**The Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 – MLR Individual Form Notes

Application form for an MLR Individual of an Annex I Financial Institution**

## Notes to help complete the MLR Individual Form:

If you need more help after reading these notes please:

* check our website (Money laundering registration section)
* call the Customer Contact Centre: 0300 500 0597, or
* email the Customer Contact Centre Firm.Queries@fca.org.uk

These notes, while aiming to help you, do not replace the rules set out in the Regulations.

Examples of persons that are required to complete a MLR Individual Form:

* The Sole Proprietor of the business
* A Partner in the business
* A Director of the business
* The Senior Manager responsible for compliance with the Regulations under Regulation 21(1)(a)
* The nominated officer for reporting Suspicious Activity Reports to the National Crime Agency under Regulations 21(3)
* A Beneficial Owner, who owns or controls more than 25% of the shares or voting rights in the company and
* Any other person performing a role of similar influence or responsibility
* For the purposes of the MLR Individual Form, the firm is the applicant. The person whom the form is about is the MLR Individual, and should be the name that is recorded on the front cover of the MLR Individual Form (Name of individual).
* We use the following terms: ‘you' refers to the person(s) signing the form on behalf of the applicant firm
* 'the applicant firm' refers to the firm applying for authorisation
* ‘the FCA' ,'we', ‘us’ or 'our' refers to the Financial Conduct Authority, and
* MLRs refers to the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017.


## Important information

The MLR Individual Form is critically important to our assessment of the fitness and propriety of the MLR Individual.

You must provide us with all information relevant to the application with the MLR Individual Form. This applies even if:

* you believe the information is, or may be, already known to the FCA, as a result of it being in the public domain, or it has been previously disclosed to us or to another regulatory body, or
* you consider the information to be immaterial.

You should not assume that the FCA knows information just because it is in the public domain, or has been previously disclosed to the FCA or to another regulatory body. The applicant should not assume that, in assessing this application, the FCA will check its existing records for information about the applicant or persons connected to it. In all circumstances, disclosures should be full, frank and unambiguous. If there is any doubt about the relevance of information, it should be included; if in doubt, disclose it.

The information supplied by the MLR Individual should be verified by the firm making the application wherever possible. If the FCA's vetting checks reveal any matters that have not been disclosed, then applications will be delayed and, in some cases, may be rejected.

We may require the applicant to provide further information at any time after receiving an application. If the form is not fully and correctly completed, we may need to return it for proper completion. This could significantly delay our decision.

The firm is responsible for the accuracy of the data and completion of the form.

If a firm has provided, or has information that reasonably suggests that it may have provided, the FCA with information which was or has become false, misleading, incomplete or inaccurate, in any material detail, it must notify the FCA immediately. Failure to notify the FCA may result in a delay in processing, or rejection of the application.

**Key considerations for the firm and the MLR Individual**

The FCA processes personal data in line with the requirements of The General Data Protection Regulation (EU) 2016/679 and the Data Protection Act 2018. For further information about the way we use the personal data collected in this form, please read our privacy notice available on our website: [www.fca.org.uk/privacy](http://www.fca.org.uk/privacy) .

If, at any time after an applicant has provided the FCA with any information, (before the FCA has determined the application) and there is likely to be a material change affecting any matter in that information or the information is incomplete or contains inaccuracies, the applicant must provide us with details of the change, the complete information or a correction of the inaccuracy. They must do this without undue delay or as soon as the applicant is aware of the change.

We rely on the information in the MLR Individual Form in making our assessment. It is very important that the MLR Individual and the applicant (ie the applicant for registration as an Annex I Financial Institution) is aware of:

1. The applicant (ie the applicant for registration as an Annex I Financial Institution) and the MLR Individual should have read and understood these guidance notes before completing the MLR Individual form, and
2. **The responsibility for the accuracy and completeness of the information supplied, rests with the MLR Individual and the firm.** Seeking legal and/or compliance advice about how to complete the MLR Individual Form will not mean the applicant has fulfilled that responsibility. In particular, if you seek advice on whether a particular matter should be disclosed in section 4 (Fitness and Propriety), we will expect you to tell us, as asking for advice suggests there is doubt. If there is doubt, disclose.

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| 31 | Personal identification details |

If the MLR Individual has more than one previous name (surname or forenames), passport number or nationality, or is known by any other names, provide details in Section 5.

 **1.1 Title (eg Mr, Mrs, Ms, etc)**

No additional notes

 **1.2 Surname**

No additional notes

 **1.3 ALL forenames**

No additional notes

 **1.4 Name commonly known by**

If the MLR Individual is commonly known by a different name from that on their passport or National Insurance card, then put this name here. This may include, for example, a shortened version of their full name or where they are known by a middle name or names given because of, for example, religious or other reasons. If the individual has more than one alternative name, please give all other names they are known by in Section 5.

 **1.5 Date of birth (dd/mm/yyyy)**

No additional notes

 **1.6 National Insurance number**

No additional notes

 **1.7 Previous name**

If the MLR Individual has changed their name (surname or forenames), for example due to marriage, then please put this previous name in the box. If the MLR Individual has more than one previous name, please provide details of all the previous names in Section 5.

 **1.8 Date of name change (dd/mm/yyyy)**

No additional notes

 **1.9 Nationality**

If the individual has more than one nationality, please provide details in Section 5 of all the nationalities they hold and the reasons for this.

 **1.10 Passport number** (if National Insurance number not available)

No additional notes

**1.11 Place of birth**

No additional notes

 **1.12/1.13 Private address**

A full 5 year history for United Kingdom addresses must be given for the MLR Individual. Any gaps must be fully explained or a statement provided in either the address history or Section 5 of the MLR Individual Form.

If any gaps are as a result of the MLR Individual being resident outside the UK, please state this and give details of where the MLR Individual lived during this period. The MLR Individual can provide a written statement if this is simpler, which should be attached to the MLR Individual Form.

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| 2 | Firm identification details |

 **2.1 Name of applicant firm (or MLR Individual if sole trader) making the application**

No additional notes

 **2.2 FCA Firm Reference Number (FRN)**

No additional notes

 **2.3 Who should be the FCA contact at the applicant firm in relation to this application?**

The firm must give contact details for any questions we may have about with the application, including a telephone contact number and email address.

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| 3 | Arrangements |

**3.1 Nature of the arrangement between the MLR Individual and the Annex I Financial Institution**

The firm must tick the box in 3.1 that most accurately describes the position to be held by the MLR Individual.

Regulation 21(1)(a) requires that any firm subject to the Regulations appoint one individual who is a member of the Board of directors (or if there is no Board, of its equivalent management body) or of its senior management who is responsible for overseeing compliance with the MLRs. Given the importance of this role we require this person to complete this form.

All firms subject to the Regulations must nominate someone in their organisation to report any suspicious activity that the firm identifies to the National Crime Agency (NCA). This individual also needs to complete this form. You can find more information on reporting SARs on the NCA’s website, <http://nationalcrimeagency.gov.uk/>.

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| 4 | Fitness and Propriety |

Answer the question by ticking the relevant ‘yes’ or ‘no’ box. If the answer to any of the questions is ‘yes’, give complete details in Section 5 and attach relevant supporting documentation.

Terms used:

* **Criminal proceedings** – includes any proceedings from the point at which an MLR Individual or a firm is charged with a criminal offence to the point at which they are sentenced.
* **Conviction** – includes any absolute or conditional discharge orders made against the person concerned.
* **Judgement debt** – a court judgment or order requiring a payment of money to be made by the MLR Individual or by a firm at which the MLR Individual previously held a position of significant influence.
* **Position of responsibility** – includes acting as a partner, director, senior manager responsible for compliance with the regulations under Regulation 21(1)(a), the nominated officer appointed under Regulation 21(3), a beneficial owner or otherwise performing a role of similar influence or responsibility.
* **Regulated activities** – includes not only activities regulated by the FCA under FSMA, but also the Payment Services Regulations 2017 and Electronic Money Regulations 2011. It also includes activities regulated by other regulatory bodies (see definition of regulatory body below).
* **Regulatory body** – for the purposes of this form, a regulatory body includes, but is not limited to, the following:
* a self-regulatory organisation – including Investment Management Regulatory Organisation (IMRO), Securities and Futures Agency (SFA), Personal Investment Authority (PIA), Life Assurance and Unit Trust Regulatory Organisation (LAUTRO), Financial Intermediaries, Managers and Brokers Regulatory Association (FIMBRA), Association of Futures Brokers and Dealers Limited (AFBD), The Securities Association Limited (TSA)
* a statutory body, including the Financial Conduct Authority (FCA), Prudential Regulation Authority (PRA), Financial Services Authority (FSA), Securities and Investments Board (SIB), the Society of Lloyd's, the Registry of Friendly Societies, the Friendly Societies Commission, the Building Societies Commission, the Bank of England, HMRC, the Treasury – Insurance Directorate (formerly the DTI) and the recognised bodies
* the National Crime Agency (NCA)/Serious Organised Crime Agency (SOCA) or the Serious Fraud Organisation (SFO) or any police body
* a designated professional body (a professional body designated by the Treasury under section 326A of the Financial Services and Markets Act 2000); or the equivalent of any of these regulatory bodies overseas.

Part A – Criminal and Civil proceedings

Questions 4.1 to 4.7 deal with any matters relating to criminal proceedings (any matters from being charged up to and including sentencing) and criminal convictions. Please note that the MLR Individual is not required to disclose any convictions that are regarded as 'spent' under the Rehabilitation of Offenders Act 1974.

This section also covers civil disputes and litigation, including those that have resulted in the court requiring the MLR Individual (or a firm at which they held a position of significant responsibility) to pay money to someone.

Where the answer to any of the questions is ‘Yes’, full details must be provided in Section 5 and on additional sheets attached to the MLR Individual Form where necessary. It is important that we have all the details about the particular matter in the MLR Individual Form. You should provide complete and accurate details even if the information is already known to the FCA or is in the public domain.

 **4.1 Has the MLR Individual ever been convicted of an offence listed in Part B: Relevant Offences, in the UK or of an equivalent offence in another country?**

This question requires disclosure of criminal convictions from any offence listed in Part B: Relevant Offences; they should be disclosed even if the conviction was overseas.

 **4.2 Is the MLR Individual presently charged with any of the offences listed in Part B: Relevant Offences?**

No additional notes

**4.3 Has the MLR Individual ever been adjudged bankrupt, or has sequestration of your estate been awarded, and (in either case) not discharged?**

These questions cover all circumstances in which anyone started bankruptcy proceedings (or, in Scotland, ‘sequestration’ of the MLR Individual’s estate) against the MLR Individual. It also includes circumstances where the MLR Individual began such proceedings themselves.

**4.4 Is the MLR Individual subject to a disqualification order under the Company Directors Disqualification Act 1986?**

No additional notes

**4.5 Is, or has, the MLR Individual been subject to a confiscation order under the Proceeds of Crime Act 2002?**

No additional notes

**4.6 Has the MLR Individual previously held a position of ownership or control in another business subject to money laundering regulations?**

No additional notes

**4.7 If you have answered ‘Yes’ to any of the questions in Part A above, please give full details in Section 5. Tick this box to confirm that you have provided full details, including date(s) and offences(s) as applicable.**

No additional notes

Part B – Relevant Offences

This is a list of the relevant offences within Schedule 3 of the Regulations and there are no questions to answer within this Section.

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| 5 | Supplementary information |

**5.1 If there is any other information the MLR Individual or the firm considers may be relevant to the application, it must be included here.**

**Please also include here any additional information indicated in previous Sections of the form.**

**If there is insufficient space, please continue on a separate sheet of paper and clearly identify the Section and question to which the additional information relates.**

This Section provides space for any additional information. It should be used to disclose additional information about ‘Yes’ answers in Section 4 of the form. It should also be used to provide any information which is not a response to a specific question in Section 4, but is relevant to the consideration of fitness and propriety.

You must also provide relevant documents, such as evidence of the settlements of County Court Judgments.

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| 6 | Declarations and signatures |

This section contains declarations which must be signed by both an appropriate individual for the firm or applicant submitting the application and the MLR Individual. Signatures **must not** be dated more than 3 months before the date of submitting the application.

The FCA considers that an appropriate individual would either be an individual defined as a MLR Individual as defined in Section 3: Arrangements or someone to whom the firm has delegated the authority to notify the FCA.

If this authority has been delegated, the firm should keep records of those individuals authorised to sign on behalf of the applicant (ie the applicant for registration as an Annex I Financial Institution). All signatures submitted on forms should be originals.