

# SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

**No. 5262 GIBRALTAR Thursday 23rd October 2025**

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LEGAL NOTICE NO. 254 OF 2025

## **FINANCIAL SERVICES ACT 2019**

### **FINANCIAL SERVICES (REGULATED ACTIVITIES) (AMENDMENT) REGULATIONS 2025**

In exercise of the powers conferred on the Minister by sections 5, 620 and 627 of the Financial Services Act 2019, the Minister has made these Regulations–

#### **Title.**

1. These Regulations may be cited as the Financial Services (Regulated Activities) (Amendment) Regulations 2025.

#### **Commencement.**

2. These Regulations come into operation on 27th October 2025 (the “appointed day”).

#### **Amendment of the Financial Services Act 2019.**

- 3.(1) The Financial Services Act 2019 is amended as follows–

- (2) In section 5(2)(o), after “system” insert “or virtual asset arrangements”.

- (3) In Schedule 2–

- (a) in the Index–

- (i) for the heading in respect of Part 16, substitute–

#### **“PART 16 VALUE STORED OR TRANSMITTED BY DATABASE AND VIRTUAL ASSET ARRANGEMENTS”;**

- (ii) for the entry in respect of paragraph 139 and the cross-heading which precedes it, substitute–

*“The regulated activities*

139. Providing distributed ledger technology services.

139A. Providing virtual asset arrangements.

139B. Exclusions from paragraph 139A.”;

(b) in Part 16–

(i) for the heading, substitute–

**“PART 16  
VALUE STORED OR TRANSMITTED BY DATABASE AND VIRTUAL  
ASSET ARRANGEMENTS”;**

(ii) for paragraph 138(1), substitute–

“138.(1) This Part of this Schedule–

(a) has effect in relation to the items listed in section 5(2)(o) (value belonging to another which is stored or transmitted by means of a database system and virtual asset arrangements);

(b) specifies the kind of activity carried on in relation to–

(i) value belonging to another which is stored or transmitted by means of a database system; or

(ii) the provision of virtual asset arrangements,

which is to be a regulated activity.”;

(iii) in paragraph 138(2), after the definition of “value”, insert–

“virtual asset” has the meaning given in section 7(1) of the Proceeds of Crime Act 2015.”.

(iv) in the cross-heading which precedes paragraph 139, for “activity” substitute “activities”;

(v) after paragraph 139, insert–

**“Providing virtual asset arrangements.**

139A.(1) Providing virtual asset arrangements is a specified kind of activity.

(2) For the purposes of sub-paragraph (1) a person provides virtual asset arrangements if the person, by way of business, exchanges or makes arrangements with a view to the exchange of–

(a) virtual assets for money;

- (b) money for virtual assets; or
- (c) one virtual asset for another virtual asset.

(3) In sub-paragraph (2), “money” means–

- (a) money in sterling or any other fiat currency; or
- (b) money in any other medium of exchange,

but does not include a virtual asset.

**Exclusions from paragraph 139A.**

139B. There is excluded from paragraph 139A any dealing on own account which is carried on by–

- (a) collective investment schemes within the meaning of Part 18 of this Act;
- (b) pension funds; or
- (c) the depositaries and managers of entities in paragraph (a) or (b).”.

**Amendment of the Financial Services (Distributed Ledger Technology Providers) Regulations 2020.**

4.(1) The Financial Services (Distributed Ledger Technology Providers) Regulations 2020 are amended as follows.

(2) In the title, for “(Distributed Ledger Technology Providers)” substitute “(DLT Providers and VAA Providers)”.

(3) In regulation 1(1), for “(Distributed Ledger Technology Providers)” substitute “(DLT Providers and VAA Providers)”.

(4) In regulation 2–

- (a) in the definition of “DLT Provider’s business”, for “of the Act” substitute “to the Act”;
- (b) after the definition of “the regulatory principles”, insert–  
““relevant provider” means a DLT Provider or a VAA Provider;  
“VAA Provider” means a person with Part 7 permission to carry out VAA Provider’s business;

“VAA Provider’s business” means a regulated activity that falls within paragraph 139A of Schedule 2 to the Act;

“virtual asset” has the meaning given in section 7(1) of the Proceeds of Crime Act 2015.”.

(5) In regulation 3–

- (a) in the opening words, after “DLT Provider’s business” insert “or VAA Provider’s business”;
- (b) in paragraph (c), for “submit” insert “be accompanied by”;

(6) In regulation 4–

- (a) in the heading, for “DLT Providers” substitute “relevant providers”;
- (b) in sub-regulation (1), after “DLT Provider’s business” insert “or VAA Provider’s business”.

(7) In regulation 5–

- (a) in the heading, for “DLT Providers” substitute “relevant providers”;
- (b) in sub-regulation (1), for “DLT Provider” substitute “relevant provider”;
- (c) in sub-regulation (2), in both places it appears, for “DLT Provider” substitute “relevant provider”;
- (d) in sub-regulation (3), for “DLT Provider’s” substitute “relevant provider’s”.

(8) In regulation 6–

- (a) in sub-regulation (1), in both places it appears, for “DLT Provider” substitute “relevant provider”;
- (b) in sub-regulation (2)(a), for “DLT Provider’s” substitute “relevant provider’s”;

(9) For regulation 7(1), substitute–

“7.(1) If it appears to the GFSC that a person is not fit and proper to carry out any function in relation to–

- (a) DLT Provider’s business carried on by a DLT Provider; or
- (b) VAA Provider’s business carried on by a VAA Provider,

the GFSC may direct that the person must not perform a specified function, any function falling within a specified description, or any function as stated in the direction.”.

(10) In regulation 9–

- (a) in the heading, for “DLT Providers” substitute “relevant providers”;
- (b) in sub-regulation (1), after “DLT Provider’s business” insert “and VAA Provider’s business”;
- (c) in sub-regulation (2), after “DLT Providers” insert “and a list of VAA Providers”;
- (d) in sub-regulation (3), for “DLT Provider’s” substitute “relevant provider’s”.

(11) In the Schedule–

- (a) in paragraph 1, for “DLT Provider” substitute “relevant provider”;
- (b) in paragraph 2, for “DLT Provider” substitute “relevant provider”;
- (c) in paragraph 3, for “DLT Provider” substitute “relevant provider”;
- (d) in paragraph 4, for “DLT Provider” substitute “relevant provider”;
- (e) in paragraph 5, for “DLT Provider” substitute “relevant provider”;
- (f) in paragraph 6, for “DLT Provider” substitute “relevant provider”;
- (g) in paragraph 7, for “DLT Provider” substitute “relevant provider”;
- (h) in paragraph 8, for “DLT Provider” substitute “relevant provider”;
- (i) in paragraph 9, for “DLT Provider” substitute “relevant provider”;
- (j) in paragraph 10, for “DLT Provider” substitute “relevant provider”.

**Amendment of the Proceeds of Crime Act 2015**

5. In section 9 of the Proceeds of Crime Act 2015–

- (a) in subsection (1)–
  - (i) in paragraph (l), for sub-paragraph (xiii), substitute–
    - “(xiii) paragraph 139 or 139A (providing distributed ledger technology services or virtual asset arrangements)”;

(ii) omit paragraph (q);

(b) omit subsection (1A).

**Amendment of the Proceeds of Crime Act 2015 (Relevant Financial Business) (Registration) Regulations 2021.**

6. In regulation 4(1) of the Proceeds of Crime Act 2015 (Relevant Financial Business) (Registration) Regulations 2021, omit paragraph (d).

**Transitional arrangements.**

7.(1) This regulation applies to a person who, immediately before the appointed day, was registered under the Proceeds of Crime Act 2015 (Relevant Financial Business) (Registration) Regulations 2021 and carrying on the relevant financial business specified in regulation 4(1)(d) of those regulations (providing virtual asset arrangements).

(2) A person to whom sub-regulation (1) applies who intends to continue carrying on providing virtual asset arrangements must—

- (a) inform the GFSC of that intention in writing within 14 days of the appointed day; and
- (b) apply for Part 7 permission to provide virtual asset arrangements within six months of the appointed day.

(3) The GFSC may, in exceptional circumstances in a particular case, extend the period specified in sub-regulation (2)(b).

(4) A person who complies with sub-regulation (2)(a) and makes an application in accordance with sub-regulation (2)(b) may continue providing virtual asset arrangements until the application has been determined and, in so doing, is not to be regarded as carrying on business in contravention of the Act or the Proceeds of Crime Act 2015.

(5) Where a person to whom sub-regulation (1) applies makes an application for Part 7 permission in accordance with sub-regulation (2) but the GFSC refuses the application, the person—

- (a) may continue to provide virtual asset arrangements for such period as the GFSC may specify for purposes related solely to the orderly cessation of its business; but
- (b) must not conduct any new business in respect of virtual asset arrangements,

and, in so doing, is not to be regarded as carrying on business in contravention of the Act or the Proceeds of Crime Act 2015.

Dated: 23<sup>rd</sup> October 2025.

N FEETHAM KC,  
Minister with responsibility for Financial Services.

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### **EXPLANATORY MEMORANDUM**

These Regulations amend the Financial Services Act 2019 and the Financial Services (Distributed Ledger Technology Providers) Regulations 2020 and make consequential amendments to the Proceeds of Crime Act 2015 and the Proceeds of Crime Act 2015 (Relevant Financial Business) (Registration) Regulations 2021.

The Regulations make the provision of virtual asset arrangements a regulated activity under the Financial Services Act 2019 Act and provide transitional arrangements for virtual asset arrangement providers registered under the 2021 Regulations.