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STATUTORY INSTRUMENTS

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**2001 No. 3641**

**The Money Laundering Regulations 2001**

**PART II**

**REGISTRATION**

**Register of money service operators**

- 4.—(1) The Commissioners must maintain a register of money service operators.
- (2) The Commissioners may keep the register in any form they think fit.
- (3) The Commissioners must allocate to every registered money service operator a number, which is to be known as his registered number.

**Requirement to be registered**

5.—(1) A person who, on or after 1st June 2002, acts as a money service operator must be registered by the Commissioners.

(2) Paragraph (1) does not apply to a person who, immediately before 1st June 2002, is acting as a money service operator, provided he has before that date made an application to be registered which has not been determined.

(3) A person to whom this regulation applies must—

- (a) make an application to be registered in such manner as the Commissioners may direct; and
- (b) furnish the following information to the Commissioners, that is to say—

- (i) the applicant's name and (if different) the name of the business;
- (ii) the applicant's VAT registration number or, if he is not registered for VAT, any other reference number issued to him by the Commissioners;
- (iii) the nature of the business;
- (iv) the address of each of the premises at which the applicant carries on (or proposes to carry on) business;
- (v) any agency or franchise agreement relating to the business, and the names and addresses of all relevant principals, agents, franchisors or franchisees;
- (vi) the name of the relevant money laundering reporting officer (if any); and
- (vii) whether any person concerned (or proposed to be concerned) in the management, control or operation of the business has been convicted of a money laundering offence or of money laundering within the meaning of regulation 2(3) of the 1993 Regulations.

(4) At any time after receiving an application to be registered and before determining it, the Commissioners may require the applicant to furnish them, within 21 days beginning with the date of being requested to do so, with such further information as they reasonably consider necessary to enable them to determine the application.

(5) Any information to be furnished to the Commissioners under this regulation must be in such form or verified in such manner as they may specify.

(6) In this regulation, “the business” means money service business which the applicant carries on or proposes to carry on.

### **Supplementary information**

6.—(1) If any at time after supplying the Commissioners with any information under regulation 5—

- (a) there is a change affecting any matter contained in that information; or
- (b) it becomes apparent that the information contains an inaccuracy;

the applicant or, as the case may be, the operator must supply the Commissioners with details of the change or, as the case may be, a correction of the inaccuracy (hereafter “supplementary information”) within 30 days beginning with the date of the occurrence of the change or, as the case may be, the discovery of the inaccuracy.

(2) The supplementary information must be supplied in such manner as the Commissioners may direct.

(3) The obligation in paragraph (1) applies also to changes affecting any matter contained in any supplementary information supplied pursuant to this regulation.

### **Determination of application to register**

7.—(1) The Commissioners may refuse to register an applicant if, and only if—

- (a) any requirement of—
  - (i) paragraphs (3) to (5) of regulation 5 (requirement to be registered);
  - (ii) regulation 6 (supplementary information); or
  - (iii) regulation 9 (fees);

has not been complied with; or

- (b) it appears to them that any information supplied pursuant to regulation 5 or 6 is false or misleading in a material particular.

(2) The Commissioners must, by the end of the period of 45 days beginning with the date on which they receive the application or, where applicable, the date on which they receive any further information required under regulation 5(4), give notice in writing to the applicant of—

- (a) his registered number; or
- (b) the following matters, that is to say—
  - (i) their decision not to register the applicant;
  - (ii) the reasons for their decision;
  - (iii) the review procedure; and
  - (iv) the right to appeal to a tribunal.

### **Cancellation of registration**

8.—(1) The Commissioners may cancel the registration of an operator if, at any time after registration, it appears to them that they would have had grounds to refuse registration under paragraph (1) of regulation 7 (determination of application to register).

(2) Where the Commissioners decide to cancel the registration of an operator, they must forthwith inform him, in writing, of—

- (a) their decision and the date from which the cancellation takes effect;
- (b) the reasons for their decision;
- (c) the review procedure; and
- (d) the right to appeal to a tribunal.

### **Fees**

9.—(1) The Commissioners may charge a fee—

- (a) to an applicant; and
- (b) to an operator annually on the anniversary of his registration by them under these Regulations.

(2) The Commissioners may charge under paragraph (1) such fees as they consider will enable them to meet any expenses incurred by them in carrying out any of their functions under these Regulations or for any incidental purpose.

(3) Without prejudice to the generality of paragraph (2), a fee may be charged in respect of each of the premises at which the operator or, as the case may be, the applicant carries on (or proposes to carry on) money service business.