



**Jersey Financial
Services Commission**

Consultation on enhancements to criminal background checks

No. 1 2025

Issued: 29 January 2025

Consultation

We invite comments on this consultation paper by **26 March 2025**. Responses can be submitted via SmartSurvey: [Consultation on enhancements to criminal background checks - SmartSurvey](#)

If you need any assistance, clarification or wish to discuss any aspect of the paper before responding, please contact our Policy team: policy@jerseyfsc.org

Responses will be grouped by type of respondent and quoted as such in our feedback paper. We will only publish the name of a respondent to a consultation where that respondent has consented to the publication of their name.

Alternatively, Timothy Hart at Jersey Finance (JFL) is coordinating an industry response that will incorporate any matters raised. Comments should be submitted to JFL by **26 March 2025**.

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It is the policy of JFL (unless otherwise requested or agreed) to collate all responses and share them with us verbatim on an anonymised basis (with reference made only to the type of respondent, for example individual, law firm, trust company). This collated, anonymised response will typically be placed in JFL's permanent electronic archive, which is currently open to all JFL members.

During the consultation period we will be holding drop-in sessions at our offices and the Jersey Public Library, as well attending relevant trade body/association meetings. For more information on our drop-in sessions, see our events page: [Events and webinars — Jersey Financial Services Commission](#)

Glossary

Defined terms are indicated throughout this document as follows:

AIF Regulations	Alternative Investment Funds (Jersey) Regulations 2012
AML	Anti-Money Laundering
BBJL	Banking Business (Jersey) Law 1991
CFT	Countering the financing of terrorism
CIFJL	Collective Investment Funds (Jersey) Law 1988
Commencement Date	The date when the Proposed Regime commences
Commission Law	Financial Services Commission (Jersey) Law 1998
CPF	Countering Proliferation Financing
DBS	Disclosure and Barring Service is the UK Government's agency for criminal record disclosures
DBS check (or foreign equivalent)	A certificate issued by the DBS or an equivalent body in a foreign jurisdiction evidencing a person's criminal record
DNFBP	Designated non-financial business or profession as defined in the FATF glossary ¹ . Refers to activities and operations specified in Part 3 of Schedule 2 to the Proceeds of Crime Law
FATF	Financial Action Task Force
FATF Recommendations	The international standards on combating money laundering and the financing of terrorism and proliferation
FSJL	Financial Services (Jersey) Law 1998
GIMB Code	Code of Practice for general insurance mediation business
Handbook	AML/CFT/CPF handbook
IBJL	Insurance Business (Jersey) Law 1996
JFSC, we, us, our	Jersey Financial Services Commission
Key person or KP	As defined in the Supervisory Bodies Law and the Regulatory laws.
MLCO	Money laundering compliance officer
MLRO	Money laundering reporting officer

¹ [FATF Glossary](#)

Money Laundering Order	Money Laundering (Jersey) Order 2008
MONEYVAL	MONEYVAL is a permanent monitoring body of the Council of Europe entrusted with the task of assessing compliance with the principal international standards to counter money laundering and the financing of terrorism and the effectiveness of their implementation, as well as with the task of making recommendations to national authorities in respect of necessary improvements to their systems
NPO	Non-profit organisation
NPO Law	Non-Profit Organizations (Jersey) Law 2008
NPO Order	Non-Profit Organisations (Prescribed NPOs - Additional Obligations) (Jersey) Order 2022
Principal person or PP	As defined in the Supervisory Bodies Law and the regulatory laws.
Proceeds of Crime Law	Proceeds of Crime (Jersey) Law 1999
Rehabilitation of Offenders Regulation	Rehabilitation of Offenders (Exceptions) (Jersey) Regulations 2002
Rehabilitation of Offenders framework	Rehabilitation of Offenders (Jersey) Law 2001 and the Rehabilitation of Offenders Regulation
registered person	A person who is registered, or holds a permit or certificate, as applicable, under one or more of the Regulatory laws
Regulatory laws	the AIF Regulations, the BBJL, the CIFJL, the FSJL and the IBJL
spent convictions	As defined in Article 2 of the Rehabilitation of Offenders (Jersey) Law 2001
supervised person	Defined in Article 1 of the Supervisory Bodies Law and covers all those persons that are required to comply with the Money Laundering Order (referred to in the Money Laundering Order as “relevant persons”) and for the purposes of this consultation includes <i>registered person</i> of a general insurance mediation business
Supervisory Bodies Law	Proceeds of Crime (Supervisory Bodies) (Jersey) Law 2008
VASP	Virtual asset service provider as defined in the FATF glossary. Refers to activities/operations specified in Part 4 of Schedule 2 to the Proceeds of Crime Law

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1 Overview

1.1 Executive summary

- 1.1.1 The proposals in this consultation paper seek to strengthen our current regulatory regime to prevent criminals and their associates from owning, controlling or being in a position of key influence in a Jersey supervised person in order to meet international AML/CFT/CPF requirements. Our proposals aim to achieve this in a proportionate, cost-efficient manner that does not adversely impact the competitiveness and attractiveness of Jersey as a place to do business.
- 1.1.2 To achieve this, there needs to be a consistent approach across all firms and sectors on the systems they each have in place to check the criminal history of those that will act, or are, acting in principal person (PP) and key person (KP) positions. We are proposing more emphasis is placed on the controls that should already exist within firms in this regard. This mitigates risks to their reputation, customer losses which they would need to compensate, or direct financial loss arising from the consequences of permitting their business to be used for the purposes of financial crime.
- 1.1.3 Our proposals further seek to respond to the recommendations made by MONEYVAL in their fifth-round evaluation of Jersey and are part of the nationally coordinated programme of work led by the Government of Jersey, in partnership with other island agencies, to implement the FATF Recommendations.
- 1.1.4 We would like your feedback on our proposals to
- › enhance our application process for individuals seeking to be a PP (which includes directors, beneficial owners and controllers and others) or a KP (including the MLRO), the MLCO and compliance officer) of supervised persons, by requiring the provision of a certified copy of a current DBS check (or foreign equivalent) at first application, on defined events and on a 3-year rolling period
 - › require a supervised person to regularly consider whether its PPs and KPs are fit and proper to hold the roles
(together the Proposed Regime).
- 1.1.5 For the avoidance of doubt, notwithstanding that a NPO must register with the JFSC pursuant to Article 4 of the NPO Law and if prescribed falls within the scope of the Supervisory Bodies Law, it is currently not intended that NPOs will be subject to the Proposed Regime. The JFSC has taken this approach in order to align with the FATF Recommendation 8 requirements² that state countries should apply proportionate measures to the oversight of NPOs. Prescribed NPOs remain subject to the obligations set out in the NPO Order and Section 17 of the Handbook.
- 1.1.6 To maintain consistency in the treatment of individuals who hold significant roles in equivalent businesses to supervised persons, our Proposed Regime will also apply to a registered person of a general insurance mediation business, and their PPs and KPs.
- 1.1.7 These proposals will allow us to better evidence compliance with FATF Recommendations, as well as protecting the public and Jersey's reputation as a jurisdiction that will not tolerate bad actors being connected with Jersey supervised persons.

² [Protecting non-profits from abuse for terrorist financing through the risk-based implementation of revised FATF Recommendation 8](#)

1.2 FATF, MONEYVAL and our powers

- 1.2.1 As a leading International Finance Centre (IFC), Jersey must comply with international standards. Any proposed change to an existing process to ensure this compliance should be approached in a proportionate manner. We will make any process improvements that will strengthen the integrity and transparency of Jersey's financial services industry while ensuring that these changes don't significantly disrupt Jersey's ability to compete and grow.
- 1.2.2 While worded slightly differently across several FATF Recommendations³, one such requirement is that "...Competent Authorities or Financial Supervisors should take the necessary legal or regulatory measures to prevent criminals or their associates from holding or being the beneficial owner of significant or controlling interest or holding a management function in a [supervised person]." (FATF Requirement)
- 1.2.3 The recent MONEYVAL report found⁴ "The JFSC's practice of relying on a self-declaration to report criminal convictions followed by checks in specific databases instead of requesting criminal record certificates as a routine practice is a vulnerability. This is further exacerbated as Jersey's legislation does not prescribe an all-crimes approach for reputational checks albeit the JFSC suggests that all crimes are considered in practice" (MONEYVAL Finding).
- 1.2.4 MONEYVAL recommend that:
- "a) Jersey should enhance criminal background checks for beneficial owners, controllers and key function holders applied at the market entry stage and in the course of subsequent changes."⁵ (MONEYVAL Recommendation)
- 1.2.5 The MONEYVAL Finding and the MONEYVAL Recommendation are related but are two distinct parts:
- i. the need to enhance criminal background checks
 - ii. the need to legislate an 'all-crimes' approach.

This consultation paper focuses on the MONEYVAL Recommendation.

- 1.2.6 In reference to point (i): We currently deploy a suite of background checks, based around an unverified self-declaration process, to identify whether an individual applying to operate, or who is currently operating, in a position of key influence of a supervised person has a criminal history. This process can be further enhanced, especially where a person is or has been resident or worked in a jurisdiction outside of Jersey. It is a feature of an offshore jurisdiction, such as Jersey, that individuals from many countries may be involved in the ownership and control of supervised persons, and it is these participants, in particular, for whom a confirmed criminal history is often difficult to obtain outside of those background checks already undertaken.
- 1.2.7 On point (ii): Our power to conduct checks and to require supervised persons to supply information emanates from the Supervisory Bodies Law. That same law also provides the scope for us to determine whether an individual involved in the financial services industry is a 'fit and proper person'. As identified in the MONEYVAL Finding, the 'fit and proper person' test could be wider than currently stands, to include 'all crimes'. Broadening the test would require a change to the Supervisory Bodies Law. Amending the Supervisory Bodies Law is not

³ FATF Recommendations - 26 Financial Institutions, 28 DNFBPs and 15 VASPs

⁴ [MONEYVAL 5th Round Mutual Evaluation of Jersey](#) – Key Finding a) - Immediate Outcome 3, page 150

⁵ [MONEYVAL 5th Round Mutual Evaluation of Jersey](#) – Recommended Actions - Immediate Outcome 3, Recommended Action a), page 151

the subject of this consultation paper; however, it is important to understand the potential future context these proposals may operate in.

1.3 What is proposed and why?

- 1.3.1 When formulating the Proposed Regime, we reflected on local industry practice and the approach of other comparable regulators subject to the FATF Requirement, to ensure that any implementation does not put the jurisdiction in a less competitive and attractive position.
- 1.3.2 While each regulator approached the FATF Requirement differently based on their respective regulatory landscape, a common thread was the production of a DBS check (or foreign equivalent) for holders of significant roles in supervised or regulated entities. We propose that Jersey adopts a similar practice.
- 1.3.3 An area of the Proposed Regime that will differ from comparable jurisdictions concerns the suggested 3-year rolling refresh requirement for criminal record checks. We feel that to maintain the integrity of Jersey as a pre-eminent IFC it is imperative that all individuals (including foreign owners and controllers) who are involved in a Jersey supervised person are, and always remain, of the highest integrity. The weakness in either the unverified self-declaration process or a one-off criminal record check regime is that an individual's circumstances may change, and without the compulsion to refresh criminal checks on a regular basis Jersey could, inadvertently, facilitate a bad actor remaining in a significant role.
- 1.3.4 The 3-year rolling requirement aims to capture those that would otherwise fall outside of the 'subsequent changes' provision referenced in the MONEYVAL Recommendation and focusses on those who have and will remain in a position for a prolonged period of time. For PP/KPs who have either no criminal history, or a criminal history which will not adversely affect an application or continuance in a role, the minor inconvenience to refresh their criminal records check at least once every 3 years does not, in our view, outweigh the need to proactively identify bad actors associated with Jersey supervised persons who have the potential to tarnish the jurisdiction as a whole, if left undetected.
- 1.3.5 The Money Laundering Order requires a relevant person to screen its employees. The Handbook (Section 9) includes guidance that this screening may be achieved by obtaining and confirming any criminal convictions (or absence of such convictions) of an employee. We understand that, while not compulsory to do so, industry routinely uses this check to screen employees at the onboarding stage, including those who are intended to hold KP roles. We are also aware that sections of industry complete an internal annual self-certification process, which includes a requirement for employees to disclose any material changes that may affect their fitness to continue to act in a role.
- 1.3.6 We recognise that employers are generally prevented, by the Rehabilitation of Offenders framework, from asking employees certain questions about spent convictions. The framework does, however, include exemptions, meaning that we and supervised persons **can** ask PPs (or prospective PPs) and KPs (or prospective KPs) for details about some spent convictions.
- 1.3.7 The Proposed Regime will be achieved by the introduction of additional code requirements to our Handbook Codes of Practice and corresponding amendments to the GIMB Code.
- 1.3.8 We are preparing updates to the relevant myJFSC portal application forms and processes.

1.4 Who would be affected?

- 1.4.1 The proposals in this consultation paper will affect:
 - › existing supervised persons

- › individuals who are currently PPs and/or KPs
- › applicants applying to become supervised persons, or their PPs and KPs, post the Commencement Date

2 Consultation

2.1 Basis for consultation

- 2.1.1 We have issued this consultation paper in accordance with the Commission Law, as amended, under which we “may, in connection with the carrying out of its functions...consult and seek the advice of such persons or bodies whether inside or outside Jersey as it considers appropriate.”

2.2 Responding to the consultation

- 2.2.1 We invite comments in writing from interested parties on the proposals included in this consultation paper. Where comments are made by an industry body or association, that body or association should also provide a summary of the type of individuals and/or institutions that it represents.
- 2.2.2 A response form has been published alongside this consultation. You can use this form to provide feedback to us directly: [Consultation on enhancements to criminal background checks - SmartSurvey](#)
- 2.2.3 All responses received to this consultation through our form, JFL or industry bodies and associations will be considered.
- 2.2.4 Comments should be submitted by **11:59pm** on the **26 March 2025**.

2.3 Next steps

- 2.3.1 Following this consultation, in Q2 2025 we will publish:
- › feedback to this consultation paper
 - › updates to our Handbook Codes of Practice and the GIMB Code together with guidance
 - › an update to myJFSC to facilitate individual criminal record checks submissions alongside requisite changes to relevant PP/KP forms
 - › relevant authorisation FAQs and guidance
- 2.3.2 Subject to the outcome of this consultation we anticipate that the Proposed Regime will become effective in Q3 2025, allowing sufficient time for supervised persons and individuals to adjust to the Proposed Regime.

3 Proposed Regime

3.1 The provision of criminal records certificates and supervised persons obligations

- 3.1.1 As set out above, we seek to strengthen our current controls to prevent criminals and their associates from owning, controlling or being in a position of key influence in a Jersey supervised person.
- 3.1.2 We are proposing that individuals applying to become a PP/KP provide us with a certified copy of a current DBS check (or foreign equivalent) directly through myJFSC via an online form, which would include separate declarations regarding any current and spent

convictions. The scheme will not apply retrospectively to approved PP/KPs, however going forward they will be required to provide a certified copy of a DBS check (or foreign equivalent) at defined events and on a 3- year rolling basis as set out below (refer to Section 3.4).

- 3.1.3 Outside of submitting individuals for our approval to act as PP/KPs for a supervised person, we are also proposing that supervised persons regularly consider whether the individuals holding PP and KP roles are fit and proper to do so. Supervised persons will need to evidence the decision process for arriving their conclusion. We will not prescribe the frequency or format of this exercise, as these are decisions for the supervised person based on the risk profile of the firm. We may ask to see any supporting evidence for the process and the conclusions. We may periodically check the arrangements that firms have in place through on-site examinations.
- 3.1.4 We have considered the expense and time involved in obtaining a DBS check (or foreign equivalent). We consider the proposal to be proportionate and cost-efficient without creating an unnecessary burden for PP/KPs of supervised persons. We note that such requirements already exist in a number of comparative jurisdictions.

3.2 What level of criminal record check will be required?

- 3.2.1 We understand standard and enhanced DBS checks (or foreign equivalent) include not only unspent convictions but also spent convictions, cautions, reprimands and warnings, whereas the basic check does not. While Regulation 21 of the Rehabilitation of Offenders Regulations allows a supervised person to request an individual's spent convictions in certain circumstances, this is not currently a mandatory requirement. The use of this exemption will vary between supervised persons.
- 3.2.2 We are also conscious an individual cannot obtain a standard or enhanced DBS check (or foreign equivalent) directly. For example, to obtain a standard or higher check from the DBS in the UK, a recruiting organisation will submit an individual's information to a Registered Body for onward submission to the DBS⁶, whereas a basic DBS check can be obtained by an individual, or through a Responsible Organisation⁷. We note the diversity of supervised persons locally, which includes those that are self-employed.
- 3.2.3 We propose the type of DBS check (or foreign equivalent) that the PP/KPs will submit to us will be a **basic check**, not standard or enhanced. It should be noted that we hold ourselves to the same standard that we are proposing to industry as we also carry out DBS checks of a basic level on our employees. We believe a basic level check is proportionate not only for the reasons stated above, but also because:
- › the cost of the check is minimal (£21.50) and can be obtained within 14 days by an individual directly (see section 3.3 below).
 - › the basic level check(s) will be supplemented by the requirement to disclose any criminal history to us during an individual's application process (a self-declaration). This may include spent convictions disclosed as part of that requirement. We would emphasise that information disclosed concerning spent convictions will always be treated fairly to ensure that any rehabilitation is respected, and spent convictions will only be considered

⁶ A Registered Body is an organisation that is registered with DBS to submit Standard, Enhanced and Enhanced with Barred Lists DBS checks, and is entitled by law to ask an individual to reveal their full criminal history – also known as asking 'an exempted question'. A list of Registered Bodies can be found on the gov.uk website.

⁷ A Responsible Organisation is an organisation registered with the DBS to submit basic checks through a web service. A list of Responsible Organisations can be found on the gov.uk website.

where relevant to the individual's ability to fulfil the role they have applied for.

- › we also run an additional comprehensive suite of background checks when deciding an individual's application.

- 3.2.4 Should the need arise through information or intelligence we reserve the right, in line with our existing process and remit, to challenge or ask for further information. We will deal with the individual directly if this is the case.

3.3 How to obtain a criminal record check(s)?

- 3.3.1 DBS check (includes Jersey, Guernsey and Isle of Man): A UK basic DBS check costs £21.50 and takes 14 days to process⁸. Detailed guidance on obtaining a UK DBS check can be found through the following links: [DBS checks: detailed guidance - GOV.UK](#) and [Request a basic DBS check - GOV.UK](#).
- 3.3.2 Foreign equivalent: Refer to [Criminal records checks for overseas applicants – GOV.UK](#) for details on obtaining criminal records checks outside of the UK. We consider that the timeframes and costs of obtaining the DBS foreign equivalent check(s) are commensurate in both timescales and fees to the DBS check.

3.4 When does a PP/KP have to submit criminal record check(s) to us?

- 3.4.1 When a PP/KP needs to provide a DBS check (or foreign equivalent) to us will depend on the following (when reading this section, please refer to the flowchart at **Appendix A**):

If the PP/KP has not previously been authorised by us as a PP or KP before the Commencement Date:

- 3.4.2 The PP/KP must obtain a DBS check (or foreign equivalent) for the current jurisdiction of residence, and for every jurisdiction that they have resided in or worked for 6 months or more, for the 10 years before submitting the application.

If the PP/KP has been authorised by us as a PP or KP before the Commencement Date (Transitional Arrangements) (i.e. no criminal record certificates have been provided):

- 3.4.3 As mentioned previously, the criminal record certificate scheme will not be retrospective. Therefore, once the Proposed Regime commences, no authorised PP/KP will have provided us with a DBS check (or foreign equivalent). To address this, we are proposing a transitional arrangement which looks to address when the provision of a DBS check (or foreign equivalent) to us will take effect and will depend on the following circumstances:

On the first application the PP/KP submits after the Commencement Date:

- 3.4.4 The first time a PP/KP applies for new or different PP/KP roles after the Commencement Date, they must provide us with a DBS check (or foreign equivalent) for every jurisdiction they have resided or worked for the period from the Commencement Date to the time of submitting the first application. The certificates should be dated within 3 months prior to the first application.

On the 3rd year anniversary of the Commencement Date:

- 3.4.5 If a PP/KP hasn't taken on a new or different PP/KP role since the Commencement Date but has continued to hold a PP/KP roles, no later than 3 years from the Commencement Date they must provide us with a DBS check (or foreign equivalent) for every jurisdiction they have resided or worked in for 6 months or more for the period since the Commencement Date to

⁸ [Basic DBS check: guidance for applicants - GOV.UK](#)

the 3 year anniversary. For the avoidance of doubt this is not conditional on a new application for a PP/KP role.

- 3.4.6 The DBS check (or foreign equivalent) must be dated within 3 months of the 3rd year anniversary of the Commencement Date.
- 3.4.7 To assist PP/KPs, we will send an automatic email reminder to them and the connected supervised person within 6 months of the 3rd year anniversary of the Commencement Date.
- 3.4.8 **Note:** For every subsequent new or different PP/KP roles applied for during the transitional period, the process set out below at Section 3.4.10- Section 3.4.14 (inclusive) will then apply.

If the PP/KP has been authorised by us as a PP or KP after the Commencement Date and has already provided the JFSC with a DBS check (or foreign equivalent):

- 3.4.9 When a PP/KP needs to provide a fresh DBS check (or foreign equivalent) to us will depend on the following circumstances:

Was the last DBS check (or foreign equivalent) dated within 12 months?

- 3.4.10 Where the criminal record checks for a PP/KP were previously provided to us (the “**Previous Criminal Record Certificate(s)**”) are dated **within 12 months** at the time of submitting the new application, the PP/KP **does not** need to obtain a new DBS check (or foreign equivalent). However, the PP/KP must still seek a no objection (in respect of regulated entities) or notify (in respect of supervised persons⁹) us of the change of roles through the normal channels.

Was the last DBS check (or foreign equivalent) dated more than 12 months but not yet 3 years from the previous criminal record certificate(s)?

- 3.4.11 Where the Previous Criminal Record Certificate(s) are dated **12 months ago or more** at the time of submitting the new application, the PP/KP must provide us with a fresh DBS check (or foreign equivalent) (“**New Criminal Record Certificate(s)**”) for every jurisdiction they have resided or worked in for 6 months or more for the period from the date of the Previous Criminal Record Certificate(s) to the time of submitting the new application. The New Criminal Record Certificate(s) must be dated within 3 months of the new application.

On the 3rd year anniversary of the date of the *Previous Criminal Record Certificate(s)*

- 3.4.12 Where a PP/KP has not provided a DBS check (or foreign equivalent) in a 3-year period from the date of the Previous Criminal Record Certificate, the PP/KP must provide the JFSC with New Criminal Record Certificates for any jurisdiction they have resided or worked in for 6 months or longer during that intervening period. For the avoidance of doubt this is not conditional on a new application for a PP/KP role. We consider this to be reasonable and proportionate, particularly where the PP/KP has remained in the role for an extended time.
- 3.4.13 We will send an automatic email reminder to the PP/KP and the connected supervised person within 6 months of the 3rd year anniversary of the date of the Previous Criminal Record Certificate(s).
- 3.4.14 Where a PP/KP has previously been required to provide multiple certificates (DBS check and/or foreign equivalents) to us, separate reminders will be sent to the PP/KP and the supervised person in respect of each Previous Criminal Record Certificate(s) (noting that each certificate may have a different date, and the onus is on the PP/KP to ensure that the 3-year timeframe for renewing each certificate is met, if applicable). The New Criminal Record

⁹ An exception to the requirement of the supervised entity to notify the JFSC of change of roles is where they use an AMLSP MLRO/MLCO as the Schedule 2 is entity is exempt from the notification requirements under Article 7 (6) and Article 8 (4) of the Money Laundering (Jersey) Order 2008. The supervised entity must still, however, notify the JFSC of a change of roles of Principal Persons

Certificate(s) must be dated within 3 months of the 3rd year anniversary of the date of the Previous Criminal Record Certificate(s).

How should the criminal records certificates be presented to us?

- 3.4.15 Individuals must submit certified copies of their DBS check (or foreign equivalent) certificate(s) to the JFSC through online platforms which will be enhanced to facilitate submission. **Original certificates should not be submitted.**
- 3.4.16 Certification of the DBS check (or foreign equivalent) shall be in accordance with our current practice: [Local resident identification requirements — Jersey Financial Services Commission \(jerseyfsc.org\)](https://jerseyfsc.org).

Processing and retention of certified copy criminal record certificates

- 3.4.17 By providing us with certified copy DBS check (or foreign equivalent) certificate(s), we will be processing personal data. We process personal data under our statutory functions and it cannot be disclosed to another third party unless permitted by legislation. For further information, refer to [data protection — Jersey Financial Services Commission \(jerseyfsc.org\)](https://jerseyfsc.org). We will implement a procedure for the retention and disposal of the certified copies of DBS check (or foreign equivalent) certificate(s) in line with our data protection policy (including that we hold personal data only for so long as is necessary) and will adhere to the applicable statutory obligations imposed on us under the Data Protection (Jersey) Law 2018.

Will there be any exemptions to the process?

- 3.4.18 We recognise that in some circumstances it may be difficult to obtain a DBS foreign equivalent check, for example because of jurisdiction limits. We will retain discretion to consider other forms of criminal history verification where it is not possible to obtain a DBS check (or foreign equivalent).
- 3.4.19 There may be instances where it is not possible to obtain a DBS check (or foreign equivalent) within an extremely short timeframe. While we will remain flexible when considering all requests, individuals and supervised persons should factor in the published timeframes to obtain a DBS check (or foreign equivalent) when considering any changes to an existing PP/KP or introducing a new PP/KP.
- 3.4.20 We will assess any application for an exemption from a DBS check (or foreign equivalent) on a case-by-case basis.

3.5 Amendments to the Codes and our processes

- 3.5.1 We will need to update Section 9 of the Handbook and GIMB Code to achieve the process outlined above.
- 3.5.2 The **Proposed Codes** are as follows:
 - 3.5.2.1 **New Code: 1** - A supervised person must ensure that the persons holding the roles listed below are at all times fit and proper in accordance with the applicable legislation, policies and guidance:
 - › key persons
 - › principal persons
 - 3.5.2.2 **New Code: 2** - Supervised persons must ensure the individuals identified in New Code:1 obtain a basic DBS check (or foreign equivalent) at least once every 3 years. Supervised persons must retain a certified copy of the DBS check (or foreign equivalent) of all its PP/KPs.

- 3.5.2.3 **New Code: 3** - Supervised persons must be able to evidence the reasons why they have reached the conclusions in New Code: 1, including, but not limited to, any relevant positive and negative information and a summary of checks carried out.
- 3.5.2.4 **New Code: 4** - Supervised persons must be able to provide to the JFSC on request documentation and information as to how it determined compliance with New Code: 3.
- 3.5.2.5 **New Code: 5** - The supervised person must notify the JFSC if there is any material change in relation to any of the individuals identified in the New Code:1 that may impact their fitness and propriety.
- 3.5.3 We will also update Section 10 of the Handbook (Record Keeping), and equivalent in the GIMB Code, requiring supervised persons to retain verification material evidencing that subject individuals are fit and proper for at least 5 years from the date the individual ceases to hold the role. An exception would be where we notify the supervised person that they should keep these records for longer than 5 years.
- 3.5.4 We will amend the myProfile application process for PP/KPs to require the upload of certified copies of a DBS check (or foreign equivalent) and ongoing disclosure. For supervised persons, we will amend application forms and notification forms as applicable to accommodate additional reporting, as well as ongoing reporting.

Question 1 – Introduction of DBS Check (or foreign equivalent)

1.1 Do you agree with the proposed introduction of a DBS check (or foreign equivalent) on PPs and KPs at market entry?

[Yes]

[If no, please state why and what you suggest as an alternative.]

[Comment box]

1.2 Do you agree with the proposed introduction of a DBS check (or foreign equivalent) on PPs and KPs on a defined event?

[Yes]

[If no, please state why and what you suggest as an alternative?]

[Comment box]

1.3 Do you agree with the proposed introduction of a DBS check (or foreign equivalent) on PPs and KPs on a 3-year rolling period?

[Yes]

[If no, please state why and what you suggest as an alternative?]

[Comment box]

Question 2 – Use of UK Government list to carry out foreign DBS check(s)

Do you agree with reliance on the UK Government's list on obtaining DBS check foreign equivalents for the purposes of the proposed process?

[Yes]

[if no, please state why and what you suggest as an alternative?]

[Comment box]

Question 3 – When an individual needs to provide us with criminal records certificates

3.1 Do you agree with the proposals set out in Section 3.4.2 in respect of when individuals that have not previously been authorised by us as a PP or KP before the commencement date must provide us with a DBS check (or foreign equivalent)?

[Yes]

[If no, please state why and what you suggest as an alternative?]

[Comment box]

3.2 Do you agree with the proposals on the transitional arrangements set out in Section 3.4.3 - 3.4.8 (inclusive) in respect of when individuals that have been authorised by us as a PP or KP before the Commencement Date must provide a DBS check (or foreign equivalent)?

[Yes]

[If no, please state why and what you suggest as an alternative?]

[Comment box]

3.3 Do you agree with the proposals set out in Section 3.4.10 – 3.4.14 (inclusive) in respect of when individuals that have been authorised by us as a PP or KP after the Commencement Date must provide a new DBS check (or foreign equivalent) to us?

[Yes]

[If no, please state why and what you suggest as an alternative?]

[Comment box]

Question 4 – Amendments to the Handbook and GIMB Code

Do you agree with the proposed changes to the Codes of Practice?

[Yes]

[If no, please name the specific code(s) you disagree with and what you suggest as an alternative]

[Comment box]

Question 5 - Do you have any other comments regarding the proposals within this consultation?

[If yes, please state which area of the consultation paper your comment relates to and, where relevant, what you suggest as an alternative?]

[Comment box]

[No]

3.6 Timeframe for introduction of the Proposed Regime

3.6.1 These requirements will not apply retrospectively. For existing supervised persons and PP/KPs, the time periods in the Proposed Regime will run from the Commencement Date.

3.6.2 We propose this timetable for the introduction of the measures:

Item	Dates
Consultation period	29 January 2025 – 26 March 2025 (8 weeks)
Feedback paper published and amended Handbook and codes published	07 May 2025
Amended Handbook and codes effective	10 September 2025

3.6.3 When considering timelines for implementation of the requirements, we consider an 8-week

consultation period reasonable and during this time will be holding drop-in sessions at our offices and the Jersey Public Library, as well attending relevant trade body/association meetings.

- 3.6.4 The timetable provides 4 months from the publication of the Handbook and GIMB Code containing the Proposed Codes until they become effective to enable industry to update their policies and procedures. The lead in period is also intended to give industry sufficient time to obtain any DBS checks (or foreign equivalent) for anticipated applications or those that are in progress when the requirements become effective.

3.7 Ancillary changes

- 3.7.1 **Supervisory risk data collection:** At the next appropriate cycle, after the Commencement Date, we propose adding additional questions to the annual supervisory risk data collection to:
- › understand what mechanisms are being used to screen employees at onboarding and on a subsequent change of role / defined period
 - › obtain confirmations that:
 - › fit and proper determinations are being produced on a regular basis and retained
 - › the required DBS checks (or foreign equivalent) for PPs and KPs are being obtained at least once every 3 years, certified, and retained
 - › ascertain if any 'hits' have been recorded during the year in relation to the PPs and/or KPs
- 3.7.2 This data collection will inform our supervisory risk understanding and if we need to focus more on this area, for example through a dedicated thematic examination (industry wide or specific sector).
- 3.7.3 **Application forms:** We will update the application forms and notification forms for the declarations made by the applicant and/or the supervised person once we have considered the feedback from this consultation.

Appendix A

Flow chart detailing who must provide a DBS check (or foreign equivalent) and when that must be produced: [what are my requirements to submit a certified copy of criminal records certificates\(s\)? - Jersey Financial Services Commission \(jerseyfsc.org\)](#)

Appendix B

See [tracked changes version of the Glossary of the AML/CFT/CPF handbook – Jersey Financial Services Commission \(jerseyfsc.org\)](#).

Appendix C

See [tracked changes version of Section 9 of the AML/CFT/CPF handbook - Jersey Financial Services Commission \(jerseyfsc.org\)](#).

Appendix D

See [tracked changes version of Section 10 of the AML/CFT/CPF handbook – Jersey Financial Services Commission \(jerseyfsc.org\)](#).

Appendix E

See [tracked changes version of GIMB Code of Practice – Jersey Financial Services Commission \(jerseyfsc.org\)](#).