



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 BASIS AND PRELIMINARY MATTERS

Under the Criminal Justice (Money Laundering and Terrorist Financing) Act 2010 as amended (hereafter “the Act”) 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 (hereafter “The Minister”). A copy of the consolidated Act as updated on 28 February 2024 can be found on the Irish Statute Book website and at the following link: <https://revisedacts.lawreform.ie/eli/2010/act/6/revised/en/html>

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;

Section 85 of the Act details the meaning of “Fit and Proper Person”. A person is not a fit and proper person if any of the following apply:

- (a) the person has been convicted of any of the following offences:
 - i. money laundering;
 - ii. terrorist financing;
 - iii. an offence involving fraud, dishonesty or breach of trust;
 - iv. an offence in respect of conduct in a place other than the State that would constitute an offence of a kind referred to in *subparagraph (i), (ii) or (iii)* if the conduct occurred in the State;
- (b) in a case where the person is an individual, the person is under 18 years of age;
- (c) the person—
 - i. has suspended payments due to the person’s creditors,
 - ii. is unable to meet other obligations to the person’s creditors, or
 - iii. is an individual who is an undischarged bankrupt;
- (d) the person is otherwise not a fit and proper person.

Under Section 88(2) paragraphs (c) and (d) of the Act the Minister is entitled to and requires information and documentation to assist in determining, for the purposes of Section 89 of the Act, whether or not the proposed holder of the authorisation and/or other relevant persons are fit and proper.

This form and process is designed to provide the Competent Authority 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 Trust and Company Service Providers from being misused for criminal money laundering or terrorist financing purposes. This process must be carried out separately and in full for each relevant person.

Broadly speaking, the Fit and Proper Test encompasses assessing matters such as an applicant's:

- Competence and capability
- Honesty
- Integrity
- Ethical behaviour
- Trustworthiness
- Financial soundness and solvency
- Other relevant matters.

It is important to note that the Fit and Proper Test is not a one size fits all process – each individual is assessed on their own merits, within the context of the particulars of the overall application, as well as their own role within the organisation¹. It must also be noted that should relevant items of information that could potentially be perceived as being detrimental be declared, it does not immediately follow that the relevant individual will automatically be deemed to not be fit and proper. Rather, full consideration will be given to each individual application within its context and with due regard given to each individual's legal and constitutional rights.

Section 88(4) of the Act requires that, as soon as practicable after an applicant becomes aware that any information or document provided to the Minister under this section contains a material inaccuracy or has changed in any material particular, including information or a document provided in relation to an application that has been granted, but not including information or a document provided in relation to an application that has been refused, the applicant shall give notice in writing to the Minister of the error or change in circumstances, as the case may be.

¹ For example, if a beneficial owner of a company acts in a somewhat removed capacity, with day to day operations and risks managed by directors and managers etc. it would not be expected that the beneficial owner demonstrate the same level of specific competence and capability (e.g. previous experience, qualifications, etc.) as said directors and managers.

Vetting Invitation Form and Police Certificate of No Conviction

A necessary part of the fit the proper process is the completion of Garda Vetting. Invitation forms are available on our website at www.amlcompliance.ie. The information supplied will facilitate the issuance of an email with a link inviting the recipient to access and complete the eVetting process. This must be accessed and completed within 28 days of receipt.

Persons who have resided, or currently reside, outside of the State must submit police certificates of no conviction from all countries that they resided in (as an adult) for longer than six months including a Garda Vetting form for any period of residence in Ireland.

FIT AND PROPER CHECKLIST

Please note that should the relevant forms not be fully completed, and all requisite additional documentation supplied, the application cannot, and will not, be considered. Please further note that application fees are non-refundable.

Please complete the table below to confirm that the listed documents are being submitted with this form:

1. Fully completed (typed, not handwritten) and signed "Fit and Proper Test" form (this form).	
2. Completed vetting invitation form/Police certificate of no conviction. (Please note a subject access request cannot be accepted).	
3. Certified copy of government issued photographic identification (Please note that the Public Services Card cannot be accepted).	
4. Certified proof of address in the form of a bank statement, government issued document or utility bill.	

SECTION 1

DETAILS OF THE PERSON PROPOSED

Please complete the form in full. Forms and applications which are not fully completed cannot be considered and will be returned. Should any sections not be applicable, please indicate this by typing "N/A" in the relevant space. Please note that applications & declarations must be physically signed (i.e. no digital signatures).

1.1. Full Legal Name of the Applicant

First Name		Surname	
------------	--	---------	--

1.2. Date of Birth of the Applicant

--

1.3. Nationality

--

1.4. Has you ever changed your name?

Yes	
No	

Previous names, along with the date of the change in name, should be listed in the table below.

Previous Name(s)	Date of name change

1.5. Contact Details

Current Address	
-----------------	--

Email	
-------	--

Mobile	
--------	--

Landline	
----------	--

1.6. Position or relationship with business (e.g. director, beneficial owner, company secretary, MLRO)

--

1.7. 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. If you are not a member, type "N/A" below.

Name of Body	Date Joined

1.8. Are you a serving Director in any Company other than the one for which authorisation is being sought?

Yes	
No	

If you have answered yes to question 1.8. above, please list all Companies, CRO numbers (or the relevant jurisdictional equivalent) and company addresses in the table on the next page. If there is insufficient space, these details can be provided on a separate sheet and included with this form.

Company Name	CRO Number	Company Address

- 1.9. Do you hold more than 25 Company Directorships? (Limitation on number of directorships under Section 142 of the Companies Act 2014 as amended)

Yes	
No	

If you have answered Yes to question 1.9. above, please list all Companies, their CRO Numbers and the Company Addresses on a separate sheet and include it with this form. Please also provide an explanation on the next page as to why you hold this number of directorships, and detail what exemption or exception, if any, under the Companies Acts you are availing of in order to hold this number of directorships.



SECTION 2

COMPETENCE AND CAPABILITY

With reference to Section 85 of the Act, the proposed holder of the authorisation, principal officers or partners and beneficial owners must demonstrate competence and capability commensurate with the activity the company seeks authorisation to engage in, within the context of the nature and obligations of their own role within the organisation. This may include demonstrating the competence and capability to understand the risks of the services provided, the entity's current or proposed customer base, the capacity to manage the risks and business appropriately and also to comply with relevant legislation and regulations. The Competent Authority takes into account a range of factors including previous experience in a relevant role/sector, academic and professional qualifications/Continuous Professional Development and references where appropriate. It is important to note that the Fit and Proper Test is not a one size fits all process – each individual is assessed on their own merits, within the context of the particulars of the overall application, as well as their own role within the organisation.

- 2.1. Please provide a detailed account of the basis upon which you believe that you are competent and capable. This should be commensurate with the activity the company seeks authorisation to engage in, within the context of the nature and obligations of your own specific role within the organisation. This account should include, where relevant; detail regarding your role within the company, your work experience in a relevant sector, relevant academic qualifications, relevant professional qualifications/CPD, relevant training, other information you believe relevant etc. If there is insufficient space, these details can be provided on a separate sheet and included with this form. You should also include separately, along with this form, any relevant references and supporting documentation you wish to provide.

2.2. Are you the Money Laundering Reporting Officer (MLRO)?

Yes	
No	

If you have answered "Yes" to question 2.2 please answer question 2.3.

2.3. Do you undertake any other duties/roles other than that of MLRO?

Yes	
No	

2.4. If you have answered "Yes" to question 2.3, please outline what other roles/duties you perform, along with an explanation as to how it is ensured that these roles do not conflict with the independence and duties of an MLRO. If there is insufficient space, these details can be provided on a separate sheet and included with this form.

--

SECTION 3

HONESTY, INTEGRITY AND ETHICAL BEHAVIOUR

Under Section 85 of the Act, the proposed holder of the authorisation, principal officers or partners and beneficial owners must demonstrate honesty, integrity and trustworthiness. The Competent Authority takes into account a range of factors including previous criminal convictions involving dishonesty, fraud, money laundering, theft or financial crime; professional misconduct, warnings, reprimands/censure/restrictions, failure to obtain licences, registration or authorisations; or other relevant issues as determined by the Competent Authority.

If the response to any question below is YES, full details should be given on a separate sheet, referenced to the appropriate question and included with this form when submitting.

- 3.1. Have you been convicted in the State or elsewhere, of any offence involving:
3.1.1. money laundering;

Yes	
No	

- 3.1.2. terrorist financing;

Yes	
No	

- 3.1.3. an offence involving fraud, dishonesty or breach of trust.

Yes	
No	

- 3.2. Have you been a principal officer of an entity that was, during your period of association, convicted of an offence involving:

- 3.2.1. money laundering;

Yes	
No	

- 3.2.2. terrorist financing;

Yes	
No	

3.2.3. an offence involving fraud, dishonesty or breach of trust.

Yes	
No	

3.3. Have you ever been disqualified or restricted, in the State or elsewhere, by a Court from acting as a Director of a company?

Yes	
No	

3.4. Have you ever been disqualified or restricted, in the State or elsewhere, from acting in the management or conduct of the affairs of any company, partnership or unincorporated association?

Yes	
No	

3.5. Have you ever been refused entry to any profession or been dismissed or compelled to resign from any office or employment?

Yes	
No	

3.6. Have you ever been refused entry, been dismissed, or compelled to resign from any fiduciary office or position of trust, whether or not remunerated?

Yes	
No	

3.7. 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?

Yes	
No	

3.8. Are you or have you ever been, in any jurisdiction, subject to any disciplinary proceedings or been issued a warning, reprimand or other administrative sanction or its equivalent, or an equivalent measure issued by a Competent Authority or any other regulatory authority, (including any previous regulator), any professional body, government body or agency?

Yes	
No	

- 3.9. Have you ever, in any jurisdiction, been found by a Competent Authority or any other regulatory authority to have perpetrated or participated in any negligent, deceitful or otherwise discreditable business or professional practice?

Yes	
No	

- 3.10. Have you been or are you currently being investigated, disciplined, censured, suspended or criticised by a regulatory or professional body, a court or tribunal or any similar body, (whether publicly or privately)?

Yes	
No	

- 3.11. You are required to be honest, ethical, act with integrity and be financially sound. Have you any relevant information to disclose regarding any issue or any concerns not already disclosed above?

Yes	
No	

SECTION 4

FINANCIAL SOUNDNESS AND SOLVENCY

Under Section 85 of the Act, the proposed holder of the authorisation, principal officers or partners and beneficial owners must demonstrate financial soundness and solvency. The Competent Authority takes into account a range of factors including bankruptcy, insolvency or debt resolution procedures, previous/current receiverships, examinerships or liquidations, debt judgements or a track record of poor management of cash flow/tax liabilities. If the response to any question below is YES, full details should be given on a separate sheet, referenced to the appropriate question and included with this form when submitting.

- 4.1. Have you at any time, in the State or elsewhere, been declared bankrupt?

Yes	
No	

- 4.2. Or entered into any compromise with creditors related to bankruptcy?

Yes	
No	

- 4.3. Are you currently the subject of bankruptcy proceedings?

Yes	
No	

- 4.4. Are you aware of any such (bankruptcy related) proceedings pending?

Yes	
No	

- 4.5. Have you, at any time, been subject to a debt judgment under a Court Order, made in the state or elsewhere?

Yes	
No	

- 4.6. 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?

Yes	
No	

- 4.7. Are you the subject, in the State or elsewhere, to any of the following Debt Resolution procedures, or equivalent?

4.7.1. Debt Relief Notice (DRN)

Yes	
No	

4.7.2. Debt Settlement Arrangement (DSA)

Yes	
No	

4.7.3. Personal Insolvency Arrangement (PIA)

Yes	
No	

4.7.4. Other relevant/equivalent arrangement

Yes	
No	

- 4.8. Are you in full compliance with all tax obligations which you are subject to? (Please note you may be requested to provide evidence of same, such as a Tax Compliance Certificate or other relevant documentation).

Yes	
No	

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 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.
- iii. 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.
- iv. 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.
- v. I hereby authorise:
 - a. The Revenue Commissioners,
 - b. The Corporate Enforcement Authority,
 - 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 bodiesTo release information material to this application which they have about me to the Minister.
- vi. This application includes any and all information relevant and material to my application for a fit and proper test.
- vii. 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
 - b. To make a false or misleading statement (including the withholding by me of relevant information) in the within application for authorisation

- c. To 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:

Please click the red button below to check that you have completed all of the mandatory sections of this form. If you have not, please return to the relevant section(s) of the form and make sure that all necessary sections have been completed fully.

Once you have completed this form fully, please print the document and ensure that it is signed and dated. This form should be submitted, together with any additional supporting documents required to be read alongside this form (please include a schedule of said documents), to the AMLCU via post along with all other documents required as part of the application process. Please note that incomplete applications cannot be considered.

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. 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:

21 Fitzwilliam Square South
Dublin 2
D02 RD28

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