

THE JAMAICAN BAR ASSOCIATION

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BY BEARER AND BY E-MAIL

27th May, 2014

**The Honourable Peter Bunting M.P.
Minister of National Security
NCB North Tower,
2 Oxford Road,
Kingston 5.**

Dear Minister Bunting,

Re:- The Proceeds of Crime Act - Application of same to Attorneys-at-Law.

By your Ministerial Order dated 15th November, 2013 ("the Order"), all persons named on the Roll of Attorneys-at-Law (carrying out certain professional activities listed in that Order) were designated as "*a non-financial institution*" for the purposes of the Proceeds of Crime Act ("POCA"). The Order is to take effect from 1st June, 2014.

Subsequently, on 17th April, 2014 the Jamaican Bar Association ("the Association") received draft copies of the following documents:-

1. The Legal Profession (Annual Declaration of Activities) Regulations 2014 ("the draft regulation"), and
2. The General Legal Council of Jamaica: anti-money laundering guidance for the legal profession ("the draft guidance notes"),

(herein, we refer to the Order, the draft regulation and the draft guidance notes, collectively as "the documents").

As regards this matter and the documents we inform you that:-

- a. The Association circulated the documents to the Bar Council of the Association in late April, 2014 and eventually to the wider membership on 5th May, 2014.
- b. Since then the Association has received many comments and remarks from Attorneys-at-Law pointing out some very practical problems and concerns with the documents.

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- c. The members of the Association have only recently (in the past 3 weeks) been given sight of the draft regulations and the draft guidance notes which will require changes to the structures and procedures used by many Attorneys-at-Law which will be impossible for them to properly implement by June 1st, 2014.
- d. Based on the aforesaid, the Bar Council (on 19th May, 2014) has mandated a committee to review the documents and to seek the opinion of Mr. R.N.A. Henriques Q.C.. The Committee comprises Mrs. Jacqueline Samuels-Brown Q.C., Mr. Ian Wilkinson, Q.C., Ms. Sherry Ann McGregor, Mr. Peter Champaigne and this writer. We had our first meeting on 21st May, 2014. At that meeting it became even clearer that there are a number of issues of concern with the documents and the implementation of same on June 1st, 2014. Mr. Henriques Q.C. is preparing his opinion on same which we hope to receive in 3-4 weeks.

Based on the aforesaid, the Jamaican Bar Association is requesting that you allow us the opportunity to meet with you at your earliest convenience to discuss our preliminary concerns.

Further, we are requesting that you consider delaying the implementation of the Order from June 1st, 2014 to October 1, 2014 to allow the legal profession time to review the documents, receive the opinion of Mr. Henriques Q.C, consult with our members and meet with you as well as all relevant stakeholders. Further it will give our members time to review the documents (as well as the final versions thereof which we have not yet had sight of) and for Attorneys-at-Law to put appropriate systems in place to manage such new requirements that will be imposed upon them by the Order.

This writer can be contacted directly at (876) 908-3683 (landline) or (876) 995-6402 (mobile) or by e-mail at dcwalker@hmf.com.jm.

We look forward to your early response and the favourable consideration of our above requests.

Yours truly

JAMAICAN BAR ASSOCIATION

Per:-


DONOVAN C. WALKER
PRESIDENT

cc:- The Honourable Mark Golding – Minister of Justice
The Honourable Patrick Atkinson Q.C. – Attorney General of Jamaica
The Honourable Michael Hylton O.J., Q.C – Chairman, General Legal Council
The Honourable R.N.A. Henriques O.J., Q.C.
Mr. George Soutar O.D., Q.C.- President – The Advocates Association of Jamaica
Mr. Michael Erskine - President – The Cornwall Bar Association
The Bar Council – The Jamaican Bar Association