

Statutory Document No. 0188/13



*Proceeds of Crime Act 2008*

*Terrorism (Finance) Act 2009*

## **MONEY LAUNDERING AND TERRORIST FINANCING (AMENDMENT) CODE 2013**

*Approved by Tynwald:* 18 June 2013  
*Coming into Operation:* 1 July 2013

The Department of Home Affairs makes the following Order under section 157(1) of the Proceeds of Crime Act 2008 and section 27A(1) of the Terrorism (Finance) Act 2009, after consulting such persons and bodies that appeared to it to be appropriate<sup>1</sup>.

### **1 Title**

This Code is the Money Laundering and Terrorist Financing (Amendment) Code 2013.

### **2 Commencement**

If approved by Tynwald<sup>2</sup>, this Order comes into operation on 1 July 2013.

### **3 Amendment of the Money Laundering and Terrorist Financing Code 2013**

- (1) The Money Laundering and Terrorist Financing Code 2013<sup>3</sup> is amended as follows.
- (2) In paragraph 3(1), in the definition of “trusted person”, for “applicant for business” substitute **█** advocate, legal practitioner or accountant **█**.
- (3) In paragraph 6—
  - (a) in subparagraph (3)(c), for the words after “legal arrangement, identify” substitute **█** —

<sup>1</sup> As required by section 157(4) of the Proceeds of Crime Act 2008 and section 27A(4) of the Terrorism (Finance) Act 2009

<sup>2</sup> As required by section 223(3) of the Proceeds of Crime Act 2009 and section 27A(5) of the Terrorism (Finance) Act 2009

<sup>3</sup> SD 0095/13

- (i) any known beneficiaries; and
- (ii) the settlor or other person by whom the legal arrangement is made; **22**;
- (b) in subparagraph (5), for “paragraph” substitute **63** Code **22**;
- (c) in subparagraph (6), for “In”, where it first appears, substitute **63** Subject to paragraph 3(5), in **22**.
- (4) In paragraph 7—
  - (a) in subparagraph (3)(d) —
    - (i) for “have” substitute **63** has **22**;
    - (ii) at the end insert **63** and **22**;
  - (b) in subparagraph (6) for “instead of sub-paragraphs (3) and (5) of this paragraph” substitute **63**, sub-paragraph (3) and (5) of this paragraph do not apply **22**.
- (5) In paragraph 9(5) for “instead of sub-paragraph (4) of this paragraph” substitute **63**, sub-paragraph (4) of this paragraph does not apply **22**.
- (6) In paragraph 10—
  - (a) in subparagraph (5)(c)(i), after “trusted person” insert **63** other than a nominee company of either a regulated person or an external regulated business **22**;
  - (b) in subparagraph (6)(a) omit “prevention of”;
  - (c) in subparagraph (6)(i) for “(9)” substitute **63** (8) **22**;
  - (d) in subparagraph (10) for “instead of sub-paragraph (5) of this paragraph” substitute **63**, sub-paragraph (5) of this paragraph does not apply **22**.
- (7) In paragraph 11(1)—
  - (a) after “customer due diligence” insert **63** by the relevant person **22**;
  - (b) in subparagraph (a)—
    - (i) after “an applicant for business” insert **63** (including an introduced business within the meaning of paragraph 10) **22**;
    - (ii) after “new business relationship” insert **63**, one-off transaction **22**;
  - (c) in subparagraph (b), for “10(11)” substitute **63** 10(10) **22**.
- (8) After paragraph 11(1) insert—
  - 63** (1A) For the avoidance of doubt, if higher risk within the meaning of subparagraph (1)(a) is assessed paragraphs 7(3), 7(5), 9(4), 10(5), 13(2), 13(5), 13(7), 13(8) and 13(9) do not apply. **22**.
- (9) In paragraph 11(3) for “6 to 8 and 10 to 16” substitute **63** 6 to 10 and 12 to 16 **22**.

- (10) In paragraph 13—
  - (a) in subparagraph (2) for “sub-paragraph (a)” substitute **63** sub-paragraph (1) **62**;
  - (b) in subparagraph (7) omit “or workers”;
  - (c) in subparagraph (10) for “instead of sub-paragraphs (5), (7), (8) and (9)” substitute **63**, sub-paragraphs (2), (5), (7), (8) and (9) do not apply **62**.
- (11) In paragraph 21(3) for “relevant business” substitute **63** business in the regulated sector **62**.
- (12) In paragraphs 23(a), 23(b) and 25 omit “prevention of”.

**MADE 21 MAY 2013**

**J P WATTERSON**  
*Minister for Home Affairs*

***EXPLANATORY NOTE******(This note is not part of the Order)***

This Code amends the Money Laundering and Terrorist Financing Code 2013 (SD 0095/13) to correct some minor drafting and typographical errors in that Code and to clarify a point that may have been open to interpretation.