



THE  
**JAMAICA GAZETTE**  
**SUPPLEMENT**

**PROCLAMATIONS, RULES AND REGULATIONS**

1352c

Vol. CXLII

TUESDAY, DECEMBER 3, 2019

No. 190B

No. 270B

Extract from the Minutes of the meeting of the Honourable Senate held on November 29, 2019:

**PUBLIC BUSINESS**

The Honourable Senator Kamina Johnson Smith, Minister of Foreign Affairs and Foreign Trade and Leader of Government Business, having obtained suspension of the Standing Orders, moved:

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

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

WHEREAS by virtue of subsection (1) of section 21 of the United Nations Security Council Resolutions Implementation Act (hereinafter referred to as "the Act") the Minister may make regulations prescribing matters required or permitted by the Act to be prescribed or necessary or convenient to be prescribed for carrying out or giving effect to the Act:

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 Senate on the 29th day of November, 2019, are hereby affirmed.

Senator Lambert Brown also spoke on the motion.

Seconded by: Senator Donald Wehby.

Agreed to.

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

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

No. 270C

Extract from the Minutes of the meeting of the House of Representatives held on the 3rd day of December, 2019:

#### PUBLIC BUSINESS

The Honourable Dr. Horace Chang, Minister of National Security, having obtained suspension of the Standing Orders, also moved:

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

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

WHEREAS by virtue of subsection (1) of section 21 of the United Nations Security Council Resolutions Implementation Act (hereinafter referred to as “the Act”) the Minister may make regulations prescribing matters required or permitted by the Act to be prescribed or necessary or convenient to be prescribed for carrying out or giving effect to the Act:

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.

Interpreta- 2. In these Regulations—  
tion. “competent authority” means the authority from time to time authorised in writing by the Minister to—

- (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

- (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;

- 
- (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 individuals(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