

# Deadline looms for Practitioners to File Anti-Terrorism Report

The Real Estate Board is urging dealers and salesmen to properly acquaint themselves with the new reporting requirements under the Terrorism Prevention Act (TPA) as a May 1, 2018 deadline looms for the implementation of such requirements. The Terrorism Prevention (Designated reporting Entity) (Real Estate Dealers) Order, 2017, now makes it mandatory for any person who is issued with a licence to engage in the practice of real estate in the capacity of a real estate dealer to file reports under the TPA. The reports are to be filed with the Designated Authority, the Chief Technical Director of the Financial Investigations Division (FID) of the Ministry of Finance and the Public Service.

Under Section 15 of the Terrorism Prevention Act, the entities are mandated to submit a Listed Entity Report to the Designated Authority at least once every four calendar months. They may also be required to submit reports upon request by the Designated Authority. The Listed Entity Reports are based on entities categorised as 'terrorist' and listed on the United Nations Sanction List. The Listed Entity Report is for the purpose of indicating whether or not a reporting person in the regulated sector is in possession or control of any property owned or controlled by or on behalf of a listed entity and must be submitted whether or not a dealer had any transactions with any of the listed persons.

The required submission dates for the Listed Entity Report are:

Four Months Period	Due Date is on or before
January - April	May 31
May - August	September 30
September - December	January 31

Where the due date for submission of a Listed Entity Report is on a weekend or a public holiday, then reports may be submitted on the first business day following the stipulated date.

Under section 16 of the TPA, each reporting entity is required to report to the Designated Authority, all transactions, whether completed or not, which the reporting entity suspects, or has reasonable cause to suspect that it involves property:

- a) Connected with, or intended to be used in, the commission of a terrorist offence; or
- b) For the benefit of, any listed entity or terrorist group.

Suspicious transactions are to be reported promptly and in any event, within fifteen (15) days after the suspicion or reasonable cause for suspicion arises.

The penalties under the Act are as follows:

<b>Non-reporting</b>	Individuals- (max) \$1m or 12 months imprisonment or both
	Body corporate - fine of \$3m
<b>Tipping-off</b>	Individual - \$2m or 2 years imprisonment or both
	Body corporate - fine of \$6m

The purpose of the Order is to ensure Jamaica's conformity to international obligations such as UN Resolutions other International Conventions and the Financial Action Task Force (FATF) recommendations that necessitate increased scrutiny to mitigate any potential terrorist activities.

Training for the new requirements for real estate professionals is available in the Terrorism Prevention Act Course offered by the Real Estate Board as a part of the continuing professional development training for industry professionals. The course provides information on potential red-flag transactions, obligations of the dealers, record keeping and hands on completion of the report.

**The May implementation date will result in the first report covering the period May 1- August 31, 2018 and for submission to the Financial Investigation Division (FID), 1 Shalimar Avenue, Kingston 3 on or before September 30, 2018.**