



Circular No. 9 of 2020

Date: 12th September, 2020

Appointment of Compliance Officer and Alternate Compliance Officer under the AML/CFT Act for licensees under the Seychelles Gambling Act

This Circular is being issued to provide clarification in terms of the requirement of the Anti-Money Laundering and Countering the Financing of Terrorism Act, 2020 (“AML/CFT Act”) for all licensees under the Seychelles Gambling Act, 2014 to appoint a Compliance Officer and a senior official at management level to serve as the Alternate Compliance Officer in the absence of the Compliance Officer.

Following the publication of the AML/CFT Act (Commencement) Notice published on 28th August, 2020, the Anti-Money Laundering Act, 2006 is now repealed and the new AML/CFT Act has come into force. In line with the provisions of the AML/CFT Act, the Financial Services Authority (“FSA”) is now the supervisory authority for the reporting entities under its purview. As such, the FSA is issuing this Circular to provide clarification on certain key requirements of the AML/CFT Act regarding the appointment of Compliance Officers.

In line with Section 34(1) of the AML/CFT Act, all reporting entities are required to appoint a Compliance Officer who shall be a senior official at management level or employee with such qualifications and experience as has been prescribed. Furthermore, section 34(3) of the AML/CFT Act also requires reporting entities to appoint a senior official at management level to serve as the Alternate Compliance Officer, to act in the absence of the Compliance Officer. Both, the Compliance Officer and Alternate Compliance officer must be approved by the FSA.

The FSA is calling on all licensees to undertake the necessary steps to comply with the above requirements in the manner specified in the AML/CFT Act. That is, every licensee must, within 30 days from the coming into force of the AML/CFT Act, appoint a Compliance Officer and, in line with section 100(d) of the Act, appoint an Alternate Compliance Officer by 31st January, 2021. It is also important to note that, in accordance with section 100(d) Act, as from 1st February, 2021, every Compliance Officer must be resident in Seychelles.

Every Compliance Officer and Alternate Compliance Officer individuals shall be required to undergo a fit and proper assessment in order for the FSA to determine their fitness and propriety to fulfil the relevant positions. The criteria utilized by the FSA to determine the fitness and propriety of Compliance Officers has been prescribed by section 23(3) of the Anti-Money Laundering and Countering the Financing of Terrorism Regulations, 2020 (“AML/CFT Regulations”).

The FSA acknowledges the current scarcity of suitably qualified individuals within the local labour market and that the legislation does not provide for adequate transitional timeframe to allow licensees to train their Compliance Officers and Alternate Compliance Officers accordingly to meet the required standard. In order to address the issue, the FSA will be working with individual licensees to administratively provide additional timeframe to each

licensee to train their Compliance Officers and Alternate Compliance Officers to the required standard.

The FSA also wishes to inform licensees that, as per section 8(2) of the AML/CFT Regulations, smaller firms with 5 employees or less may apply to the FSA to have one person appointed as its sole Compliance Officer (i.e. to be absolved from the requirement to appoint an Alternate Compliance Officer). All licensees which qualify for this exception are required to submit a written request to the FSA, providing the reasons (including any supporting documents where relevant) as to why the licensee should be granted with this exception. The FSA will consider such applications on a case by case basis, taking into consideration of the scale, size and complexity of licensees' business and their specific business model.

Licensees may contact the FSA for any clarification or further information regarding the content of this Circular (or email amlunit.fiduciary@fsaseychelles.sc)

Financial Services Authority