business must also maintain a register of all disclosures made to the FIS pursuant to this paragraph. Such register must contain details of:

- the date of the disclosure;
- the person who made the disclosure;
- the person(s) to whom the disclosure was forwarded; and
- a reference by which supporting evidence is identifiable.

310. To aid communication with the FIS, it may be useful for a financial services business to cross reference its files with the reference number provided by the FIS.

311. The register of disclosures should be reviewed and updated periodically to reflect the current position of each disclosure and of the business relationship. The financial services business should at the time of the review consider whether further communication with the FIS is appropriate.

312. A financial services business must consider whether the nature of the particular suspicion which has been triggered is such that all the assets of the business relationship are potentially suspect. Where it is not possible to separate the assets which are suspicious from the legitimate funds, it will be necessary to carefully consider all future transactions or activities, and the nature of the continuing relationship and to implement an appropriate risk based strategy.

313. It is for each financial services business (or group) to consider whether (in addition to any disclosure made in Guernsey) the MLRO should report suspicions within the financial services business (or group), for example, to the compliance department at Head Office. A report to Head Office, the parent or group does not remove the requirement also to disclose suspicions to the FIS.

## **10.5 The Response of the FIS**

314. Disclosures made through the online reporting facility will be immediately acknowledged.

315. If the disclosure does not refer to a specific transaction or activity that could constitute a money laundering or terrorist financing offence, the response from the FIS will simply acknowledge receipt of the disclosure.

316. If the disclosure does include reference to a specific transaction or activity that has led to the suspicion and ultimately a disclosure, the financial services business should indicate whether or not it intends to carry out the transaction or activity, and if so request consent to continue with the particular transaction or activity. The MLRO should exhaust all avenues at his disposal to either negate or confirm whether or not there is a suspicion before seeking consent. On receipt of such a request the FIS will consider whether or not it may give consent under the relevant provisions. The FIS will, except in exceptional circumstances, within seven days of receipt of the disclosure, advise in writing its decision regarding the request. In urgent matters, consent may be given orally by the FIS, but will be followed by written confirmation.

317. In the event that consent is not given, the FIS will discuss with the financial services business the implications and will offer what assistance it can in deciding the most appropriate course of action to be taken thereafter. Any such discussion with the FIS does not constitute legal advice. If deemed appropriate, legal advice should be sought by the financial services business from its Advocate or other legal adviser.

318. Access to disclosures will be restricted to appropriate authorities and any information provided by the FIS emanating from such disclosures will normally be in a sanitised format and will not include the identity of the source. In the event of a prosecution, the source of the information will be protected as far as the law allows.

319. The FIS may, by virtue of section 2(1) of the Disclosure (Bailiwick of Guernsey) Regulations, 2007 or section 2(1) of the Terrorism and Crime (Bailiwick of Guernsey) Regulations, 2007, seek additional information from the disclosing financial services business. Such additional information includes financial and administrative information which may provide clarification of the grounds of suspicion and allow the person to whom the disclosure has been made to make a judgement as to how to proceed.

320. In addition, the FIS will, so far as is possible, supply on request and through planned initiatives information as to the current status of any investigations emanating from a disclosure as well as more general information regarding identified trends and indicators.

## 10.6 Communicating with Customers and Tipping Off

321. The Disclosure Law and the Terrorism and Crime Law provide that it is a criminal offence if a person knows, or suspects, that an internal suspicion report to a MLRO or a disclosure to the FIS has been or will be made or if any information or other matter concerning the internal suspicion report or disclosure has been or will be communicated to a MLRO or the FIS and he discloses to any other person information or any other matter about, or relating to, that knowledge or suspicion unless it is for a purpose set out in those laws. Those purposes include, but are not limited to, the prevention, detection, investigation or prosecution of criminal offences, whether in the Bailiwick or elsewhere. HM Procureur has issued a paper entitled Guidance on Prosecution for Tipping Off which provides for disclosures made to members of the same organisation or linked organisations to discharge their AML/CFT responsibilities. A copy of this paper is set out in Appendix E.

322. Reasonable enquiries of a customer, conducted in a discreet manner, regarding the background to a transaction or activity which has given rise to the suspicion is prudent practice, forms an integral part of CDD and ongoing monitoring, and should not give rise to tipping off.

323. Policies, procedures and controls must enable a MLRO to consider whether it is appropriate to disclose a suspicion or to make a request for consent or whether in assessing the circumstances, it would in the first instance be more appropriate to obtain more information to assist him with this process. Such procedures must also provide for the MLRO to consider whether it would be more appropriate to decline to proceed with the requested act and to give due thought to the future of the business relationship as a whole.

324. There will be occasions where it is feasible for the financial services business to agree a joint strategy with the FIS, but the FIS will not seek to influence what is ultimately a decision for the financial services business and the online reporting facility cannot be used for this purpose.

## 10.7 Terminating a Business Relationship

325. Whether or not to terminate a business relationship is a commercial decision except where required by legislation, for example, where the financial services business cannot obtain the required CDD information (see chapter 4 and Regulation 9).

326. Where a financial services business makes a decision to terminate a business relationship after it has made a disclosure or requested consent, and is concerned that, in doing so it may prejudice an investigation or contravene the tipping off rules, it should engage with the FIS accordingly. The decision to terminate a relationship, however, remains with the financial service business.

## 10.8 Request for Additional Information from Third Parties

The Terrorism and Crime (Bailiwick of Guernsey) (Amendments) Regulations, 2014 and The Disclosure (Bailiwick of Guernsey) (Amendment) Regulations, 2014 inserted a new regulation 2A. The inserted regulation applies where a person has made a disclosure under section 1, 2 or 3 of the Disclosure (Bailiwick of Guernsey) Law, 2007 and/or under the section 12, 15 or 15C of the Terrorism and Crime (Bailiwick of Guernsey) Law, 2002 and the police officer to whom the disclosure is made believes as a result, that another person (“a third party”) may possess relevant information. A prescribed police officer, by notice in writing served upon a third party, require that third party to provide the officer (or any other specified officer) with such additional information relating to the initial disclosure as may be specified in writing within such period which, in unusual circumstances shall not be less than 7 days, and in such form and manner, as may be specified.

## 10.9 Definitions

The Terrorism and Crime (Bailiwick of Guernsey) (Amendment) Regulations, 2014 and The Disclosure (Bailiwick of Guernsey) (Amendment) Regulations, 2014 include the following definitions:

- the disclosure upon which the FIS may determine to seek additional information as the ‘initial disclosure’.
- the persons from whom additional information is sought as “a third party”.
- *The Terrorism and Crime (Bailiwick of Guernsey) (Amendment) Regulations, 2014*; relevant information means information which is, or is likely to be, of assistance to any enquiries that a prescribed police officer reasonably believes to be necessary in order to establish:
  - whether any person is engaged in terrorist financing, or
  - that certain property is or is derived from terrorist property.
- *The Disclosure (Bailiwick of Guernsey) (Amendment) Regulations, 2014*; relevant information means information which is, or is likely to be, of assistance to any enquiries that a prescribed police officer reasonably believes to be necessary in order to establish:
  - whether any person is engaged in money laundering, or
  - that certain property is or is derived from the proceeds of criminal conduct.

## 10.10 Additional Information Requests

Financial Services Businesses who receive a notice should respond as instructed by the FIS.

**PLEASE NOTE THAT PAGES 95 – 113 HAVE BEEN WITHDRAWN**

## APPENDIX D1

### INTERNAL REPORT FORM

Name of Customer			
Full account name(s)			
Account/product number(s)			
Date(s) of opening			
Date of customer's birth			
Nationality			
Passport number			
Identification and reference			
Customer's address			
Details arousing suspicion			
As relevant:	Amount (currency)	Date of receipt	Source of funds
Other relevant information			
Money Laundering Reporting Officer *			
Name of Employee			
Date of Report			

\* The Money Laundering Reporting Officer should briefly set out the reason for regarding the transactions to be reported as suspicious, or if he decides against reporting, the reasons for that decision.

**APPENDIX D2**

**DISCLOSURE FORM  
STRICTLY PRIVATE AND CONFIDENTIAL**

Please forward with covering letter to: The Guernsey Border Agency, Financial Investigation Unit: Financial Intelligence Service, Ozanne Hall, Mignot Plateau, Cornet Street, St Peter Port, GY1 1LF	
Tel: 714081    Fax: 710466    E-mail: <a href="mailto:fiu@gba.gov.gg">fiu@gba.gov.gg</a>	
Reporting MLRO:	
Tel:	Email:

Your reference		
FIS reference		
Date		Consent request? <b>Yes/No</b>

**1. MAIN DISCLOSURE SUBJECT**

**Person**

Title	
Full name <i>(please include former and other names)</i>	
Is the subject a Politically Exposed Person? <i>(please give details)</i>	
Gender	
Date of birth /Alias date of Birth	
Estimated age	
Place of Birth	
Town of Birth	
Nationality(ies)	
Occupation	



## APPENDIX D2 (CONTINUED)

Employer	
Address(es) including postal codes	
Country of Residence	
Contact details, e.g. telephone, fax, email	
Passport number(s) and dates	
Passport issuing country(ies)	
Other identification numbers and dates, e.g. national identity card, driving licence etc. <i>(please specify type)</i>	
Any other relevant information	

### and/or Organisation

Type of Organisation i.e. company, trust, non-profit organisation or other	
Name <i>(please include former and other names)</i>	
Legal registration / identification number	
Address(es) including postal codes	
Contact details, e.g. telephone, fax, email	
Place of incorporation / date	
Country registered / established	
Date registered / established	
Any other relevant information	
<i>(Trust)</i> Country of Administration Country Settled	
<i>(non-profit organisation)</i> Area of Benefit Area of Operation	

## APPENDIX D2 (CONTINUED)

### 2. ASSOCIATED SUBJECTS (including organisation officials)

Official Type	
Title	
Full name <i>(please include former and other names)</i>	
Date of birth	
Address(es) including postal codes	

For further associated subjects, please copy the formats used above

### 3. RELEVANT ACCOUNTS

Account Name	
Account Holder(s)	
Financial Institution/ SWIFT/BIC address	
Account / product type, e.g. investment, company etc.	
Account number and sort code	
Date account opened	
Date account closed	
Account balance / value	
Balance / value date	

For additional accounts or products, please copy the format used above.

### 4. RELEVANT TRANSACTIONS

**Please note that the obligation to report suspicion applies to all types of transaction and attempted transaction, including attempted transactions in circumstances where there is no existing business relationship with the disclosure subject and no such business relationship is subsequently established.**

Transaction date	
Transaction amount	
Transaction type / method	
Transaction parties <i>(please use person / organisation format as above where more detailed information is available)</i>	
Was the transaction carried out?	

**APPENDIX D2 (CONTINUED)**

Was the transaction made in the context of an existing business relationship? If not, was a business relationship then established?	
-------------------------------------------------------------------------------------------------------------------------------------	--

**For additional transactions, please copy the format used above.**

**5. CLIENT RELATIONSHIP**

Current status of relationship	
Date relationship commenced	
Date relationship ended	

**6. REASONS FOR SUSPICION**

*Please give full account of circumstances and grounds for suspicion*

Suspected Underlying Offences	<i>Please specify where possible the nature of the offences which you suspect may underlie or otherwise be relevant to the transaction, for example fraud or corruption, (whether carried out or not), together with the grounds for that suspicion.</i>
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This disclosure is made under the <i>(please delete as appropriate)</i>	Terrorism and Crime (Bailiwick of Guernsey) Law, 2002
	Disclosure (Bailiwick of Guernsey) Law, 2007

**7. DETAILS OF ANY REQUEST FOR CONSENT**

*Please specify the act or transaction for which consent is sought*

**8. ADDITIONAL INFORMATION (including explanation of any attachments)**

NB - Please also provide as much information and documentation as possible to demonstrate why suspicion has been raised and to enable the FIS to fully understand the purpose and intended nature of the business relationship, e.g. copy identification and account opening documents, account statements, contract notes, minutes, correspondence, structure charts, transcripts, etc.

**APPENDIX D3**

**SPECIMEN CONSENT NOT REQUIRED OF THE FIS**

MLRO

Your Ref :  
FIS Ref :

PRIVATE & CONFIDENTIAL - ADDRESSEE ONLY

Dear

Thank you for the disclosure of information you have provided under the provisions of the Disclosure (Bailiwick of Guernsey) Law, 2007 concerning:-

XXXXXXXXXX

Your suspicions have been noted.

Based upon the information provided please note that this is not a consent issue.

This does not release you from your obligation in respect of all future transactions on the account or arising from the relationship to comply with the relevant anti money laundering legislation and to have due regard to the Guernsey Financial Services Commission Handbook on countering financial crime and terrorist financing.

Thank-you for your continued co-operation.

Yours sincerely

## APPENDIX D4

### SPECIMEN CONSENT OF THE FIS

MLRO

Your Ref :  
FIS Ref :

#### PRIVATE & CONFIDENTIAL - ADDRESSEE ONLY

Dear

Thank you for the disclosure of information you have provided under the provisions of the Disclosure (Bailiwick of Guernsey) Law, 2007 concerning *[insert subject here]*

Your suspicions have been noted.

Based upon the information provided you have consent to continue or maintain the account(s) or other relationship.

This does not release you from your obligation in respect of all future transactions on the account or arising from the relationship to comply with the relevant anti money laundering legislation and to have due regard to the Guernsey Financial Services Commission Handbook on countering financial crime and terrorist financing.

Thank you for your continued co-operation.

Yours sincerely

**APPENDIX D5**

**SPECIMEN CONSENT REFUSED OF THE FIS**

MLRO

Your Ref :  
FIS Ref :

PRIVATE & CONFIDENTIAL - ADDRESSEE ONLY

Dear

Thank you for the disclosure of information you have provided under the provisions of the Disclosure (Bailiwick of Guernsey) Law, 2007 concerning: -

XXXXXXXXXX

Your suspicions have been noted.

Based upon the information provided you do not have consent to: XXXXXXXXXXXX

This does not release you from your obligation in respect of all future transactions on the account or arising from the relationship to comply with the relevant anti money laundering legislation and to have due regard to the Guernsey Financial Services Commission Handbook on countering financial crime and terrorist financing.

Thank-you for your continued co-operation.

Yours sincerely

**APPENDIX D6**

**SPECIMEN ACKNOWLEDGMENT OF THE FIS**

MLRO

Your Ref :  
FIS Ref :

PRIVATE & CONFIDENTIAL - ADDRESSEE ONLY

Dear

Thank you for the disclosure of information you have provided concerning:

XXXXXXXXXXXX

The information has been noted.

Thank you for your continued co-operation.

Yours sincerely