

DEFINITION: Relevant Financial Business

Under the Proceeds of Crime Law (2017 Revision), “*relevant financial business*” means the business of engaging in one or more of the following -

- a. banking or trust business carried on by a person who is for the time being a licensee under the Banks and Trust Companies Law (2013 Revision)
- b. acceptance by a building society of deposits made by any person (including the raising of money from members of the society by the issue of shares)
- c. business carried on by a co-operative society within the meaning of the Co-operative Societies Law (2001 Revision)
- d. insurance business and the business of an insurance manager, an insurance agent, an insurance sub-agent or an insurance broker within the meaning of the Insurance Law, 2010;
- e. mutual fund administration or the business of a regulated mutual fund within the meaning of the Mutual Funds Law (2015 Revision);
- f. the business of company management as defined by the Companies Management Law (2003 Revision), except that the services specified in section 3(4)(a) of that Law shall not be excluded for the purposes of Regulations made under this Law from the provision of the specified services as defined in subsection (2) of that section; and
- g. any of the activities set out in Schedule 6, other than an activity falling within paragraphs (a) to (f) of this definition;’

Activities that are considered to fall within the definition of relevant financial business are detailed in Schedule 6 and include: ‘Any activity related but not limited to -

1. Acceptance of deposits and other repayable funds from the public.
2. Lending.
3. Financial leasing.
4. Money or value transfer services.
5. Issuing and managing means of payment (eg credit and debit cards, cheques, traveller’s cheques, money orders and bankers’ drafts, electronic money).
6. Financial guarantees and commitments.
7. Trading in – (a) money market instruments (cheques, bills, certificates of deposit, derivatives etc.); (b) foreign exchange; (c) exchange, interest rate and index instruments; (d) transferable securities; or (e) commodity futures trading.
8. Participation in securities issues and the provision of financial services related to such issues.
9. Advice to undertakings on capital structure, industrial strategy and related questions and advice and services relating to mergers and the purchase of undertakings.
10. Money broking.
11. Individual and collective portfolio management advice.
12. Safekeeping and administration of cash or liquid securities on behalf of other persons.
13. Safe custody services.

14. Financial, estate agency, legal and accounting services provided in the course of business relating to - (a) the sale, purchase or mortgage of land or interests in land on behalf of clients or customers; (b) management of client money, securities or other assets; (c) management of bank, savings or securities accounts; and (d) the creation, operation or management of legal persons or arrangements, and buying and selling of business entities.
15. The services of listing agents and broker members of the Cayman Islands Stock Exchange as defined in the CSX Listing Rules and the Cayman Island Stock Exchange Membership Rules respectively.
16. The conduct of securities investment business.
17. Dealing in precious metals or precious stones, when engaging in a cash transaction of fifteen thousand dollars or more.
18. The provision of registered office services to a private trust company by a company that holds a Trust licence under section 6(5)(c) of the Banks and Trust Companies Law (2013 Revision).
19. Otherwise investing, administering or managing funds or money on behalf of other persons.
20. Underwriting and placement of life insurance and other investment related insurance.'

Disclaimer

This memo has been prepared for clients and professional associates of Marbury. The information contained is not intended to be a comprehensive study or to provide legal advice and should not be treated as a substitute for specific advice concerning individual situations. The full version of the referenced Cayman Islands Proceeds of Crime Law (2017 Revision) can be viewed here:

<https://www.cima.ky/upimages/commonfiles/1499349646ProceedsofCrimeLaw2017Revision.PDF>

For further information please contact Vanisha Harjani on +852 2110 9125 or vanisha.harjani@marburys.com.