



Anti-Money Laundering Compliance Unit

TRUST OR COMPANY SERVICE PROVIDER

Fit and Proper Test

In accordance with the Criminal Justice (Money Laundering and Terrorist Financing) Act 2010 as amended

Name of Individual:

Name of entity associated with this Fit and Proper test:

Completed application forms should be returned to:

**Anti-Money Laundering Compliance Unit,
Department of Justice, Home Affairs and Migration,
51 St Stephen's Green,
Dublin 2, D02 HK52**

Web: www.amlcompliance.ie

Email: antimoneylaundering@justice.ie

LEGISLATIVE REQUIREMENT

Under the Criminal Justice (Money Laundering and Terrorist Financing) Act 2010 as amended a person commits an offence if he/she carries on business as a trust or company service provider without an authorisation issued by the Minister for Justice, Home Affairs and Migration.

To issue an authorisation the Minister must be satisfied that each of the following persons are fit and proper persons:

- (i) The proposed holder of the authorisation;
- (ii) In a case where the proposed holder of the authorisation is a body corporate or a partnership or an individual who proposes to carry on business as a trust or company service provider as a partner in a partnership, any **principal officer** of the body corporate or partnership (as the case may be);
- (iii) Any person who is, or is proposed to be, a **beneficial owner** of the business concerned,

“principal officer” means –

- (a) In relation to a body corporate, any person who is a director, manager, secretary or other similar officer of the body corporate or any person purporting to act in such a capacity, or
- (b) In relation to a partnership –
 - i. Any person who is a partner in, or a manager or other similar officer of, the partnership or any person purporting to act in such a capacity, and
 - ii. In a case where a partner of the partnership is a body corporate, any person who is a director, manager, secretary or other similar officer of such a partner or any person purporting to act in such a capacity;

This proposal application is designed to provide the Minister with the necessary information to determine whether a person meets the fit and proper requirements as established by legislation. The criteria for determining whether or not a person is fit and proper has been established in conformity with national law and as a core principle reflected the need to protect TCSP businesses from being misused for criminal money laundering purposes.

Notes of Vetting Invitation Form and Police Certificate of no conviction. Please note a subject access request will not be accepted.

Vetting invitation forms are available on our website at www.amlcompliance.ie. The information supplied will allow us to send you an email with a link to the eVetting online system.

Persons who have resided outside of the State in the five years immediately prior to completing this form must submit police certificates of no conviction from all countries that they resided in for longer than six months including a Garda Vetting form for any period of residence in Ireland.

Tick here to confirm that the listed documents are being submitted with this form:

1. Completed vetting invitation form/Police certificate of no conviction.	
2. Copy of Government issued photographic identification.	
3. Proof of address in the form of a utility bill, bank statement or Government document.	

SECTION 1

DETAILS OF THE PERSON PROPOSED

PLEASE TYPE/WRITE CLEARLY, AS APPLICATIONS WHICH CANNOT BE READ WILL BE RETURNED. (IF TYPING, WRITTEN SIGNATURES ARE STILL REQUIRED)

1. Full Legal Name of the Applicant

First Name	Surname
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2. Date of Birth of the Applicant 3. Nationality

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4. Any other names of previous names should be noted here.

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5. Contact Details

Current Address:	Email:
	Landline:
	Mobile:

6. Position or relationship with business (e.g. Director, Beneficial Owner)

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7. Please record below if you are a member of a designated accountancy body in Ireland *or* the Law Society of Ireland *or* the Bar Council of Ireland *or* a combination of any of the aforementioned bodies.

Name of Body -

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SECTION 2

PROBITY, GOOD REPUTATION AND CHARACTER

If the response to any question below is YES, full details should be given on a separate sheet and referenced to the appropriate question.

1. Have you been convicted in the State or elsewhere, of any offence involving (i) money laundering; (ii) terrorist financing; or (iii) an offence involving fraud, dishonesty or breach of trust. **Y**☐ **N**☐
2. Have you been a principal officer of an entity that was, during your period of association, convicted of an offence involving (i) money laundering; (ii) terrorist financing; or (iii) an offence involving fraud, dishonesty or breach of trust? **Y**☐ **N**☐
3. Have you at any time, in the State or elsewhere, been declared bankrupt, or entered into any compromised with creditors related to bankruptcy or insolvency or are you currently the subject of bankruptcy proceedings? Are you aware of any such proceedings pending? **Y**☐ **N**☐
4. Have you at any time failed to satisfy a judgement debt under a Court Order made in the State or elsewhere within one year of making of the Order? **Y**☐ **N**☐
5. Have you ever been disqualified or restricted, in the State or elsewhere, by a Court from acting as a Director of a company, or from acting in the management or conduct of the affairs of any company, partnership or unincorporated association? **Y**☐ **N**☐
6. Have you ever been refused entry to any profession or been dismissed or compelled to resign from any office or employment, or from any fiduciary office or position of trust, whether or not remunerated? **Y**☐ **N**☐
7. Have you ever been prohibited, suspended or refused the right, in the State or elsewhere, to carry on any trade, business or profession for which a specific licence, registration or other authority is required? **Y**☐ **N**☐
8. In the last ten years, have you been the Director of an entity, in the State or elsewhere, which has gone into liquidation, receivership or examinership and, in such circumstances, entered into any arrangements with its creditors which gave rise to a loss to the creditors either while you were a Director or within one year of you ceasing to be a Director? **Y**☐ **N**☐

9. Are you a serving Director in any Company other than the one for which authorisation is being applied? **Y**☐ **N**☐
If Yes please list all Companies and CRO number in table below or on a separate sheet.

	Company Name	CRO Number	Company Address
1			
2			
3			
4			
5			
6			

DECLARATION BY THE PERSON PROPOSED

I, _____ (name of individual) declare that:

- i. I have truthfully and fully answered each question in this Questionnaire, and have disclosed any and all other information, which might reasonably be considered relevant to this application.
- ii. I declare that I am not a person who (i) has suspended payments due to creditors, (ii) is unable to meet other obligations to the person's creditors, or (iii) is an undischarged bankrupt
- iii. I will immediately notify the Department of Justice, Home Affairs and Migration of any changes in the information which I have provided and confirm that I will inform the Anti Money Laundering Compliance Unit in writing of the details of such changes and any other relevant/material information of which I may become aware at any time after the date of this Declaration.
- iv. I hereby authorise the Department of Justice, Home Affairs and Migration to make enquiries with An Garda Síochána as to any convictions that may or may not be recorded against me.
- v. I authorise An Garda Síochána to furnish to the Department of Justice, Home Affairs and Migration a statement that there are no convictions recorded against me in the State or a statement of all prosecutions successful or not, pending or completed in the State or elsewhere as the case may be.
- vi. I hereby authorise:
 - a. The Revenue Commissioners,
 - b. The Office of the Director of Corporate Enforcement,
 - c. The Companies Registration Office,
 - d. Irish Auditing and Accounting Services Authority,
 - e. The Central Bank of Ireland,
 - f. All former employers,
 - g. All personal referees and/or other persons or bodies.

To release information material to this application which they may have about me to the Minister and I release them from any liability or responsibility from doing so.

- vii. This application includes any and all information relevant and material to my application for a fit and proper test.
- viii. I am aware that it may be an offence and/or grounds for refusal of my application and/or grounds for revocation of an authorisation granted on foot of the within application for me and/or the proposing entity:
 - a. To knowingly or recklessly provide false or misleading information and/or
 - b. To make a false or misleading statement (including the withholding by me of relevant information) in the within application for authorisation
 - c. Fail to inform and/or withhold from the Minister any details of any change in circumstances/new information which is relevant and/or material to my status as an approved person.

Date: _____

Signed: _____

Position/Proposed Position: _____

Privacy Notice

Introduction

1. The data you provide in this form is collected by the Anti-Money Laundering Compliance Unit (AMLCU), a Division of the Department of Justice, Home Affairs and Migration (DoJ). The data controller for the information you provide is the Department of Justice, Home Affairs and Migration. The data controller's contact details are:

Anti-Money Laundering Compliance Unit (AMLCU),
Department of Justice, Home Affairs and Migration,
51 St. Stephen's Green,
Dublin 2, D02 HK52,
Email: antimoneylaundering@justice.ie

How will your personal data be used?

2. We may use the personal data you provide in this form for the following purpose(s):
 - To make a determination on an application for Fit and Proper under Sections 85, 88, 89 and 92 of the Criminal Justice (Money Laundering and Terrorist Financing) Act 2010, as amended;
 - To contact the entity associated with this application for Fit and Proper with regard to obligations provided for in the Criminal Justice (Money Laundering and Terrorist Financing) Act 2010, as amended
 - To report suspicions of money laundering or terrorist financing to An Garda Síochána (AGS) and the Revenue Commissioners;
 - To use information provided in applications for statistical reporting on an anonymised basis.

Legal Basis for processing your Personal Data

3. Our legal basis for collecting and processing this data is as follows:
 - Sections 85, 88, 89, 92 and 102 of the Criminal Justice (Money Laundering and Terrorist Financing) Act 2010, as amended;

Security of Personal Data

4. The personal data provided here will be stored securely on DoJ IT servers. It **may be shared**, where appropriate, with the following third parties:
 - An Garda Síochána
 - The Revenue Commissioners

Contact for Queries

5. The contact for any queries in relation to this form is Anti-Money Laundering Compliance Unit, Department of Justice, Home Affairs and Migration, 51 St. Stephen's Green, Dublin 2, D02 HK52, email address – antimoneylaundering@justice.ie

How long will Personal Data be retained?

6. This data will be retained by the Department of Justice, Home Affairs and Migration for a period of 30 years in accordance with our retention schedule and referred thereafter to the Director of National Archives for appraisal under the National Archives Act 1986.

How to Request a copy of your Personal Data

7. You can request a copy of the personal data by completing a Subject Access Request (SAR) form, available:
 - at http://www.justice.ie/en/JELR/Pages/Data_Protection or
 - from the Department Protection Support or Compliance Office (DPSCO) at the address below.

Forward the completed form by email to subjectaccessrequests@justice.ie or by post to the Department of Justice, Home Affairs and Migration Data Protection Officer (DPO) at the address below. You will be required to verify your identity before the data can be forwarded to you. The time limit for responding to a SAR commences once your identity has been verified.

Your Rights in relation to your Personal Data

8. You have the right to rectify any inaccuracies in your data. To do this you should write to Anti-Money Laundering Compliance Unit, Department of Justice, Home Affairs and Migration, 51 St. Stephen's Green, Dublin 2, D02 HK52, email address antimoneylaundering@justice.ie documenting the inaccuracies, which need to be rectified. The right to rectification is not absolute and each request will be considered on its own merits.
9. You have the right, where appropriate, to obtain erasure of your data and/or a restriction on processing of your data as well as the right to object to the processing of your data. The right to erasure, restriction and/or objection is not absolute and each request will be considered on its own merits.
10. You have the right to lodge a complaint with the Data Protection Commission (DPC). You can contact the DPC by webforms on their website www.dataprotection.ie or by post to:

6 Pembroke Row
Dublin 2
D02 X963

Further details in relation to your data protection rights can be found in the Department of Justice, Home Affairs and Migration Data Protection Policy available at http://www.justice.ie/en/JELR/Pages/Data_Protection

Contact the DPO

You can contact the Data Protection Officer for the Department of Justice, Home

Affairs and Migration by post at: The Data Protection Officer,
Department of Justice,
Home Affairs and
Migration,
51 St. Stephen's Green,
Dublin 2, D02 HK52

or by email - dataprotectioncompliance@justice.ie

END OF FORM