

Jersey Financial
Services Commission
20th Anniversary Seminar

Sli.do #JFSC20



Welcome and introduction John Harris, Director General







Looking back over the last 20 years
Debbie Prosser, Deputy Chairman



How will the world of financial regulation change over the next 20 years
Lord Eatwell, Chairman



Mid-year update
John Harris, Director General



Supervision developments Jill Britton, Director of Supervision



Debbie Prosser, Deputy Chairman



Lord Eatwell, Chairman



John Harris, Director General



Jill Britton, Director of Supervision

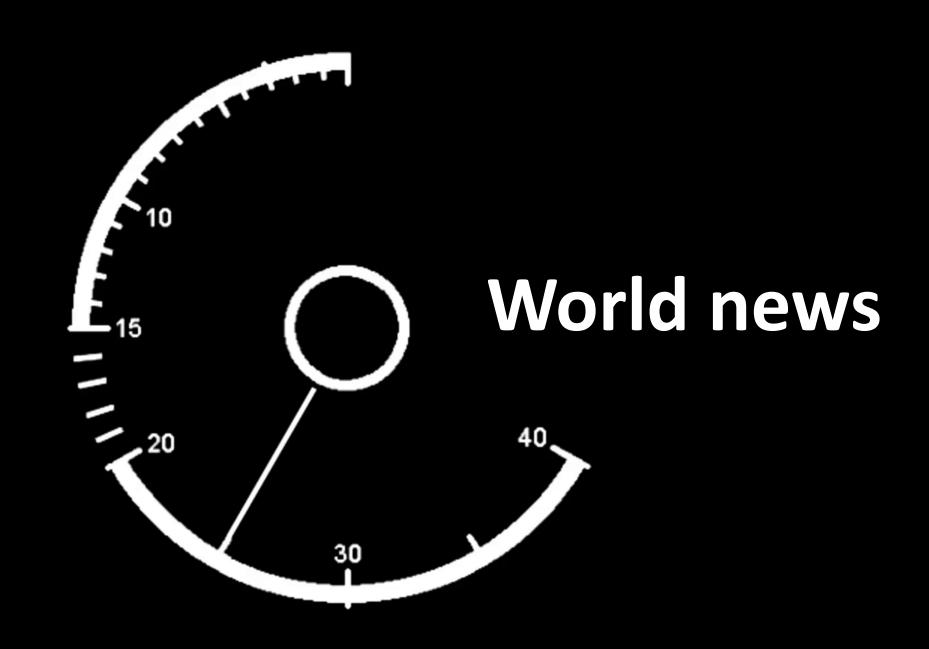


Lord Eatwell



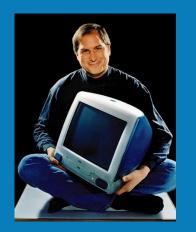


Looking back over the last 20 years
Debbie Prosser
Deputy Chairman





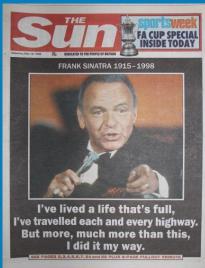
1998: **Northern Ireland** peace deal reached



Rouble loses 70% of its value in relation to the dollar



Financial crisis hits much of **South East** Asia



Microsoft becomes biggest company in the world













France wins 16th FIFA World Cup





Key moments in history



9/11 Terrorist Attacks



The Edwards Report 1998



2008 Financial Crisis



The Edwards Report 1998 findings:

- > Top division of offshore centres
- Judicial and prosecution systems, regulation and co-operation with other jurisdictions are remarkably good for such small communities
- Exemplary assistance in many investigations into drug trafficking, fraud, tax offences and money laundering
- Endorsed Jersey's long-standing policy of requiring confidential disclosure of ultimate beneficial ownership information for all new Jersey company incorporations

The Edwards Report 1998 recommendations

Key recommendations from the Edwards Report:

- > JFSC to be entirely independent of Government
- > JFSC should not be responsible for the promotion of the Island's finance industry (which led to the formation of Jersey Finance)
- > A dedicated Enforcement division
- > Licensing and regulation of trust company service providers

Post Edwards Report (1998 - 2001)

- > Amendments and extensions to existing legislation introduced to bring trust and company business and investment business into regulation
- > Thirteen different Orders came into force in 2000 and 2001 relating to TCB and IB regulation
- > Proceeds of Crime (Jersey) Law 1999
- > Financial Services Commission Law amended to remove "promoting the Island as a centre for financial services"
- > First FAFT evaluation report endorsed Jersey's 'robust' regulation



'None of us will ever forget'



hijackers carried out deadly plan

could easily be

At least 300 firefighters may be among dead





U.S. ATTACKED

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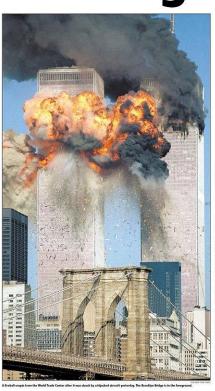
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President Vows to E Punishment for E









Post 9/11 attacks (2001-2008)

- > Financial crime became central to country security
- > Terrorism (Jersey) Law 2002 plus six related Regulations and Orders
- Money Laundering (Jersey) Order 2008
- IOSCO developed multilateral MoU to improve regulatory co-operation
 JFSC founding signatory
- > First AML Handbook published
- > Other businesses brought into regulation
- > First IMF Review on Jersey's financial regulation and AML regime

THOUSAN Crisis on Wall Street as Lehman Totters, oil prices plunge, thousands lose jobs Merrill Is Sold, AIG Seeks to Raise Cash

Fed Will Expand Its Lending Arsenal in a Bid to Calm Markets; Moves Cap a Momentous Weekend for American Finance

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Ultimatum

By Paulson

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lay September 16 2008 timesonline.co.uk No 69430

by close of trading th

reopening after the September II attacks - as concerns

- its biggest one-day drop

mounted over the world's largest insur-

f. Shares in American International

chester United, fell by 45 per cent after

the US Federal Reserve for \$40 billion Last night the Fed asked Goldman

Sachs and J.P. Morgan Chase, two of

down 300 points, or 26 per cent. Sentiment was also boistered by steep falls in oil prices, which dropped by move than \$5 a barnel to \$96, closing ander \$100 for the first time in six raising hopes that

ose had failen by more than 500

Frantic End Same it from America in a

TI Stock markets slump in worst week since Lehman collapse

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What's News-

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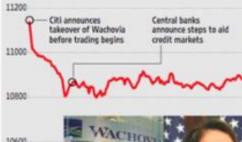
Feel book blems will oppose



WASHINGTON-The House Representatives defeated the

The Dow Jones Industrial Avrrage sustained its biggest point drop in history and its biggest losing decline since the day the markets re-opened after the Sept. 11, 2001, terrorist attacks. The Dow, which had opened sharnly lower on fears of more the day down 7%, with a 777.68 Market finished down 9.1%

Down 777.68 points The tale of the Dow's





Chapter 11 bankruptcy. Bank of America buys Merrill Lynch September 16 US injects \$85bn into

September 15

HOW THE CRISIS

UNFOLDED

August 9, 2007

September 7, 2008

Fannie Mae and Freddie Mac

Lehman Brothers files for

insurer AIG September 24

Warren Buffett injects \$5bn of capital into Goldman Sachs

September 26

Credit markets freeze over and Northern Rock requests support US government takes control of

Forcing New Scram After Lehman fell, the economic tectonic plates shift September 30 Ireland guarantees deposits of six largest

October 3

US Congress approves \$700bn bail-out fund

October 8 UK launches £400bn rescue plan including £50bn to buy stakes in

failing banks

October 13 UK injects £37bn into RBS, Lloyds and HB

October 28 Greece injects €27bn

into its banking system

October 28

Bank of England says banks have lost \$2.8

erus as those wise out package. The Nasdag Stock

Post financial crisis

- > First draft of the AIFMD published by the EU
- Jersey signed co-operation agreements re AIFMD
- > Jersey's Retail Distribution Review came into force
- > Depositor Compensation Scheme introduced
- > Problem banks exited
- > Regulation of advice in relation to defined benefit schemes
- > Second IMF Review of Jersey's regulation and AML regime

Post financial crisis

- > Jersey's Retail Distribution Review came into force
- JFSC granted power to impose civil financial penalties
- MONEYVAL evaluation report published on Jersey AML/CFT standards
- Jersey/UK agreement on Central Register of Beneficial Ownership & Control
- > Start of National Risk Assessment data collection
- > Regulation of advice in relation to defined benefit schemes

Business as usual at the JFSC

- Membership of various international registry fora and serial award winner
- > Investors in People award
- Incorporated and Separate Limited Partnerships
- Jersey joined SEPA
- > Landmark judgements for enforcement cases
- Jersey Private Fund Guide to modernize the regime
- Amendments to Companies Law (now up to number 11)
- > Jersey Expert Fund Regime
- > Protected cell and incorporated cell companies

Innovation at the JFSC

- > Online registry filings and searches enabled with electronic signature
- > Security Interests register fully automated
- JFSC portal
- Cyber-security self-assessment and tools
- > JFSC's first public awareness campaign on investment mis-selling
- Central Register of Beneficial Ownership & Control and application programme interfaces (APIs)
- Jersey joined Jersey Fraud Prevention Forum as founding member

Modernisation - the journey so far...





MORE THAN £217,000 STOLEN IN BANKING SCAM

In the run up to Christmas, a number of Channel Islanders were caught out by a banking scam after responding to fraudulent emails and texts purporting to be from NatWest and Lloyds.

stole tens of thousands of pounds by sending messages claiming that there had been fraudulent activity on neonle's accounts and direction. them to urgently call their bank's fraud prevention team on the number provided, islanders who made the call were then tricked into disclosing

their personal

banking details

One local professional

In less than 24 hours fraudsters

advice and support. Chairman of Jersey Fraud

£8,000 siphoned from his account but fortunately had it returned by his bank. Recounting his own experience Ed Prow warns:

"The levels of sophistication of bank fraud is at an all time high. I would simply warn people to be extra vigilant."

The Jersey Fraud Prevention Forum is urging islanders to never disclose passwords and other information regardless of how genuine the correspondence may seem. Anyone who receives a text or email of this nature should not respond but instead contact their bank and the States of Jersey Police.

TIGHTEN YOUR SAFETY NET

Being safe online is vital - and you expect to feel safe at home. But using Jersey-based websites and social media pages does not guarantee protection from cyber-crime.

Living in Jersey we

can all too easily be

overly trusting of our

surroundings, in the misguided comfort

that the Island is a safe

place and that we are

protected from falling

victim to fraud and

scams. But this may

The Jersey Fraud Prevention

Forum has been formed to raise

awareness about the dangers,

helping to educate and protect

not be the case.

Many Islanders get caught out on locally administered 'buy and sell' and auction pages, such as Jersey Insight, Jersey Stuff for Sale and Jersey eBay, because they assume the person they are dealing with is a legitimate

buyer/seller here in the Island But fraudsters based both locally and remotely operate on these pages by setting

to target

up fake profiles and products unsuspecting

Some simple steps to avoid

- Don't take payment by cheque Use a secure payment method
- if you're sure it's genuine
 - Do your research and make sure you have all the details before you commit. Read reviews but be mindful that they may not be legitimate.

nmission

being scammed:

- such as PayPal
- Only exchange money/goods



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www.jerseyfsc.org/yourownbestinterests





Our people – Chairmen



Frank Walker OBE 1998 – 1999



Colin Powell CBE 1999 – 2009



Clive Jones 2009 – 2013



Lord Eatwell 2014 - present



Our people - Director Generals



Richard Syvret 1998



Richard Pratt 1998 – 2003



David Carse **2003 – 2006**



John Harris 2006 - present





Mike and Dawn video



How will the world of financial regulation change over the next 20 years?
Lord Eatwell, Chairman

Changes in financial regulation that have taken place in Jersey have been due to circumstances essentially beyond our control International regulatory changes that we are forced to mimic usually follow on from severe shocks to the financial system Underlying forces that tend to precipitate the financial crises that in turn stimulate regulatory reform







Innovation in financial markets or products can have an equally devastating effect

Blockchain: a digital ledger in which transactions made in bitcoin or another cryptocurrency are recorded chronologically and publicly













Regulatory "sandbox" environment







The JFSC's commitment to enhancing the economic life of the people of Jersey will not change over the next 20 years

This is what we are here for.





Mid-year update
John Harris, Director General

Regulation - trends in Jersey

- > Still very much aiming to meet international standards
- Match fit for the Central Register of Beneficial Ownership &
 Control, but policy debate (public/private) rages on
- > Embracing a more overt consumer protection approach:
 - Lending
 - Pensions (advice and provision)
 - > Mis-selling campaign
 - > Jersey Fraud Prevention Forum
- > Risk-based, data-led, outcome focused
- Working with other stakeholders in the Jersey jurisdictional interest



Increased focus on AML

- Arguably our biggest, certainly most insistent, risk
- Not quite zero failure but reputational damage remains uppermost
- NRA work will further inform us about our emerging vulnerabilities and areas of threat







Increased focus on AML

- Supervision resource shift more AML/CFT focus
- Why? AML/CFT is where the exam questions will be posed
- Not a level playing field
- Super equivalence demanded!
- Public registers continued pressure

Enforcement

- > Ever more challenging in a small jurisdiction
- Recent case(s) emblematic of these challenges
- > Substance, process, people
- Very structured decision-making process separation of investigation, judgment, appeal
- > Investigation and litigation different disciplines, different resourcing
- Not enforcement led prefer remediation
- Narrower "indictment" approach likely
- Close liaison with law enforcement but regulatory actions must not displace the criminal stream

Registry – Registry Law

- Registry law consultation on track for Q4 for 2018, clarify filing obligations for:
 - I. Legal Ownership information
 - II. Beneficial Ownership information
 - III. Accounting records
- Clarification of Registry powers for:
 - I. Conditioning registrations
 - II. Issuing summary civil penalties for filing deficiencies
 - III. Strike off of companies in the public interest
- Creation of a central Register of Directors in Jersey







Registry – int. standards

- OECD Compliant rating (significant Registry input to Report and ability to demonstrate timely disclosure of information)
- Mutual 6 month review of the BO register by the Cabinet Office relating to Exchange of Notes
- Public v Private Debate continues UK push for public BO registers via Sanctions and Anti-Money Laundering Bill / EU push via 5MLD
- Focus on the accuracy and integrity of our registers

Registry – general developments

- > Introduction of new LLP Law (1 August 2018)
- > Introduction of new Demerger regime (1 September 2018)
- > LLCs on the horizon
- > Registry platform and portal on track introduction Q4 2019
- > By September 2018 e-enable outgoing traffic to 99.9% paperless

Supervision

- Responding to the new demands to be:
 - Risk based
 - > Evidence (data) driven
 - Demonstrably effective
 - Dissuasive, deterrent, directive
- > Two contrasting approaches:
 - Low impact (not necessarily low risk) reactive
 - > High impact proactive, enhanced





- > Proactive, enhanced demands very different:
 - Curiosity
 - > Intrusiveness
 - > Presence
 - > Relationship bias
- Professionalisation / certification
- Grow your own
- > Train in-house foundation / intermediate / advanced

Supervision video

The Cyber Position

Two overlapping issues for the JFSC

Self-protection at and beyond latest benchmarks

Relentlessly attacked
High concentration risk (B.O. Register)
Investment reality
Human factors programme
Cambridge University – Cyber Crime Lab

New registers and databases will compound the risk
Solution orientated approach

Potential responsibility for setting and supervising against cyber standards in regulated firms

Do existing principles of the Codes cover this general responsibility?

Very concerned not to create "safe harbours"

Eye on international position No immediate further action







Cryptos and Fintech

- > JFSC in role of an alert facilitator
- > Sandbox by another name (our licencing regime is already flexible)
- No compromise on AML/CFT controls
- Open to all propositions but not going to manufacture bespoke uni-product or sole applicant regimes
- > ICOs cautious stance but conditioned approvals given

Cryptos and FINTECH

- > Jurisdictional risk appetite will be the real key:
 - Zug (Switzerland)
 - > Bermuda
 - > Isle of Man
 - Gibraltar

Permissive

- Banking industry largely unsupportive
- > Believe we are currently managing these dilemmas OK
- > But happy to engage in further dialogue

No compromise on reputation

- Shock to the jurisdiction unexpected revelations
- Very much a reflection of the current divided social climate. Hard to assert jurisdictional probity in such cacophony
- No criminality but feeds into perception that IFC's are a negative influence and a bad business model
- Misappropriation and manipulation of data
- NGO and media strength a growing force
- Responses:
 - Data security
 - > Ever closer vigilance on standards
 - > Commercial benefit vs jurisdictional interest
 - > Only real way to counter is to demonstrate economic benefit

Website update

- Yes, a new one is coming in early 2019 the current site is nearly
 20 years old too and officially past its sell by date!
- Survey and workshops completed with Industry, partners and public
- Content audit
- > Emblematic of a more modern JFSC
- > First point of contact for our external audiences





Systems

- Microsoft House (progressively decommissioning old systems)
- > CRM + financials + portal
- > Bespoke Registry solution but all network opportunity taken
- Power of shared database and development tools (e.g. Supervision and Enforcement simultaneously around "case management" approach)
- > Automating applications and authorisations JPF first
- Machine analysed accounts and other reports
- Data rich risk model by early 2019



Risk management

- > At the heart of what we do
- As much a data management and analytics organisation as anything else (but will always be supplemented by the human element of relationships and judgements)
- > Emerging risk management maturity at the JFSC
 - > Environmental (strategic)
 - Internal (our risks)
 - External (your risks drive our supervisory programme)
- > Technical and difficult but real challenges is in culture and ownership
- > Best learning about controls is when they don't work
- Not a discretionary choice professionalisation of risk management is here to stay





Supervision Developments
Jill Britton,
Director of Supervision

Risk-based Supervision





Supervision – Our Vision

Demonstrate effectiveness

Move to proportionate risk-based supervision

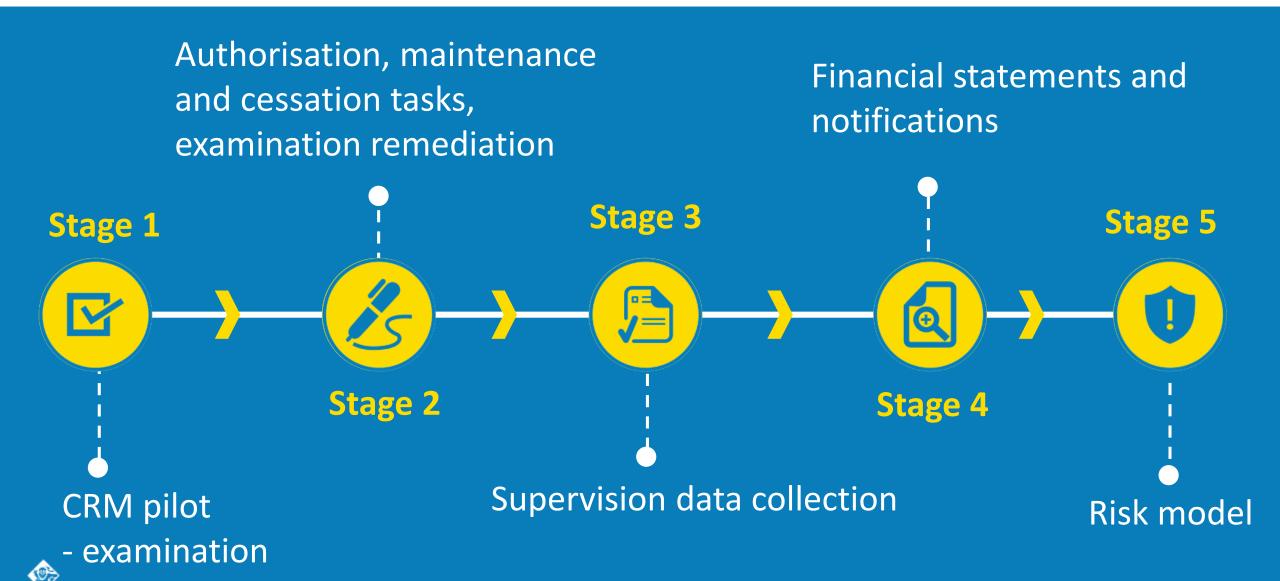
Adopt a sustainable model for the future

Maximise new opportunities

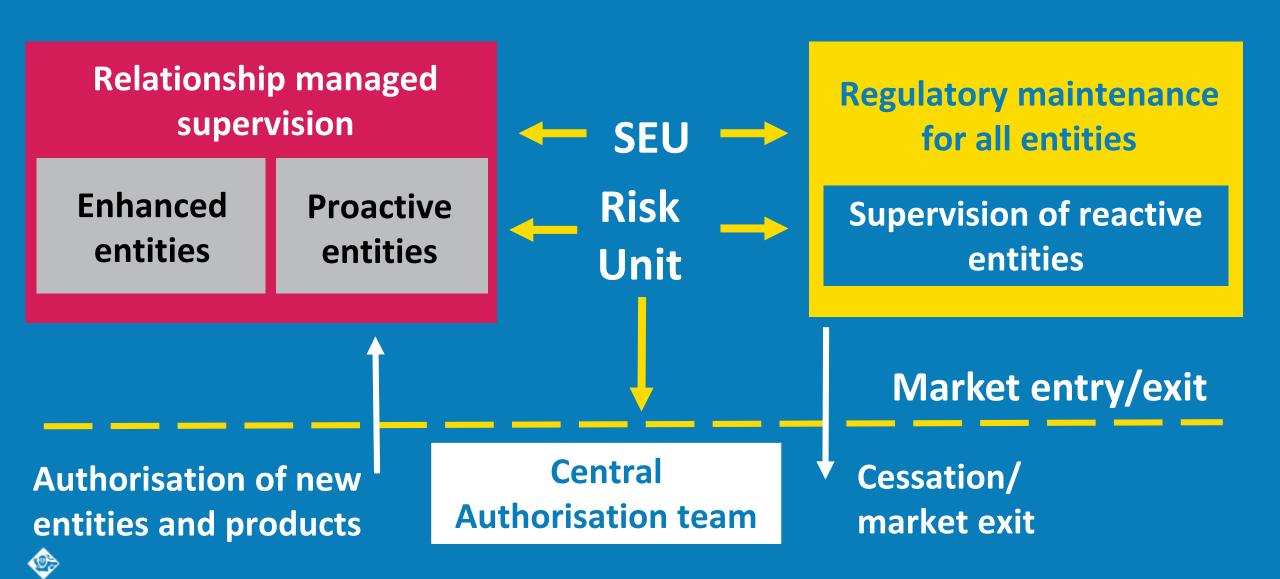
Match resourcing with risk and complexity

Implement a framework for assessed competence in supervision

2018 Systems Delivery Prioritisation



Target Operating Model 2018



Progress to date

People and Structure:

- Revised Target Operating Model implemented
- > Training & Competency Framework agreed
- Recruitment of Trainee Supervisors –2 year programme
- Over 150 days of training delivered
- Development of Regulatory Certificate for Regulators in conjunction with JIBS and the University of Buckingham







Progress to date

Systems and Processes:

- > End to end examination process through CRM
- Supervision data collection in support of the NRA delivered through 'The Portal'
- Introduction of a Business Rules Management Engine (BRME)
- Risk event data capture functionality deployed in CRM
- On-line application submission and approval capability developed
- On-line notification and reporting capability developed



ID JPF Application Online

- Portal sign in
- Display of entities individual related to
- Display of services
- Selection of services
- Application behaviour

Timescales	
13 June	Show and tell with volunteer
9 July	Internal and external testing
17 July	Soft launch
31 July	GO LIVE all entities
8 & 13 August	External workshops
31 August	Removal of paper applications

Application completion

- Dynamic questions
- Uploading documents
- Declaring the application

Application submission

- Submission notice
- Invoice generation

Application status



Supervisory Risk Data Collection





Supervisory Risk Data Collection Phase I

- > Collected at entity level, aggregated and anonymised for use by the NRA
- > Collection of Footprint data and some compliance information
- Important step in delivery of new JFSC core systems first Industry-wide use of portal and CRM case management functionality – the basis for future model of information exchange
- > Collection now completed, a huge thank you for your efforts analysis of the data can now begin, and we can move on to Phase II....

Supervisory Risk Data Collection Phase II

- More complex round of data collection customer data
- > Again has dual use for supervisory purposes at entity level plus aggregated NRA data
- Utilises the same technology as Phase I
- > Ambitious in scope not collected under Notice
- Ultimate aim of Phases I and II
- Footprint more robust and evidence-based allocation of entities into an approach to supervision
- > Compliance and customer data will inform the risk model and NRA
- > NRA Important as it must inform our approach to risk-based AML/CTF supervision





Industry Q&A Sli.do #JFSC20



Facilitated by John Harris, Director General

Panel members

Lord Eatwell, Chairman Debbie Prosser, Deputy Chairman Jill Britton, Director of Supervision

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Closing remarks and thank you