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STATUTORY INSTRUMENTS

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**2017 No. 692**

**The Money Laundering, Terrorist Financing and Transfer  
of Funds (Information on the Payer) Regulations 2017**

**PART 6**

Money Laundering and Terrorist Financing: Supervision and Registration

CHAPTER 2

Registration

**Determination of applications for registration under regulations 54 and 55**

**59.**—(1) Subject to regulation 58 [<sup>F1</sup>and regulation 58A], the registering authority may refuse to register an applicant for registration in a register maintained under regulation 54 or 55 if—

- (a) any requirement of, or imposed under, regulation 57 has not been complied with;
- (b) it appears to the registering authority that any information provided pursuant to regulation 57 is false or misleading in a material particular;
- (c) the applicant has failed to pay—
  - (i) a penalty imposed by the authority under Part 9;
  - (ii) a charge imposed by the authority under Part 11; or
  - (iii) a penalty or charge imposed by the authority under regulation 35(1) or 42(1) of the Money Laundering Regulations 2007;
- (d) where the registering authority is not the applicant's supervisory authority, the supervisory authority opposes the application for registration on reasonable grounds; or
- (e) the registering authority suspects, on reasonable grounds—
  - (i) that the applicant will fail to comply with any of its obligations under—
    - (aa) these Regulations;
    - (bb) Part 3 of the Terrorism Act 2000 <sup>M1</sup>; or
    - (cc) Parts 7 and 8 of the Proceeds of Crime Act 2002 <sup>M2</sup>;
  - (ii) that any person whom the applicant has identified as one of its officers or managers will fail to comply with any of the relevant obligations.

(2) Where the Commissioners are the registering authority, they must within 45 days beginning either with the date on which they receive the application or, where applicable, with the date on which they receive any further information required under regulation 57(3), give the applicant notice of—

- (a) the decision to register the applicant; or
- (b) the following matters—

- (i) their decision not to register the applicant;
- (ii) the reasons for their decision;
- (iii) the right to a review under regulation 94; and
- (iv) the right to appeal under regulation 99.

(3) Where the FCA is the registering authority, it must within [<sup>F2</sup>the period specified in paragraph (3A)], give the applicant notice of—

- (a) its decision to register the applicant; or
- (b) the following matters—
  - (i) that it is minded not to register the applicant;
  - (ii) the reasons for being minded to refuse to register the applicant; and
  - (iii) the right to make representations to it within a specified period (which may not be less than 28 days).

[<sup>F3</sup>(3A) The period specified in this paragraph is—

- (i) where the applicant is a cryptoasset exchange provider or custodian wallet provider, 3 months, or
- (ii) in any other case, 45 days,

beginning either with the date on which it receives the application or, where applicable, with the date on which it receives any further information required under regulation 57(3).]

(4) After the expiry of the period referred to in paragraph (3)(b)(iii), the FCA must decide, within a reasonable period, whether to register the applicant and it must give the applicant notice of—

- (a) its decision to register the applicant; or
- (b) the following matters—
  - (i) its decision not to register the applicant;
  - (ii) the reasons for its decision; and
  - (iii) the right to appeal under regulation 93.

(5) The registering authority must, as soon as practicable after deciding to register a person, include that person in the relevant register.

[<sup>F4</sup>(6) Where—

- (a) the registering authority decides not to register an applicant, the authority may, if it considers it proportionate to do so, publish such information about that decision as the authority considers appropriate;
- (b) the FCA has received a notice under Part 12 of FSMA as modified by regulation 60B and Schedule 6B (changes in control of registered cryptoasset businesses) from a person who decides to acquire or increase control over a registered cryptoasset business and the FCA decides to object to the acquisition, the FCA may, if it considers it proportionate to do so, publish such information about that decision as the FCA considers appropriate.

(7) Where the supervisory authority publishes information under paragraph (6) and the person whose registration is refused, or whose acquisition is the subject of objection, refers the matter to the Upper Tribunal, the supervisory authority must, without delay, publish information about the status of the appeal and its outcome in the same manner as that in which the information was published under paragraph (6).

(8) In this regulation, “registered cryptoasset business” means a cryptoasset exchange provider or a custodian wallet provider which is included in a register maintained by the FCA under regulation 54(1A).]

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**Textual Amendments**

- F1** Words in reg. 59(1) inserted (10.1.2020) by [The Money Laundering and Terrorist Financing \(Amendment\) Regulations 2019 \(S.I. 2019/1511\)](#), regs. 1(2), **7(15)(a)**
- F2** Words in reg. 59(3) substituted (10.1.2020) by [The Money Laundering and Terrorist Financing \(Amendment\) Regulations 2019 \(S.I. 2019/1511\)](#), regs. 1(2), **7(15)(b)**
- F3** Reg. 59(3A) inserted (10.1.2020) by [The Money Laundering and Terrorist Financing \(Amendment\) Regulations 2019 \(S.I. 2019/1511\)](#), regs. 1(2), **7(15)(c)**
- F4** Reg. 59(6)-(8) inserted (11.8.2022) by [The Money Laundering and Terrorist Financing \(Amendment\) \(No. 2\) Regulations 2022 \(S.I. 2022/860\)](#), regs. 1(2)(c), **12(2)**
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**Marginal Citations**

- M1** 2000 c.11.
- M2** 2002 c. 29.

**Changes to legislation:**

There are currently no known outstanding effects for the The Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017, Section 59.