



Jersey Financial  
Services Commission

# Consultation on enhancements to criminal background checks

Jason Carpenter, Steph Nisbet & Brooke Lewis  
5 February 2025

# Provision of Criminal Record Certificate(s) to accompany PP and KP applications

Reason for proposals:

1. Strengthen Jersey's regulatory regime in meeting AML/CFT/CPF requirements by placing more emphasis on the controls that should already exist within firms.
2. To achieve a more consistent approach across all firms and sectors as to the systems they have in place to check the criminal history of PPs/KPs.
3. Respond to recommendations made by MONEYVAL fifth round evaluation and to implement FATF Recommendations.



# MONEYVAL Fifth-Round Evaluation

**Findings:** Relying on self-declarations to report criminal convictions followed by checks in specific databases instead of requesting criminal record certificates is a vulnerability.

**Recommendation:** Enhance criminal background checks for beneficial owners, controllers and key function holders applied at the market entry stage and when subsequent changes.



# Considerations behind proposals:

- › Proportionate.
- › Cost efficient.
- › To not adversely impact the competitiveness and attractiveness of the jurisdiction as a place to do business.



# Proposals

1. Enhance application process for PPs and KPs of Supervised Persons, by requiring the provision of a certified copy of a criminal record certificate (DBS check or foreign equivalent).
2. Require a Supervised Person to regularly consider whether its PPs and KPs are fit and proper to hold these roles.



# Who do the proposals affect?

1. Existing Supervised Persons
2. Existing PPs and/or KPs
3. Applicants applying to become Supervised Persons, or their PPs and KPs, post the Commencement Date

*Note: It is currently not intended that NPOs will be subject to the proposals.*



# Criminal record certificate

- 1. Level of check:** Basic DBS Check (or foreign equivalent)
- 2. Cost and Time:** £21.50 and 14 days to process (commensurate for foreign equivalents)
- 3. How to Obtain:** Guidance on Gov UK website:

<https://www.gov.uk/government/collections/dbs-checking-service-guidance--2>

<https://www.gov.uk/request-copy-criminal-record>

<https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>



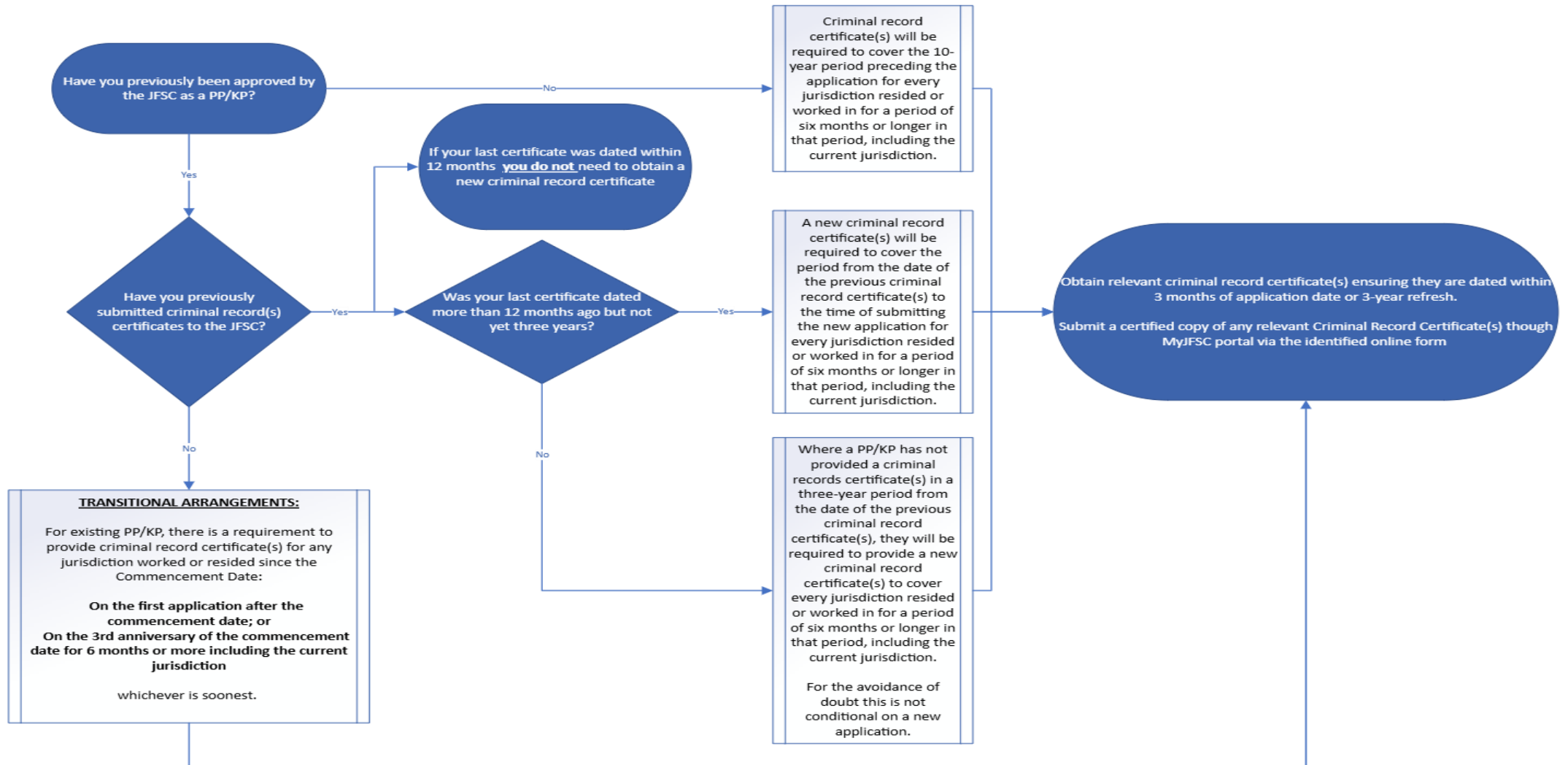
# When does a PP/KP have to submit criminal record check(s) to the JFSC?

1. First application
2. Defined events
3. 3-year rolling period
4. Transitional Provisions





## What are my requirements to submit a Certified Copy of a Criminal Records Certificate(s)?



# First Application

- › PP/KP must obtain a DBS check (or foreign equivalent)
- › This must cover:
  1. Current jurisdiction; and
  2. Every jurisdiction they have resided or worked in for 6 months or more, for the 10 years preceding the application.



# Defined Events: Applying for new or different PP/KP roles – ‘subsequent changes’

- › Individual authorised as a PP/KP after the Commencement Date and have already provided the JFSC with a DBS check (or foreign equivalent).
- › When a PP/KP needs to submit a fresh certificate to us will depend on the **date** of the last DBS check (or foreign equivalent) provided to the JFSC.
  - › **Within 12 months:** No new DBS check (or foreign equivalent) required but the individual will still need to seek a no objection (regulated entities) or notification (supervised entities) through normal channels.
  - › **12 months or more:** Individual needs to submit a new DBS check (or foreign equivalent) for current jurisdiction; and every jurisdiction they have resided or worked in for 6 months or more since the date of the Previous Criminal Record Certificate.



# 3-year Rolling Period

- › This is being proposed to include those individuals who would otherwise fall outside of the ‘subsequent changes’ provision referenced in the MONEYVAL Recommendation.
  - › Focus on those individuals who have remained in a position for a prolonged period.
  - › Assists in proactively identifying bad actors.
  - › This applies where a PP/KP has not provided a DBS check (or foreign equivalent) to the JFSC in a 3-year period from the date of the Previous Criminal Record Certificate.
  - › They must provide a New Criminal Record Certificate for their current jurisdiction and for every jurisdiction they have worked or resided in for 6 months or longer since the date of the previous criminal record certificate.
  - › This is not conditional on a new application for a PP/KP role.
  - › The JFSC will send an automatic reminder to the PP/KP and the connected supervised person within 6 months of the 3<sup>rd</sup> year anniversary.



# Transitional Provisions

- › Applies to PP/KPs who have been authorised by the JFSC as a PP/KP before the Commencement Date.
- › Not retrospective – only captures post Commencement.
- › **First application (post Commencement Date) for new or different PP/KP role:** the individual must provide the JFSC with a DBS check (or foreign equivalent) for their current jurisdiction; and every jurisdiction they have resided or worked since the Commencement Date.
- › **3-year rolling period (not conditional on a new PP/KP application):**
  - › If the PP/KP has not applied for a new or different PP/KP role after since the Commencement Date but continues to hold PP/KP roles, no later than 3 years from the Commencement Date they must provide the JFSC with a DBS check (or foreign equivalent) for their current jurisdiction and every jurisdiction they have resided or worked in for 6 months or more for the period since the Commencement Date to the 3-year anniversary.
  - › To avoid a flurry of submissions at the same time –automatic email reminder within 6 months of the 3<sup>rd</sup> year anniversary of the Commencement Date; and the certificate must be dated within 3 months of the 3<sup>rd</sup> year anniversary.



# Amendments to Codes and JFSC Processes

- › Section 9 of AML/CFT/CPF Handbook – Introduction of new Codes
- › Updates to Section 10 (record keeping) of AML/CFT/CPF Handbook
- › Equivalent changes to GIMB Codes
- › Amend myProfile and forms
- › Supervisory risk data collection



# Questions

If you require any assistance, clarification or wish to discuss any aspect of the paper prior to formulating a response please contact our Policy team:  
[policy@jerseyfsc.org](mailto:policy@jerseyfsc.org)





# Jersey Financial Services Commission



Like us at Jersey Financial Services Commission



Follow us at @JerseyFSC



Follow us at Jersey Financial Services Commission



Follow us at @jersey.fsc

Jason Carpenter, Steph Nisbet  
& Brooke Lewis