GUIDELINES ISSUED FOR DEALERS IN PRECIOUS METALS AND STONES IN ACCORDANCE WITH SECTION 10 (2) (ba) OF THE FINANCIAL INTELLIGENCE AND ANTI MONEY LAUNDERING ACT 2002

FINANCIAL INTELLIGENCE UNIT
REPUBLIC OF MAURITIUS

Financial Intelligence Unit | January 2026 | 10th Floor SICOM Tower, Wall Street, Ebene Cybercity

DISCLAIMER

These Guidelines are intended to provide assistance to Dealers in Precious Metals & Stones (hereinafter referred to as DPMS) in meeting their obligations under the Financial Intelligence and Anti Money Laundering Act 2002 (FIAMLA 2002), the United Nations(Financial Prohibitions, Travel Ban and Arms Embargo) Sanctions Act 2019 (UN Sanction Act), the Financial Intelligence and Anti Money Laundering Regulations 2018 (FIAMLR 2018) and the Financial Intelligence and Anti Money Laundering Regulations 2025 (FIAMLR 2025).

This guideline is not intended to, does not and may not be relied upon to create any rights and is not enforceable by any party in any matter.

The FIU encourages any person to whom this guideline is of interest, to seek independent legal advice, should he/she have any questions as to the applicability of any legal provisions under the relevant Guidelines.

ACRONYMS

AML	Anti Money Laundering
CDD	Customer Due Diligence
CFT	Combating the Financing of Terrorism
DMLRO	Deputy Money Laundering Reporting Officer
DNFBPs	Designated Non-Financial Businesses and Professions
EDD	Enhanced Due Diligence
FIAMLA 2002	Financial Intelligence and Anti Money Laundering Act 2002
FIAMLR 2018	Financial Intelligence and Anti Money Laundering Regulations 2018
FIAMLR 2025	Financial Intelligence and Anti Money Laundering Regulations 2025
FIU	Financial Intelligence Unit
ML	Money Laundering
MLRO	Money Laundering Reporting Officer
PCP	Policies, Control & Procedures
PEP	Politically Exposed Person
STR	Suspicious Transaction Report
TF	Terrorism Financing

1.0 Businesses and Individuals covered by the Guidelines

Section 2 of FIAMLA 2002 defines:

"*Dealer in jewellery, precious stones or precious metals*" as –

(a) a person who deals in jewellery, precious stones or precious metals; **and**

(b) includes a person who –

(i) *manufactures, processes, buys, sells, imports or exports jewellery or supplies jewellery for sale*;

(ii) *processes, buys, sells or imports precious metals or exports melted precious*;

(iii) *or, processes, buys, sells or imports precious stones*

"*Jewellery*" means:

- *any article made of a precious metal or its alloy, and which exceeds one gram.*

"*Precious metal*"

(a) means *gold, silver, platinum or palladium;* ***and***

(a) *includes any object which is composed of gold, silver, platinum or palladium*

"*Precious stone*" means *diamond, sapphire, ruby, emerald, alexandrite or tanzanite*.

"*transaction*" includes

(a) opening an account, issuing a passbook, renting a safe deposit box, *entering into a fiduciary relationship* ***or*** *establishing any other business relationship*, whether electronically or otherwise; **and**

(b) *a proposed transaction or an attempted transaction*.

Therefore, a **dealer in Jewelry, precious stones and/or precious metals** who engages in any **transaction** of at least **500,000 rupees** in total, whether the transaction is executed in a single operation or in several operations which appear to be linked is considered to be a **reporting person** for the purpose of FIAMLA 2002.

2.0 Registration with FIU

Section 14C of the FIAMLA 2002 requires all reporting persons, as defined under the FIAMLA to register with the FIU.

The application to register with the FIU shall be made by the Money Laundering Reporting Officer (MLRO) of the Reporting Person.

The MLRO should be **sufficiently senior in the organization** of the reporting person or have sufficient experience and authority **and** **have a right of direct access to the board of directors** of the reporting person **and** further **have sufficient time and resources to effectively discharge his functions** within the meaning of Regulation 26(4) of the FIAMLR 2018.

The FIAMLR 2018 further makes mention that a reporting person shall also appoint a DMLRO to perform the duties of the MLRO in his absence as per regulations 26 (2) of FIAMLR 2018.

In the event the Company is a one-man business, the Director himself shall make the application to register with the FIU.

In case of failure to register, the FIU can impose an administrative penalty on the Regulatee who fails to register with the FIU.

2.1 AML Obligations (FIAMLA 2002)

For the DPMS sector, the Anti-Money Laundering (AML) obligations are governed by the FIAMLA 2002. The FIU will during inspections ensure that the following obligations are adhered to:

AML Obligations – FIAMLA 2002	
Section 16 FIAMLA 2002	Legal consequence of reporting [Tipping off]
Section 17 FIAMLA 2002	Risk Assessment
Section 17A FIAMLA 2002	Policies Control & Procedures
Section 17B FIAMLA 2002	Fictitious and anonymous accounts
Section 17C FIAMLA 2002	CDD Requirements
Section 17E FIAMLA 2002	Existing Customers
Section 17F FIAMLA 2002	Record keeping
Section 17G FIAMLA 2002	Obligation to report currency transactions
Section 17H FIAMLA 2002	High Risk Country

Please click here for the full version of FIAMLA 2002

2.2 AML Obligations (FIAMLR 2018)

With the introduction of the FIAMLR 2018, DPMS are faced with added responsibilities as far as their AML obligations are concerned. In case of breach, they may face penalties. The most common AML obligations are reflected below:

AML Obligations – FIAMLR 2018	
Regulation 3 FIAMLR 2018	Customer due Diligence (CDD)
Regulation 8 FIAMLR 2018	Failure to make an STR
Regulation 12 FIAMLR 2018	Enhanced Due Diligence (EDD) / PEPs
Regulation 13 FIAMLR 2018	Non-compliance with CDD & EDD
Regulation 14 FIAMLR 2018	Record Keeping
Regulation 15 FIAMLR 2018	Ongoing Monitoring
Regulation 22 of FIAMLR 2018	PCP, Appointment of Compliance Officer, Failure to implement an independent audit function
Regulation 24 of FIAMLR 2018	CDD for High risk country
Regulation 26 of FIAMLR 2018	Appointment of MLRO & DMLRO
Regulation 29 of FIAMLR 2018	Internal disclosures
Regulation 30 FIAMLR 2018	Registers

Please click here for the full version of FIAMLR 2018

2.3 AML Obligations: Enforcement Mechanism (FIAMLR 2025)

Alternatively, with the introduction of the FIAMLR 2025, the FIU can impose an administrative penalty on the DPMS who are in breach of the FIAMLR 2025.

AML Obligations: Enforcement Mechanism – FIAMLR 2025		
AML Obligations		
FIAMLR 2025	**Details**	**Penalty**
Regulations 5 FIAMLR 2025	Failure to establish PCP	Fine between Rs.25,001 to Rs. 250,000
Regulation 6 FIAMLR 2025	Failure to identify ML & TF Risks	
Regulation 14 FIAMLR 2025	Failure to conduct CDD	Fine between Rs.100,001 to Rs. 250,000
Regulation 15 FIAMLR 2025	Failure to conduct EDD	
Regulation16 FIAMLR 2025	Failure to maintain books and records	
Regulation 17 FIAMLR 2025	Failure to conduct ongoing monitoring	
Regulation 18 FIAMLR 2025	Failure to identify BO	Fine between Rs.25,001 to Rs. 250,000
Regulation 22 FIAMLR 2025	Third party Reliance	
Regulation 23 FIAMLR 2025	*Failure to comply with measures relating to a High-risk Country*	
Regulation 25 FIAMLR 2025	*Failure to implement prescribed measures relating to PEP*	

<table>
<tr><th colspan="3">MLRO, DMLRO & CO Duties</th></tr>
<tr><td>Regulation 21 FIAMLR 2025</td><td>Failure to implement group wide programme against ML and TF</td><td rowspan="2">Fine between Rs.100,001 to Rs. 250,000</td></tr>
<tr><td>Regulation 26 FIAMLR 2025</td><td>Establishing an anonymous or an account in a fictitious name</td></tr>
<tr><td>Regulation 28 FIAMLR 2025</td><td>Failure to establish reporting procedures</td><td>Fine between Rs.25,001 to Rs. 250,000</td></tr>
<tr><td>Regulation 29 FIAMLR 2025</td><td>Failure by MLRO to assess the information contained in internal disclosure</td><td rowspan="3">Fine between Rs.100,001 to Rs. 250,000</td></tr>
<tr><td>Regulation 30 FIAMLR 2025</td><td>Failure to maintain internal and external disclosures</td></tr>
<tr><td>Regulation 31 FIAMLR 2025</td><td>Failure to Register with FIU</td></tr>
<tr><td>Regulation 36 FIAMLR 2025</td><td>Failure by CO to implement compliance with internal programmes</td><td>Fine between Rs.25,001 to Rs. 250,000</td></tr>
<tr><th colspan="3">DNFBPs Responsibilities</th></tr>
<tr><td>Regulation 8 FIAMLR 2025</td><td>Failure to appoint MLRO & DMLRO</td><td rowspan="2">Fine between Rs.100,001 to Rs. 250,000</td></tr>
<tr><td>Regulation 10 FIAMLR 2025</td><td>Failure to designate a CO at senior Management Level</td></tr>
<tr><td>Regulation 11 FIAMLR 2025</td><td>Failure to conduct screening procedure to ensure high standards when hiring employees</td><td>Fine between Rs.25,001 to Rs. 100,000</td></tr>
<tr><td>Regulation 12 FIAMLR 2025</td><td>Failure by reporting person to provide training for Directors, Officers & Employees</td><td>Fine between Rs.25,001 to Rs. 250,000</td></tr>
<tr><td>Regulation 13 FIAMLR 2025</td><td>Failure to implement an independent Audit function</td><td>Fine between Rs.100,001 to Rs. 250,000</td></tr>
<tr><th colspan="3">STR</th></tr>
<tr><td>Regulation 20 FIAMLR 2025</td><td>Failure to make an STR</td><td rowspan="2">Fine between Rs.100,001 to Rs. 250,000</td></tr>
<tr><td>Regulation 39 FIAMLR 2025</td><td>Tipping off</td></tr>
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Please click here for the full version of FIAMLR 2025.

2.4 Important facts to know about AML obligations for DPMS

Beneficial Ownership (BO)

BO can be defined as below:

*"The natural person(s) who **ultimately owns or controls** a legal entity and/or the natural person on whose behalf a transaction is being conducted. It also includes those natural persons who exercise* **ultimate effective control** *over a legal person or arrangement."*[1]

2.4.1 Beneficial Ownership (BO) – FIAMLR 2018

Regulation 6 of FIAMLR 2018 defines BO as follows:

The reporting person shall identify and take reasonable measures to verify the identity of BO by obtaining information on –

a) The identity of all natural persons who ultimately have *a controlling ownership interest* in the legal person
b) Where there is *doubt* as to the person with the controlling ownership interest... *the identity of the natural person exercising control of the legal person through other means* as may be specified by relevant regulatory body or supervisory authority and
c) *Where no natural person is identified*, the identity of the natural person *who holds the position of senior managing official.*

2.4.2 Beneficial Ownership (BO) – Companies 2001 [Section 2]

Section 2 of the Companies Act 2001 defines BO as:

Any natural person who ultimately owns or controls a company… on whose behalf a transaction or activity is being conducted in relation to a Company and includes
The natural person who ultimately owns or controls a company through –

- *Direct or indirect ownership of such shares in such percentage as may be* ***prescribed***
- *Voting rights*
- *Ownership interest or*
- *Control by other means*

[1] https://www.fatf-gafi.org/content/dam/fatf-gafi/guidance/Guidance-Beneficial-Ownership-Legal-Persons.pdf.coredownload.pdf page 15

Where no natural person is identified or if there is a doubt, the BO would be the natural person who controls the company within the meaning of Section 5 of the Companies Act 2001.

A company is required at all times to identify its BO or Ultimate Beneficial Owner (UBO). The information shall be recorded in a separate register and include the following:

- The full name and usual residential address of BO and the UBO if applicable;
- The National Identification Number or passport number as applicable;
- The citizenship or nationality as applicable;
- An ownership structure identifying the UBO and;
- Such other information as may be prescribed

Furthermore, the enactment of the Finance Act 2025 amended section 91 (3A) of the Companies Act 2001. It is stated that every company *shall keep a record of the actions taken* for the purpose of identifying a BO or UBO.

In that respect, the Company shall ensure that the action taken to identify a BO or UBO *includes a written declaration* stating that the natural person is the BO or UBO as the case may be.

Companies have until ***30th June 2026*** to comply with the above requirement.

In the same vein, every company shall ensure that any record, register or any information required to be kept *shall at all times, be accurate and up to date*. Same shall also be made available on request made by the FIU.

3.0 CFT Obligations of DPMS (UN Sanctions Act 2019)

For the DPMS sector, the CFT obligations are governed by the UN Sanctions Act 2019. The FIU will during inspections ensure that the following obligations are adhered to:

CFT Obligations – UN Sanctions Act 2019	
Section 23 UN Sanction Act 2019	Prohibition to deal with funds or other assets of designated party or listed party
Section 24 UN Sanction Act 2019	Prohibition on making funds or other assets available to designated or listed party available
Section 25 UN Sanction Act 2019	Reporting obligations
Section 41 UN Sanction Act 2019	Internal Controls

In the event, the DPMS breaches any of their CFT obligations, the FIU considers the breaches to be an offence punishable by law.

Please click here for the full version of UN Sanctions Act 2019.

3.1 CFT Obligations: Enforcement Mechanism (FIAMLR 2025)

Alternatively, with the introduction of the FIAMLR 2025, the FIU can in lieu of prosecuting the offence, impose an administrative penalty on the DPMS who are in breach of the FIAMLR 2025.

AML obligations: Enforcement Mechanism – Administrative Penalties (FIAMLR 2025)		
Regulation 24 of FIAMLR 2025	Failure to implement internal controls and other procedures	*Can Pay a fine between Rs.25,001 to Rs. 250,000*
Regulation 32 of FIAMLR 2025	Dealing with funds or assets of a designated party or listed party	*Can pay a fine between Rs. 100,001 to Rs.250,000*
Regulation 33 of FIAMLR 2025	Making funds or other assets available to a designated or listed party	
Regulation 34 of FIAMLR 2025	Failure to comply with reporting obligations	

3.2 Important facts to know about CFT obligations
When to screen?

Screening should be conducted:

- Prior & during on-boarding of clients;
- Whenever the UNSC Consolidated List changes;
- Upon a trigger event (e.g. change in directors or ownership) and
- Throughout the life cycle of the client relationship

Screening should be focused at a point in the transaction where detection of sanction risk is actionable i.e. where a transaction can be stopped and funds frozen if required. Screening obligations should apply to all clients and transactions and there is no minimum financial limit, risk assessment or any other threshold as to when to conduct screening.

3.3 Obligations to report under section 25 of UN Sanction Act 2019

Pursuant to section 25 of the 2019 Act, DPMS are required to:

- *Immediately (within 24 hours),* verify whether the details of the designated party or listed party match with the particulars of any client;

- Identify whether the client (if matched with a name on the sanction list) *owns any funds or other assets in Mauritius*

- *Make a report to the National Sanctions Secretariat (NSS) and to their AML/CFT Supervisor* where funds or other assets have been found

- Other than reporting to the NSS and its AML/CFT supervisor, the reporting person *should also immediately file an STR to the FIU* in accordance with section 39 of the UN Sanctions Act 2019