

# Designated non-financial businesses and professions (DNFBP) Groups data collection guidance

## 1 Introduction

- 1.1 This guidance is intended to assist reporting entities that have been issued the DNFBP Groups data collection questionnaire. This covers both the DNFBP Groups – TCB and DNFBP Groups – MoME workbooks.
- 1.2 Section 2 contains the definitions detailed within the questionnaire and are repeated here for reference.
- 1.3 Section 3 details questions that have been asked by reporting entities since the data collection request was issued. We will continue to update this section as new questions arise.
- 1.4 Any questions that cannot be answered by reading this document or the associated guidance should be emailed to your Supervision manager or respective Supervision team. For queries relating to myJFSC please email [myjfsc@jerseyfsc.org](mailto:myjfsc@jerseyfsc.org).
- 1.5 All questionnaires must be submitted to us by **5:00pm** on **11 April 2025**.

## 2 Definitions

- 2.1 The table below contains definitions of the terms used within the questionnaire.

<b>Traditional DNFBP Group(s)</b>	<p>In accordance with the Article 11A of the Money Laundering (Jersey) Order 2008, includes a group of persons falling within Part 3 of Schedule 2 to the Proceeds of Crime (Jersey) Law 1999 (designated non-financial businesses and professions) if there is, in relation to the group, a parent company or other legal person that exercises control over every member of the group.</p>
<b>Other DNFBP Group(s)</b>	<p>Includes non-traditional structures including “networks” and “franchises”. Other DNFBP Groups do not operate like a Traditional DNFBP Group, but they share common ownership, management or compliance control via a group-wide programme. A group-wide programme is a holistic AML/CFT/CPF risk assessment and management across a group or structure. Definitions for what may constitute common ownership, management and compliance controls can be seen below.</p>
<b>Common ownership</b>	<p>Common shareholder(s) or partner(s)</p>

<b>Common management</b>	<ul style="list-style-type: none"> <li>• there is a group governing or managing body, each entity works on the basis of a group-wide business strategy and/or a business model</li> <li>• group level reporting e.g. directors and other senior management</li> <li>• group audit or reporting function overseeing implementation of common/group policies and procedures.</li> <li>• arrangements exist requiring two or more entities/offices to implement and operate to common policies and procedures</li> <li>• where responsibility for developing group policies and procedures rests with one entity in the group/network/franchise</li> </ul>
<b>Common compliance controls</b>	<ul style="list-style-type: none"> <li>• existing group-wide policies, compliance and audit functions.</li> <li>• where an entity is obliged to periodically report to another connected individual/entity on compliance and/or risk management matters</li> <li>• periodic central administration/compliance costs being charged to the local entity by a connected individual/entity</li> </ul>

### 3 Frequently asked questions

#### Independent operations

- 3.1 Our business shares common ownership but operates independently. How should we respond?

This questionnaire seeks to understand how such groups are operating and to inform/justify our approach to supervising these arrangements.

On this basis, we would expect the reporting entity to confirm if they are a traditional or other group (strictly from a structure perspective) and then answer the following questions as to the compliance framework in place.

For some entities, it is likely the subsequent questions will be no (or to that effect, that there are no shared compliance processes in that group/Jersey operates independently). This is fine, and nothing to be concerned about.

Selecting yes to being part of a wider group structure does not imply they are then subject to group requirements, we are simply collecting the data to understand how groups are operating in practice and whether any *are* using other group entities to provide compliance services.

#### AMLSP relationships

- 3.2 We provide Anti-Money Laundering Service Provider (AMLSP) functions to the DNFBP entity. Would this constitute 'common compliance controls' under Other DNFBP Groups?

FATF Recommendation 18 states that a financial group should be required to implement group-wide programmes against money laundering and terrorist financing (in the context of traditional groups), and that where 'Other' group structures are in place countries should consider whether to apply group-wide programme requirements.

AMLSP arrangements are a Jersey construct and so there is no definite way to apply the standard to it.

An AMLSP provider is unlikely to have common ownership/management with the local entity (NB. whilst the AMLSP may provide individuals for key person roles as part of its service, this is an independent appointment). Therefore, the common compliance controls element should be considered.

Common compliance controls relate to group-wide policies; an entity being obliged to periodically report to another; central compliance costs being charged to the local entity. In the case of an AMLSP, the entity may well adopt the policies of the AMLSP, but this is a service rather than group arrangement and one which would be Jersey specific in any event.

On this basis, we do not consider AMLSPs to fit within the financial group definition for this purpose.