



MINISTRY OF HOME AFFAIRS

**IMPLEMENTATION
PROCEDURES OF THE
PART VIA**

ANTI-MONEY LAUNDERING AND ANTI-TERRORISM
FINANCING ACT (AMLATFA) 2001

[ACT 613]

[Update until 7 July 2014]

INTRODUCTION

1. The purpose of Part VIA of the the Anti-Money Laundering and Anti-Terrorism Financing Act 2001 (AMLATFA) is to implement targeted sanctions pursuant to the United Nations Security Council Resolutions relating to terrorism and terrorism financing, in particular Resolution 1267 (1989), Resolution 1373 (2001), Resolution 1988 (2011) and Resolution 1989 (2011).
2. Procedures in this document is intended to provide guidance on the operationalisation of Part VIA of the AMLATFA and to ensure the measures undertaken by all agencies are streamlined and coordinated.

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REFERENCE

Minister – Minister of Home Affairs
 AGC – Attorney General’s Chambers
 MOHA - Ministry of Home Affairs
 MOFA - Ministry of Foreign Affairs
 UN - United Nations
 RMP - Royal Malaysia Police
 RI – Reporting Institutions
 RRSA – Relevant Regulatory and Supervisory Authority
 LA – MOHA Legal Advisor
 UNSCR – United Nations Security Council Resolution
 RTD- Road Transport Department

1. Section 66B(1) – Declaration of specified individuals / entities.

NO.	ACTION		TAKEN BY
1	Submit application for designation of entity to MOHA: <ul style="list-style-type: none"> • RMP: Application based on the designation criterias. • MOFA: Application made by other countries (third party request) <i>Related forms: No. 4 or No. 5</i>		RMP & MOFA
2	Review the information provided and consult RRSA or other relevant agencies (where relevant).		MOHA
3	Prepare minutes paper and draft Order for Minister's approval.		MOHA
4	Minister agrees: Submit the draft Order for gazetting process (LA/ AGC)	Minister does not agree: Proceed to No. 13	MOHA, LA & AGC
5	Order is gazetted		LA & AGC
6	If necessary, propose to Minister for the Specified Entity to be designated in the UNSC Sanction Lists and/or other countries' list.		MOHA
7	Minister agrees: Submit designation application to MOFA. <i>Related forms: No. 1 and No. 2 (UNSCR 1267/1989) No. 7 and No. 8 (UNSCR 1988)</i>	Minister does not agree: Notify MOFA or RMP	MOHA
8	Propose to UN and/or other countries and notify Cabinet.		MOFA
9	i) Instruct RRSA to immediately issue orders or circulars regarding this matter to their respective Reporting Institutions. ii) Notify RMP, Road Transport Department (RTD), Land Office and other relevant agencies regarding the Order.		MOHA

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NO.	ACTION	TAKEN BY
10	Issue orders and circulars to respective Reporting Institutions to give effect to the Order immediately, and to report back to RRSA if there is name match.	RRSA
11	Notify MOHA if there is name match and information of the asset; as frequent as stated in the Order.	RRSA & other agencies
12	Notify RRSA and RMP if there is name match and information of the asset [in accordance with section 66B(3)(d)].	RI
13	Update information.	MOHA

2. Section 66B (6) & 66B (7) – Application for revocation of the Order

NO.	ACTION		TAKEN BY
1.	Receive application for revocation from individual / entity that has been declared as Specified Entity under section 66B(1). <i>Related form: No. 6</i>		MOHA/RMP
2.	Forward application to MOHA		RMP
3.	Review the application.		MOHA
4.	Consult RMP, LA & RRSA (where relevant).		MOHA
5.	Prepare minutes paper and draft Order for Minister's approval.		
6.	Minister agrees: Submit the draft Order for gazetting process (LA/AGC)	Minister does not agree: Notify the applicant (Specified Entity) regarding the decision of the Minister within 60 days from the date the application is received.	MOHA, LA & AGC
7.	Order is gazetted		MOHA LA & AGC
8.	Notify RRSA, RMP, RTD, Land Office and other relevant agencies regarding the revocation of the Order.		MOHA
9.	Notify respective RI's regarding the revocation of the Order, immediately		RRSA
10.	Update information.		MOHA

Note :

1. Application for revocation of the Order shall be made within **60 days from the date the Order is published**.

3. Section 66B (9) – Review of the Order

NO.	ACTION		TAKEN BY
1	Review the Order made under Section 66B(1) every 6 months.		MOHA
2	Consult RMP, LA & RRSA (where relevant)		MOHA
3	Prepare minutes paper and draft Order for Minister's approval.		MOHA
4	Minister agrees: Submit the draft Order for gazetting process (LA/AGC)	Minister does not agree: Review in the next 6 months.	MOHA, LA, AGC
5.	Order is gazetted		MOHA LA & AGC
6.	Notify RRSA, RMP, RTD, Land Office and other relevant agencies regarding the revocation of the Order.		MOHA
7.	Notify respective RI's regarding the revocation of the Order, immediately.		RRSA
8.	Update information.		MOHA

4. Section 66B (10) – Application to authorize access to the frozen fund to cover basic expenses.

NO.	ACTION	TAKEN BY		
1	Receive written request from the individual / entity specified under Section 66B (1) to authorize access to the frozen fund to cover basic expenses.	MOHA/RMP		
2	Forward application to MOHA	RMP		
3	Assess whether there are reasonable grounds for approval	MOHA		
4	Prepare minutes paper for Minister’s approval.	MOHA		
5	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; vertical-align: top;"> Minister agrees: Notify RRSA regarding the Minister’s decision including the specific funds/financial assets or economic resources involved. </td> <td style="width: 50%; vertical-align: top;"> Minister does not agree: Notify the Specified Individual / Entity regarding Minister’s decision. </td> </tr> </table>	Minister agrees: Notify RRSA regarding the Minister’s decision including the specific funds/financial assets or economic resources involved.	Minister does not agree: Notify the Specified Individual / Entity regarding Minister’s decision.	MOHA
Minister agrees: Notify RRSA regarding the Minister’s decision including the specific funds/financial assets or economic resources involved.	Minister does not agree: Notify the Specified Individual / Entity regarding Minister’s decision.			
6.	Notify specific RI’s regarding the Minister’s decision, immediately.	RRSA		
7.	Report periodically to the respective RRSA regarding the access given to the frozen fund.	RI		
8.	Report periodically to MOHA on the summary of account.	RRSA		
9.	Update information.	MOHA		

5. Designating individuals / entities in the UNSC Sanction Lists (1267/1989 and 1988 sanctions regime)

NO.	ACTION	TAKEN BY				
1	Submit application for designation to MOHA: <i>Related forms: No. 1 and No. 2 (UNSCR 1267/1989) No. 7 and No. 8 (UNSCR 1988)</i>	RMP				
2	Prepare minutes paper for Minister's approval.	MOHA				
3	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Minister agrees:</td> <td style="width: 50%;">Minister does not agree:</td> </tr> <tr> <td>Submit designation application to MOFA</td> <td>Notify the RMP on the Minister's decision</td> </tr> </table>	Minister agrees:	Minister does not agree:	Submit designation application to MOFA	Notify the RMP on the Minister's decision	MOHA
Minister agrees:	Minister does not agree:					
Submit designation application to MOFA	Notify the RMP on the Minister's decision					
4	Submit the application to the UN through Malaysian Permanent Representative and notify the Cabinet	MOFA				
5	Receive UN's decision	MOFA				
6	Notify MOHA on the UN's decision	MOFA				
7	Notify RMP on the UN's decision	MOHA				

6. Section 66C(1) – Implementation of measures to give effect to relevant UNSCR

NO.	ACTION	TAKEN BY
1	MOFA and/or MOHA check regularly the update and changes on the sanction lists under the 1267 and 1988 Committee.	MOFA & MOHA
2	Notify RRSA, RMP, RTD, Land Office and other relevant agencies regarding changes to the List.	MOHA
3	Notify respective RI's regarding changes to the List	RRSA and other relevant agencies
4	Notify RRSA and RMP if there is name match and information of the asset.	RI
5	Notify MOHA if there is name match and information of the asset depending on the frequency stated in the Order.	RRSA and other relevant agencies
6	Provide information received from RRSA to MOFA	MOHA
7	Provide information to UN	MOFA

7. Section 66C (3) – Application to authorize access to the frozen fund to cover basic expenses

NO.	ACTION	TAKEN BY		
1	Receive written application from individuals / entities listed in the UN sanction lists (1267/1989 and 1988 sanction regimes)	MOHA & RMP		
2	Review the application and assess whether there are reasonable grounds.	MOHA		
3	MOHA prepare minutes paper for Minister's approval	MOHA		
4	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>Minister agrees:</p> <p>MOHA: Forward the application to MOFA</p> <p>MOFA: Forward the application to UN for approval</p> </td> <td style="width: 50%; vertical-align: top;"> <p>Minister does not agree:</p> <p>MOHA: Notify the applicant of Minister's decision.</p> </td> </tr> </table>	<p>Minister agrees:</p> <p>MOHA: Forward the application to MOFA</p> <p>MOFA: Forward the application to UN for approval</p>	<p>Minister does not agree:</p> <p>MOHA: Notify the applicant of Minister's decision.</p>	MOHA & MOFA
<p>Minister agrees:</p> <p>MOHA: Forward the application to MOFA</p> <p>MOFA: Forward the application to UN for approval</p>	<p>Minister does not agree:</p> <p>MOHA: Notify the applicant of Minister's decision.</p>			
4	Receive UN's decision	MOFA		
5	Notify MOHA on the UN's decision.	MOFA		
6	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>UN approves:</p> <p>Notify and provide instruction to RRSA, RMP, RTD, Land Office and other relevant agencies regarding UN's decision.</p> </td> <td style="width: 50%; vertical-align: top;"> <p>UN does not approve:</p> <p>Notify the applicant</p> </td> </tr> </table>	<p>UN approves:</p> <p>Notify and provide instruction to RRSA, RMP, RTD, Land Office and other relevant agencies regarding UN's decision.</p>	<p>UN does not approve:</p> <p>Notify the applicant</p>	MOHA
<p>UN approves:</p> <p>Notify and provide instruction to RRSA, RMP, RTD, Land Office and other relevant agencies regarding UN's decision.</p>	<p>UN does not approve:</p> <p>Notify the applicant</p>			
7.	Notify respective RI regarding the UN's decision (immediately) .	RRSA		
8.	Report periodically to the respective RRSA regarding the access given to the frozen fund.	RI		
9.	Report periodically to MOHA on the summary of account.	RRSA		
10.	Update information.	MOHA		

8. Application for delisting from the UNSC Sanction Lists (1267/1989 and 1988 sanctions regime)

NO.	ACTION	TAKEN BY		
1.	Receive application for delisting from RMP or listed individuals / entities. <i>Related forms: No. 3 (UNSCR 1267)</i> <i>Related forms: No. 9 (UNSCR 1988)</i>	MOHA & RMP		
2.	Review and assess the application.	MOHA		
3.	Consult LA and RMP (where relevant).	MOHA		
4	Submit the application to Minister for consideration.	MOHA		
5.	<table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> Minister agrees: MOHA: Forward the application to MOFA </td> <td style="width: 50%; vertical-align: top;"> Minister does not agree: MOHA: Notify the applicant. MOHA: Advise the applicant to submit his/her application through the <i>Office of Ombudsperson</i> (for 1267/1989 Committee) or <i>Focal Point</i> (for 1988 Committee) </td> </tr> </table>	Minister agrees: MOHA: Forward the application to MOFA	Minister does not agree: MOHA: Notify the applicant. MOHA: Advise the applicant to submit his/her application through the <i>Office of Ombudsperson</i> (for 1267/1989 Committee) or <i>Focal Point</i> (for 1988 Committee)	MOHA & MOFA
Minister agrees: MOHA: Forward the application to MOFA	Minister does not agree: MOHA: Notify the applicant. MOHA: Advise the applicant to submit his/her application through the <i>Office of Ombudsperson</i> (for 1267/1989 Committee) or <i>Focal Point</i> (for 1988 Committee)			
6	Submit the application to the UN through Malaysian Permanent Representative and notify the Cabinet	MOFA		
7	Receive decision from UN and extend it to MOHA	MOFA		
8.	<table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> UN approves: MOHA: Notify the RRSA, RMP, RTD, Land Office and other relevant agencies regarding UN decision to delist. RRSA: Notify respective RI immediately regarding the delisting. </td> <td style="width: 50%; vertical-align: top;"> UN does not approve: - Proceed to No. 11 </td> </tr> </table>	UN approves: MOHA: Notify the RRSA, RMP, RTD, Land Office and other relevant agencies regarding UN decision to delist. RRSA: Notify respective RI immediately regarding the delisting.	UN does not approve: - Proceed to No. 11	MOHA, RRSA
UN approves: MOHA: Notify the RRSA, RMP, RTD, Land Office and other relevant agencies regarding UN decision to delist. RRSA: Notify respective RI immediately regarding the delisting.	UN does not approve: - Proceed to No. 11			
11.	Notify the applicant on the UN's decision.	MOHA		
12.	Update information.	MOHA		

9. Application to authorize access to funds of persons or entities with the same or similar names as designated persons or entities, who are affected by a freezing mechanism

NO.	ACTION	TAKEN BY	
1.	Receive application from the affected individual	MOHA & RMP	
2.	Review and assess the application.	MOHA	
3	Consult RRSA or other relevant agencies (where relevant)	MOHA/RRSA	
4.	Prepare a minutes paper and submit to MOHA's Secretary General for approval	MOHA	
5.	<p>Secretary General agrees:</p> <p>MOHA: Notify the decision immediately to the applicant.</p> <p>MOHA: Notify the RRSA, RMP, RTD, Land Office and other relevant agencies on the confirmation that the listed individual or entity is not the actual designated individual or entity.</p>	<p>Secretary General does not agree:</p> <p>Notify the applicant on MOHA's decision</p>	MOHA
6.	Update information.	MOHA	

Appendices:

- i) List of Relevant Regulatory and Supervisory Authority (RRSA) & Reporting Institution (RI) (First Schedule AMLATFA 2001)

NO.	RRSA	RI
1	Bank Negara Malaysia	Banking business, finance company business, merchant banking business, discount house business and money-broking business as defined in the Banking and Financial Institutions Act 1989.
2	Bank Negara Malaysia	Islamic banking business as defined in the Islamic Banking Act 1983.
3	Bank Negara Malaysia	Building credit business, development finance business, factoring business and leasing business as defined in the Banking and Financial Institutions Act 1989.
4	Bank Negara Malaysia	Insurance business, insurance broking business, adjusting business and financial advisory business as defined or provided in the Insurance Act 1996.
5	Bank Negara Malaysia	Takaful business as defined in the Takaful Act 1984.
6	Securities Commission	Dealing in securities, as defined in the Securities Industry Act 1983, but not including the activity of providing investment advice by an investment adviser as defined in the Securities Industry Act 1983.
7	Securities Commission	Money-changing business as defined in the Money-Changing Act 1998.
8	Securities Commission	Futures broking business and futures fund management business as defined in the Futures Industry Act 1993.
9	Bank Negara Malaysia	Business activities carried out by the prescribed institutions as defined in the Development Financial Institutions Act 2002.
10	Bank Negara Malaysia / Lembaga Tabung Haji	Activities carried out by Lembaga Tabung Haji established under the Tabung Haji Act 1995.

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11	Bank Negara Malaysia / Ministry of Communications and Multimedia Malaysia	Postal financial services as provided under subsection 24(3) in the Postal Services Act 1991.
12	Ministry of Finance	Gaming carried out in common gaming houses as defined in the Common Gaming Houses Act 1953.
13	Bank Negara Malaysia	Issuance of designated payment instrument and operation of payment system as provided under the Payment Systems Act 2003.
14	Malaysian Institute of Accountants	Activities carried out by a member as defined in the Accountants Act 1967.
15	Bar Council	Activities carried out by an advocate and solicitor as defined in the Legal Profession Act 1976.
16	Bar Council	Activities carried out by a person admitted as an advocate pursuant to the Advocate Ordinance Sabah 1953.
17	Bar Council	Activities carried out by a person admitted as an advocates pursuant to the Advocate Ordinance Sarawak 1953.
18	Companies Commission of Malaysia	Activities carried out by a person prescribed by the Minister or licensed by the Registrar of Companies to act as a secretary of a company pursuant to section 139A of the Companies Act 1965.
19	Ministry of Finance	Activities carried out by a licensee as defined in the Pool Betting Act 1967.
20	Ministry of Finance	Activities carried out by a totalizator agency as defined in the Racing (Totalizator Board) Act 1961.
21	Ministry of Finance	Activities carried out by a racing club as defined in the Racing Club (Public Sweepstakes) Act 1965.
22	Bar Council	Activities carried out by a notary public as defined in the Notaries Public Act 1959.
23	Companies Commission of Malaysia	Activities carried out by a trust company as defined in the Trust Companies Act 1949.

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24	Amanah Raya Berhad	Activities carried out by the Corporation as defined in the Public Trust Corporation Act 1995.
25	Ministry of Housing and Local Government	Activities carried out by a moneylender as defined in the Moneylenders Act 1951.
26	Ministry of Urban Wellbeing, Housing and Local Government	Pawnbroking business as defined in the Pawnbrokers Act 1972.
27	Board of Valuers, Appraisers and Estate Agents Malaysia	Estate agency practice as defined in the Valuers, Appraisers and Estate Agents Act 1981.
28	Securities Commission	Management of unit trust scheme or prescribed investment scheme as defined under the Securities Commission Act 1993 by a management company.
29	Bank Negara Malaysia	Activities carried out by any person, who has obtained permission to operate remittance services under the Exchange Control Act 1953.
30	Ministry of Urban Wellbeing, Housing and Local Government	Activities carried out by a moneylender as defined in the Money Lenders Ordinance [<i>Sabah Cap. 81</i>].
31	Ministry of Urban Wellbeing, Housing and Local Government	Activities carried out by a moneylender registered under the Moneylenders Ordinance [<i>Sarawak Cap. 114</i>]
32	Companies Commission of Malaysia	Activities of dealing in precious metals or precious stones carried out by companies incorporated pursuant to the Companies Act 1965 and businesses as defined and registered under the Registration of Businesses Act 1956.
33	Labuan Financial Services Authority	Labuan financial services as defined in the Labuan Financial Services Authority Act 1996.
34	Labuan Financial Services Authority	Activities carried out by a listing sponsor and a trading agent as defined in the Labuan Financial Services & Securities Act 2010.

ii) Forms

UNSCR	PURPOSE	FORM NAME	FORM NUMBER
1267	Listing	Standard Form For Member State Submissions to the Committee For Listing of <u>Individuals</u>	1
		Standard Form For Member State Submissions to the Committee For Listing of <u>Entities</u>	2
	Delisting	Standard Form for the Submission of Requests to Remove <u>a Name</u> from the Al-Qaida Sanctions List Maintained by the Security Council Committee Pursuant to Resolutions 1267 (1999) and 1989 (2011) Concerning Al-Qaida and Associated Individuals and Entities	3
1373	Listing	Standard Form for Listing of <u>Individuals</u>	4
		Standard Form for Listing of <u>Entities</u>	5
	Delisting	Standard form for the submission of requests to remove <u>a Name</u> from the List maintained by the Ministry of Home Affairs pursuant to resolutions 1373 (2001)	6
1988	Listing	Standard Form for Member State Submissions to the 1988 Sanctions Committee for Listing <u>Individuals</u> Constituting a Threat to the Peace, Stability and Security of Afghanistan	7
		Standard Form for Member State Submissions to the 1988 Sanctions Committee for Listing <u>Entities</u> Constituting a Threat to the Peace, Stability and Security of Afghanistan	8
	Delisting	Standard form for the Submission of a Request to Remove the Name of an <u>Individual or Entity</u> from the List Maintained by the Security Council Sanctions Committee Established Pursuant to Resolution 1988 (2011)	9