

AND WHEREAS, by virtue of subsection (2) of section 21 of the Act, regulations made under the section may make provisions as to the programmes, policies, procedures and controls to be established and implemented by the entities mentioned in section 5(2) of the Act, for the purposes of enabling compliance with the Act:

AND WHEREAS on the 28th day of November, 2019, the Minister made the United Nations Security Council Resolutions Implementation (Reporting Entities) Regulations, 2019:

AND WHEREAS it is desirable that the United Nations Security Council Resolutions Implementation (Reporting Entities) Regulations, 2019, be affirmed:

NOW, THEREFORE, BE IT RESOLVED by this Honourable House as follows:—

1. This Resolution may be cited as the United Nations Security Council Resolutions Implementation (Reporting Entities) Regulations, 2019, Resolution.

2. The United Nations Security Council Resolutions Implementation (Reporting Entities) Regulations, 2019, which were laid on the Table of the House on the 3rd day of December, 2019, are hereby affirmed.

I certify that the above is a true extract from the Minutes.

HEATHER E. COOKE, CD, JP, (MRS.)
Clerk to the Houses

No. 270D

**THE UNITED NATIONS SECURITY COUNCIL RESOLUTIONS
IMPLEMENTATION ACT**

**THE UNITED NATIONS SECURITY COUNCIL RESOLUTIONS IMPLEMENTATION
(REPORTING ENTITIES) REGULATIONS, 2019**

In exercise of the power conferred upon the Minister by section 21 of the United Nations Security Council Resolutions Implementation Act, the following Regulations are hereby made:—

Preliminary

- | | |
|-----------------|--|
| Citation. | 1. These Regulations may be cited as the United Nations Security Council Resolutions Implementation (Reporting Entities) Regulations, 2019. |
| Interpretation. | 2. In these Regulations—
“competent authority” means the authority from time to time authorised in writing by the Minister to—
<p style="margin-left: 40px;">(a) monitor compliance by any type of business in the regulated sector, with the requirements of this Part and any regulation made under this Part; and</p> |

- (b) issue guidelines to businesses in the regulated sector regarding effective measures to prevent money laundering;

“designated authority” has the meaning assigned to it in section 5 of the Act;

“proscribed person or entity” means a person or entity that is proscribed in accordance with section 3(2)(a) of the Act;

“relevant financial business” means any financial business carried on by a reporting entity;

“relevant offence” means an offence under the Act;

“reporting entity” means an entity falling within section 5(2) of the Act.

*Guidance and Procedures to Prevent Relevant
Proliferation Financing Offences*

Observance
of guidance.

3.—(1) In determining whether a person has complied with any of the requirements of these Regulations, a court shall take account of any relevant guidance that was, at the time concerned, issued by the designated authority, competent authority or a body that regulates, or is representative of, any trade, profession, business or employment concerned—

- (a) with the approval of the Minister; and
(b) published in the *Gazette*.

(2) In proceedings against any person for an offence under these Regulations, it shall be a defence for that person to show that he took all reasonable steps and exercised due diligence to avoid committing the offence.

Obligations
under
Regulations
without
prejudice to
obligations
under the
Terrorism
Prevention
(Reporting
Entities)
Regulations,
2010.

4. All obligations of reporting entities under these Regulations shall be without prejudice to the obligations of said reporting entities as contained in the Terrorism Prevention (Reporting Entities) Regulations, 2010, for regulatory compliance.

Reliance on identification and verification procedures under the Terrorism Prevention (Reporting Entities) regulations, 2010, and the Proceeds of Crime (Money Laundering Prevention) Regulations, 2007.

5. All reporting entities shall rely on the identification and verification procedures under the Terrorism Prevention (Reporting Entities) Regulations, 2010, and the Proceeds of Crime (Money Laundering Prevention) Regulations, 2007 in confirming and verifying the identity of their customers.

Form of reports to designated authority. Schedule.

6.—(1) Subject to paragraph (3), a report to the designated authority made pursuant to section 5 of the Act shall be in the form set out in the Schedule.

(2) A report made under paragraph (1) may—

- (a) contain such adjustments to the applicable form set out in the Schedule; and
- (b) be submitted in such electronic form,

as may be approved by the designated authority.

(3) A report from a reporting entity in respect of relevant financial business conducted outside of Jamaica, submitted pursuant to paragraph (1), may be in such form as may be approved by the designated authority.

(4) Upon receiving a report submitted pursuant to paragraph (1), the designated authority shall issue to the reporting entity a receipt therefor.

(5) No receipt issued under paragraph (4), shall be construed as signifying compliance with these Regulations as regards the contents of any report.

Application of standards to overseas branches and subsidiaries.

7.—(1) Subject to paragraph (2), every reporting entity shall ensure that its branches and subsidiaries situated outside of Jamaica implement and conform with the provisions of these Regulations.

(2) Whenever there is a difference in applicable standards between the jurisdiction where the reporting entity is located and the jurisdiction where any of its branches or subsidiaries is located, the reporting entity shall comply with the higher required standard.

Directions
from
designated
authority.

8.—(1) In making a report under section 5 of the Act, a reporting entity shall comply with such directions as may be given by the designated authority.

(2) The directions which may be given pursuant to paragraph (1) or under section 5(1) of the Act may include directions in relation to—

- (a) previous or current reports;
- (b) the provision of information required in such reports; and
- (c) the provision of additional information in relation to queries concerning specific matters arising from the reports, including—
 - (i) due diligence procedures followed in relation to a specific transaction;
 - (ii) persons authorized to sign on the account in question;
- (d) errors identified in the reports; and
- (a) such other matters as may be specified in the directions.

(3) A reporting entity that fails to comply with paragraph (1) commits an offence and is liable upon conviction before a Parish Court to—

- (a) in the case of an individual, a fine not exceeding three million dollars or imprisonment for a term not exceeding three years or both such fine and imprisonment;
- (b) in the case of a body corporate, a fine not exceeding five million dollars.

Exercise of
functions by
competent
authority.

9.—(1) For the purposes of the Act, the competent authority—

- (a) shall exercise its functions with a view to monitoring compliance by reporting entities with the requirements of these Regulations;
- (b) may issue guidelines to reporting entities regarding effective measures to prevent the commission of relevant offences;
- (c) shall establish such measures as it thinks fit, including carrying out, or directing a third party to carry out, such inspections or such verification procedures as may be necessary;
- (d) may issue directions to a reporting entity and such directions may require the reporting entity to take measures to ensure that it is not in possession or control of property owned or controlled by or on behalf of a proscribed person or entity;
- (e) may examine and take copies of information or documents in the possession or control of any reporting entity relating to the operations of that reporting entity;

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- (f) may share information, pertaining to any examination conducted by it under this regulation, with another competent authority, or an authority in another jurisdiction exercising functions analogous to those of any of the aforementioned authorities—
 - (i) other than information which is protected from disclosure under any relevant enactment; and
 - (ii) subject to any terms, conditions or under-takings which it thinks fit in order to prevent disclosure of the kind referred to in sub-paragraph (i) and secure against the compromising or obstruction of any investigation in relation to an offence under these Regulations or any other relevant enactment;
 - (g) may require the reporting entity concerned, in accordance with such procedures as it may establish by notice in writing to those reporting entities—
 - (i) if a registration requirement does not already exist under any other law, to register with the competent authority such particulars as may be prescribed; and
 - (ii) to make such reports to the competent authority in respect of such matters as may be specified in the notice.

(2) Nothing in paragraph (1)(e) shall be construed as requiring an attorney-at-law to disclose any information or advice that is subject to legal professional privilege.

(3) Paragraph (3) does not apply to information or other matter that is communicated or given with the intention of furthering a criminal purpose.

(4) A reporting entity which fails to comply with any requirement or direction issued to it under this regulation by the competent authority, commits an offence and is liable—

- (a) on summary conviction before Judge of a Parish Court to a fine not exceeding three million dollars; or
- (b) on indictment before a Circuit Court to a fine.

SCHEDULE

(Regulation 6)

THE UNITED NATIONS SECURITY COUNCIL RESOLUTIONS
IMPLEMENTATION ACTTHE UNITED NATIONS SECURITY COUNCIL RESOLUTION IMPLEMENTATION
(REPORTING ENTITIES) REGULATIONS, 2019*Report under section 5 Possession or Control of Assets owned or
controlled by or on behalf of a Proscribed Entity*EXCEPT AS PROVIDED IN SECTION 5 OF THE ACT, IT IS AN OFFENCE TO
DISCLOSE THE EXISTENCE OF THIS REPORT TO ANYONE (INCLUDING THE
CUSTOMER)

STRICTLY PRIVATE AND CONFIDENTIAL

TO: _____
Insert name and address of the designated authority

PART A—GENERAL INFORMATION

Report Number:

Type of report:

- Initial report, _____
yy/mm/dd
- Report for period of four calendar months from _____ to _____
yy/mm/dd yy/mm/dd
- Report in response to request made by designated authority on _____
yy/mm/dd
- Special report

Reporting Entity:

Name of reporting entity:

Postal address of reporting entity:

Address for service of documents:

Telephone No.(s):

Facsimile No.(s):

E-mail address:

Name of Chief Executive Officer:

Name of person making report (Declarant):

SCHEDULE, *contd.*

Telephone No.(s):

Type of Entity:

 Foreign company engaged in the business of— Banking Securities Insurance Investment advice Trust Other Financial institution: Bank Credit Union Building society Insurance Intermediary Licensed operator of exchange bureau Money transfer and remittance agents Other Insurance company Investment Adviser Securities Dealer (securities) Entity designated by Minister Other

PART B

DETERMINATION:

In respect of the abovementioned reporting period it is determined that _____ :—
(reporting entity) IS NOT in possession or control of property owned or controlled by or on behalf of a proscribed entity. IS in possession or control of property owned or controlled by or on behalf of a proscribed entity, the particulars of which are set in part C.

REASON FOR DETERMINATION:

SCHEDULE, *contd.*

PART C

Particulars re property owned or controlled by or on behalf of listed entity NB:
Complete separate sheets in respect of each listed entity.

1. PARTICULARS OF LISTED ENTITY AND SIGNATORIES TO ACCOUNTS
(WHERE APPLICABLE)

If individual(s)—

Person's full name(s):

Gender:

Date(s) of birth:

Place(s) of birth:

Passport or ID number(s):

Nationality(ies):

Address(es):

Telephone No. Home:

Work:

Mobile:

Occupation/employer:

(If group, trust, partnership or fund or an unincorporated association or organization,
NAME AND ADDRESS AND REGISTRATION NUMBER):

2. PROPERTY INFORMATION (Complete in respect of Assets)

Description of the assets:

Registration or identification number or other identification information:

Value:

Particulars* of registered owner (if applicable):

3. PROPERTY, ASSET OWNER INFORMATION

Particulars* of listed entity:

Reasons for determining that the property is owned or controlled by the listed entity:

4. ACCOUNT INFORMATION

(Complete where assets involve money in an account)

Account number:

Branch:

Type of account:

SCHEDULE, *contd.*

Date opened: Status: Active Inactive Closed

Date closed (if applicable):

5. TRANSACTION INFORMATION

(Complete in respect of each transaction involving assets)

Date of transaction(s): Transaction amount:

Date of posting(s): Transaction currency:

Description of transaction(s):

Particulars of beneficiaries of the transaction:

Particulars* of person conducting the transaction:

Transaction type (cash/cheque/wire transfer etc.)

Particulars* of principal, if person conducting the transaction is acting as agent:

Particulars* of other institutions, persons and accounts involved:

*Particulars include name, address, contact number, identification number and any other relevant identification information

Name of compliance: _____ Signature: _____

Officer _____ Date: _____

Telephone number: _____

PART D—DECLARATION

I/We *A.B.*, solemnly and sincerely declare that, to the best of my/our knowledge and belief, and after making reasonable enquiries, the information contained in this report is accurate and I/we make this solemn declaration conscientiously believing the same to be true, and by virtue of the Voluntary Declarations Act.

SCHEDULE, *contd.*

Taken and acknowledged this day of)
20 , before me)
C.D.) *A.B.*
Justice of the Peace for the parish of)

Dated this 28th day of November, 2019.

KAMINA JOHNSON SMITH
Minister of Foreign Affairs and
Foreign Trade