

Appendix G

Acting “on Behalf of” Certificate (includes terms of business)

AOB 1.1 - ACTING ON BEHALF OF CERTIFICATE

To be completed by the regulated person:

Name of Regulated Person:	
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In order to use the concession we can confirm that we hold a financial services licence covering Class 1 (deposit taking), Class 2 (investment business), Class 3 (services to collective investment schemes) or Class 8 (money transmission) services of the Regulated Activities Order 2011. We also confirm the following:

Item	Yes	No
The nature / intended purpose of the relationship with the underlying clients is known to us.		
We have not identified any suspicious activity.		
Written terms of business are in place covering all areas of paragraph 21 (3) of the Code.		
Confirmation has been received from the third party that there are no underlying clients who have been assessed as higher risk in the arrangement.		
The customer is regulated and supervised in respect of AML/CFT and has appropriate record keeping and customer due diligence procedures in place which are fit for purpose.		
The procedures of the customer will be tested at least annually.		

If, “no” is answered to any of these points the concession is no longer applicable to be used by the regulated person.

Signature:	
Full Name:	
Official Position:	
Date:	
Contact details of Signatory:	Address:
	Email:

Telephone:	
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To be completed by the customer:

Name of Customer:	
Customer's contact details:	Address:
Telephone:	E-mail:
Customer's Regulatory or Supervisory body:	

The Customer certifies that it is an “allowed business” and is one of the following:

(Please tick the applicable box)

1	A regulated person.*	
2	A nominee company of a regulated person where the regulated person is responsible with the nominee's compliance with the AML/CFT requirements.	
3	A collective investment scheme (except a scheme within the meaning of Schedule 3 (exempt schemes) to the Collective Investment Schemes Act 2008) where the manager or administrator of such scheme is a regulated person, or where the person is an equivalent scheme in a jurisdiction in list C where the manager or administrator is an external regulated business.	
4	A designated business.	
5	A person who acts in the course of external regulated business and is regulated under the law of a jurisdiction in List C and subject to AML/CFT requirements and procedures that are at least equivalent to the Code (but does not solely carry on activities equivalent to either or both of Class 4 (corporate services) or Class 5 (trust services) under the Regulated Activities Order 2011.	
6	A nominee company of an external regulated business where the regulated person is responsible with the nominee's compliance with the AML/CFT requirements.	

* Please see 1.2 for further guidance.

AOB 1.1 - ACTING ON BEHALF OF CERTIFICATE**To be completed by the customer:**

The customer also certifies the following:

Item	Yes	No
The customer confirms that it will comply with the requirements of paragraph 21(3) and 21(5)* of the Code.		
It has obtained customer identification information on the underlying client (in accordance with Paragraphs 10-13 of the Code or to AML/CFT requirements at least equivalent to those in the Code) and has no reason to doubt the identifies.		
It has verified the underlying client's identity (in accordance with Paragraphs 10-13 of the Code or to AML/CFT requirements at least equivalent to those in the Code) and has no reason to doubt the identities.		
The customer has risk assessed the underlying client in accordance with paragraph 7 of the Code (or to AML/CFT requirements at least equivalent to those in the Code) and confirms there are no higher risk underlying clients in the arrangement.		
The customer confirms it is regulated and supervised in respect of AML/CFT and has appropriate procedures in place particularly in relation to FATF recommendations 10 and 11 (CDD and record keeping)		
If the customer is not located in the Isle of Man it undertakes to supply information on the identity of the underlying client, suitably certified copies* or originals of the verification documentation immediately.		
Where the customer is located in the Isle of Man the customer undertakes to supply information on the identity of the underlying client, suitably certified copies* or originals of the verification documentation forthwith upon request.		
It has obtained details relating to the purpose / intended nature of business relationship with the underlying client.		
The source of funds of the underlying client have been identified.		
The customer confirms it has not identified any suspicious activity.		

If, "no" is answered to any of these points the concession is no longer applicable to be used by the Regulated Person (as per paragraph 21(a) of the Code).

* Please see 1.2 for further guidance.

Signature:	
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Full Name:		
Official Position:		
Date:		
Contact details of Signatory:		Address:
Telephone:	E-mail:	

AOB 1.2 - ACTING ON BEHALF OF CERTIFICATE – ADDITIONAL INFORMATION

This acting on behalf of certificate aims to streamline and provide a standard format for the use of the concession in paragraph 21 of the Code.

These notes and the definitions below are intended to provide guidance to assist the parties in completing the required forms and to enable greater consistency to be achieved.

“Certified copy”

An officer or authorised signatory of a regulated financial service business will be a suitable certifier. An acceptable “certified copy” document should be an accurate and complete copy of the original such that the certifier will sign and date the copy document (printing his name clearly in capitals underneath) and clearly indicate his position or capacity on it and provide his contact details. The certifier must state that it is a true copy of the original as per Section 4.10 of the AML/CFT Handbook. Please see the main body of the Handbook in relation to the use of electronic verification.

“Paragraphs 21(3) and 21(5) Isle of Man’s Anti-Money Laundering and Countering the Financing of Terrorism Code 2015”

Paragraph 21(3) of the Code reads as follows:

The written terms of business required to be in place in accordance with sub-paragraph (2)(h) must in all cases require the customer to —

- (a) supply to the regulated person, information concerning the identity of the underlying clients,
 - (i) in relation to persons to whom any of heads (a) to (d) of subparagraph (6) applies, on request; and
 - (ii) in relation to persons to whom head (e) or (f) of that subparagraph applies, immediately;
- (b) supply to the regulated person immediately on request, copies of the evidence verifying the identity of the underlying clients and all other due diligence information held by the customer in respect of the underlying client in any particular case;
- (c) confirm to the regulated person there are no underlying clients in the arrangement who have been assessed as higher risk by the customer;
- (d) inform the regulated person specifically of each case where the customer is not required or has been unable to verify the identity of an underlying client;
- (e) inform the regulated person if the customer is no longer able to comply with the provisions of the written terms of business because of a change of the law applicable to the customer; and
- (f) do all such things as may be required by the regulated person to enable the regulated person to comply with its obligations under sub-paragraph (2).

Paragraph 21 (5) of the Code reads as follows:

- The regulated person must take reasonable measures to satisfy itself that —
- (a) the procedures for implementing this paragraph are effective by testing them on a random and periodic basis no less than once every 12 months; and

- (b) the written terms of business confer the necessary rights on the regulated person.

“Regulated person”

- (a) any person holding a financial services licence issued under section 7 of the *Financial Services Act 2008*¹;
- (b) any person authorised under section 8 the *Insurance Act 2008*;
- (c) any person registered under section 25 of the *Insurance Act 2008*;
- (d) a retirement benefits schemes administrator registered under section 36 of the *Retirement Benefits Schemes Act 2000*²; or
- (e) a person holding an online gambling licence issued under section 4 of the *Online Gambling Regulation Act 2001*³;

Signature”

This must be signed by an authorised signatory of the Customer and the Regulated person

“Source of funds”

This relates to the source of the underlying client’s funds as per Section 4.13 of the AML/CFT Handbook.

¹ AT 8 of 2008

² AT 14 of 2000

³ AT 10 of 2001