



GEN-ADVI-20/06-0002

ADVISORY

JUNE 2020

ADVISORY ON 2019 AMENDMENT OF THE TERRORISM PREVENTION ACT & THE TERRORISM PREVENTION (REPORTING ENTITIES) REGULATIONS

This Advisory is directed to:

- ✓ Gaming Lounge Operators
- ✓ Nominated Employees & Other Compliance Officers
- ✓ Chief Executive Officers
- ✓ Senior Managers
- ✓ Frontline Personnel
- ✓ Other Relevant Staff

The Betting, Gaming & Lotteries Commission (BGLC), in an effort to ensure all licensees are provided with the most current information, has compiled all amendments that were passed in 2019 regarding the Terrorism Prevention Act (TPA) and the Terrorism Prevention (Reporting Entities) Regulations. These amendments in the AML/CFT framework will be reflected in the revised BGLC Guidance Notes that are currently being updated.

The Terrorism Prevention (Amendment) Act, 2019

Functions of the Competent Authority – Section 18A

In addition to any other function of the Competent Authority under this part, and without prejudice to any other function which that Competent Authority may exercise under any other enactment, the Competent Authority shall exercise the functions set out below, for the purpose of ensuring that the reporting entity operates in compliance with the TPA and its Regulations:

- a) shall establish such measures as it thinks fit, including carrying out, or directing third party to carry out, such inspections or such verification procedures as may be necessary;

- b) may issue directions to any of the reporting entities concerned, and the directions may require the business to take measures for the prevention or detection of reducing terrorist financing;
- c) examine and take copies of information and documents in the possession or control of the reporting entities concerned, and which the Competent Authority has reason to suspect contains information or evidence relevant to TF;
- d) may share information, pertaining to any examination conducted by it under with another Competent Authority, a supervisory authority or the Designated Authority or an authority in another jurisdiction exercising these functions;
- e) may require the reporting entities concerned, in accordance with such procedures as it may establish by notice in writing to the reporting entities;
- f) shall continually assess the risks of TF relating to the entities referred to in 15(2)(a) to(c) and tailor the Competent Authority's activities under the TPA.

Terrorism Prevention (Reporting Entities) (Amendment) Regulation, 2019

Simplified Due Diligence - Section 6A (5A)

Where a business relationship or a one-off transaction is determined to be low risk, a business in the regulated sector may, with the written approval of the Competent Authority apply simplified due diligence procedures with respect thereto.

The Competent Authority shall not give written approval under paragraph 5A unless the Competent Authority is satisfied that:

- a) proper evaluation of the risk was conducted by the regulated business, which justifies the adoption of the simplified due diligence procedures;
- b) the regulated entity has identified and documented the risk of money laundering and undertakes to-
 - (i) implement appropriate controls and systems to reduce or mitigate those risks;
 - (ii) review the risks identified and the controls and systems to reduce or mitigate those risks, on an ongoing basis, and employ enhanced due diligence procedures should there be any changes in circumstances which renders the business relationship or one-off transaction high risk

- c) the regulated business has a satisfactory level of compliance with the Act, Regulations made under the Act and all other laws concerning money laundering;
- d) with the agreement of the Designated Authority, the matter is an appropriate one for the application of simplified due diligence procedures.

Written approval given under 5B shall be subject to such conditions specified therein as the Competent Authority considers appropriate.

FOR INFORMATION & ASSISTANCE CONTACT:

Betting, Gaming & Lotteries Commission
78CEF Hagley Park Road, Kingston 10
Tel: (876) 630-1353 Fax: (876) 758-7594
Email: info@bglc.gov.jm
Web: www.bglc.gov.jm