



Information Note to Designated Persons from the Registrar of Beneficial Ownership

The Central Register of Beneficial Ownership of Companies and Industrial and Provident Societies (“the RBO”) was established by Statutory Instrument 110 of 2019 and opened in July 2019.

To-date, 82% of companies and 64% of societies have registered with the RBO and it is now possible to search the Register and purchase a Report showing the beneficial ownership details of these companies and societies.

I am writing to draw your attention to a number of new obligations placed on designated persons in the Criminal Justice (Money Laundering & Terrorist Financing) (Amendment) Act 2021, which commenced on **23 April 2021**:

1. Obligation on designated persons to inspect the RBO and establish the identity of beneficial owners before the establishment of a business relationship

Under Section 8 of the 2021 Act, from 23 April 2021, prior to the establishment of a business relationship with a customer which is a relevant entity, a designated person shall check that information concerning the beneficial ownership of the customer is entered in the relevant central Register (see text of Section 8 overleaf).

Section 6 of the new Act states that where the beneficial owner recorded in the RBO is the senior managing official, a designated person shall take the necessary measures to verify the identity of that person and shall keep records of the actions taken to verify the person’s identity including any difficulties encountered in the verification process

The procedures for accessing RBO data and purchasing RBO Reports are set out in FAQ No.13 on the RBO website – www.rbo.gov.ie.

2. Obligation on designated persons to report discrepancies to the Registrar of Beneficial Ownership:

I would also like to remind you that Regulation 20 (3) of SI 110/2019 (full text overleaf) states that if a designated person carrying out customer due diligence on an entity, or otherwise, forms the opinion that there is a discrepancy between the information in the RBO and the information that comes to the knowledge of the designated person, then the designated person is legally obliged to deliver to the Registrar a notice of that opinion, specifying the particulars of the discrepancy.

Regulation 28(6) of SI 110/2019 states that a designated person which fails to comply with Regulation 20(3) commits an offence and shall be liable, on summary conviction, to a class A fine.

The procedures for reporting a discrepancy to the Registrar are set out in FAQ No. 15 on the RBO website – www.rbo.gov.ie.

A Discrepancy Notice Form (DN2) can be requested by sending an e-mail to discrepancies@rbo.gov.ie.

Yours sincerely,

**The Registrar of Beneficial Ownership of Companies and Industrial & Provident Societies,
April 2021.**



LEGAL REFERENCES

The Criminal Justice (Money Laundering & Terrorist Financing) (Amendment) Act 2021

Section 8 of the 2021 Act inserts the following new sub-section (3C) into Section 35 of the Criminal Justice (Money Laundering & Terrorist Financing) Act 2010, as amended:

“Prior to the establishment of a business relationship with a customer to which the European Union (Anti-Money Laundering: Beneficial Ownership of Corporate Entities) Regulations 2019 (S.I. No. 110 of 2019) (modified by the European Union (Modifications of Statutory Instrument No. 110 of 2019) (Registration of Beneficial Ownership of Certain Financial Vehicles Regulations 2020) (S.I. No. 233 of 2020) apply, a designated person shall ascertain that information concerning the beneficial ownership of the customer is entered in the Central Register of Beneficial Ownership of Companies and Industrial Provident Societies or, as the case may be, the Central Register of Beneficial Ownership of Irish Collective Asset-management Vehicles, Credit Unions and Unit Trusts.

Section 6 of the new Act inserts the following new sub-section into Section 33 of the 2010 Act:

“(iii) where the beneficial owner is the senior managing official referred to in Article 3(6)(a)(ii) of the Fourth Money Laundering Directive, a designated person shall take the necessary measures to verify the identity of that person and shall keep records of the actions taken to verify the person’s identity including any difficulties encountered in the verification process.”.

Statutory Instrument 110/2019

Regulation 5(8) of Statutory Instrument 110/2019 states

(8) When a relevant entity enters into an occasional transaction with a designated person, or forms a business relationship with a designated person, the relevant entity shall -

- (a) provide, in addition to information about its legal ownership, information on its beneficial ownership to the designated entity when the designated entity is taking customer due diligence measures in accordance with Part 4 of the Act of 2010;*
- (b) on request from the designated person, provide the designated person with information identifying all the beneficial owners of the relevant entity; and*
- (c) notify the designated person of any change to its beneficial ownership register that occurs which is relevant to the occasional transaction or that occurs during the course of the business relationship formed, and the date on which it occurred within 14 days from the date on which the relevant entity becomes aware of the change.*

Regulation 20(3) of Statutory Instrument 110/2019 states

(3) Where the following conditions are satisfied (and whether in the circumstances of the designated person taking the measures referred to in Regulation 5(8)(a) or otherwise) -

- (a) any of the particulars, as referred to in Regulation 5(2)(a) and (b), contained in the beneficial ownership register of a relevant entity come to the knowledge of a designated person, and*
- (b) the designated person forms the opinion that there is a discrepancy between the particulars referred to in subparagraph (a) and the information in the central register (on referring himself or herself to the information in the central register as it relates to that relevant entity),*

then the designated person shall deliver, in a timely manner, to the Registrar, in such manner as the Registrar determines, notice of that opinion, specifying the particulars as respects which the foregoing discrepancy exists.