

EXPLANATORY NOTE

These Regulations amend the EU Legislation (Information Accompanying Transfers of Funds) (Jersey) Regulations 2017 (the “principal Regulations”) to apply them to virtual assets and money or value transfers.

Regulation 2 amends Regulation 1 of the principal Regulations to insert definitions for the terms “money or value transfer service provider”, “payment service provider”, “virtual asset” and “virtual asset service provider”. The term “money or value transfer service provider” is defined to mean a person who provides a money or value transfer service within the meaning given in paragraph 5 in Part 2 of Schedule 2 to the Proceeds of Crime (Jersey) Law 1999. The term “payment service provider” is extended to include a person who is a virtual asset service provider or a money or value transfer service provider. The term “virtual asset” is defined to have the meaning given in Part 1 of Schedule 2 to the Proceeds of Crime (Jersey) Law 1999. The term “virtual asset service provider” is defined to have the meaning given in Part 4 of Schedule 2 to the Proceeds of Crime (Jersey) Law 1999.

Regulation 3 inserts Regulation 2A of the principal Regulations to –

- (a) to exempt a payment service provider from the requirements of (EU) 2015/847, as it has effect in Jersey under the principal Regulations, in respect of a transfer of virtual assets equivalent to less than EUR 1,000 if the payer and payee are both virtual asset service providers; and
- (b) to provide that if a payment service provider considers that there is a higher risk of money laundering in respect of a transfer of virtual assets, the payment service provider must comply with (EU) 2015/847 as it has effect in Jersey under the principal Regulations, irrespective of the amount transferred, if the payer is a virtual asset service provider and the payee is not a virtual asset service provider, or the payer is not a virtual asset service provider and the payee is a virtual asset service provider.

Regulation 4 amends Regulation 3(6) of the principal Regulations to delete the definition of the term “payment service provider” which is relocated in Regulation 1 of the principal Regulations.

Regulation 5 amends paragraph 5 of the Schedule to the principal Regulations so that virtual assets are included in the definition of the term “funds”.

Regulation 6 gives the title to these Regulations and provides that they come into force on a day to be specified by the Minister for External Relations by Order.

