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**Circular No 125/2018
Dated 17 May 2018**

To Members of the Malaysian Bar

Anti-Money Laundering and Counter Financing of Terrorism Guide

Bank Negara Malaysia (“BNM”) has issued an Anti-Money Laundering and Counter Financing of Terrorism (“AML/CFT”) Guide to raise awareness among reporting institutions.

The notice from BNM and copies of the AML/CFT Guide — in English and Bahasa Malaysia — are attached for your reference.

More information on the AML/CFT Guide and relevant publications by BNM is available on BNM’s AML/CFT microsite at this [link](#).

Should you have any enquiries, please contact Malathi Mohan, Officer, by telephone at 03-2050 2150, or by email at malathi@malaysianbar.org.my.

Thank you.

**Andrew Khoo Chin Hock and Karen Cheah Yee Lynn
Co-Chairpersons
Subcommittee on AMLA of the Legal Profession Committee**



RAISING THE BAR
Innovate • Integrate • Emulate
iric2018@malaysianbar.org.my

INTERNATIONAL MALAYSIA LAW CONFERENCE 2018

14-17 August 2018 [The Regatta Clubhouse Kuala Lumpur](#)





Our Reference :

JPKP/COM/DNFBP/01

26 February 2018

To:

All reporting institutions subjected to the
Anti-Money Laundering and Counter Financing of Terrorism (AML/CFT) - Designated
Non-Financial Businesses and Professions (DNFBPs) &
Other Non-Financial Sectors (Sector 5) Policy Document

**Anti-Money Laundering and Counter Financing of Terrorism
(AML/CFT) Guide**

Bank Negara Malaysia is pleased to inform that we have issued an AML/CFT Guide as part of our efforts to raise awareness and guide the implementation of the Anti-Money Laundering, Anti-Terrorism Financing and Proceeds of Unlawful Activities Act 2001 (AMLA) requirements by reporting institutions (RIs). The AML/CFT Guide is a concise summary of the salient parts of the overall requirements of AMLA. A copy of the AML/CFT Guide is attached.

2. The AML/CFT Guide neither constitute a legal document nor should it be used as a form of legal advice. RIs must refer to the AMLA, the subsidiary legislation made pursuant to the AMLA and the Sector 5 Policy Document for the overall requirements of the law.

3. We wish to remind all RIs that Bank Negara Malaysia, as the Competent Authority under the AMLA, is empowered to take enforcement actions against RIs for any non-compliance with the requirements under the AMLA.

4. Further information on the AML/CFT Guide and all relevant publications are available at the Bank's AML/CFT Microsite at <http://amlcft.bnm.gov.my/>.

Yang benar,

(Abd. Rahman Abu Bakar)
Pengarah
Jabatan Perisikan Kewangan
dan Penguatkuasaan



BANK NEGARA MALAYSIA
CENTRAL BANK OF MALAYSIA

AML/CFT Guide

Bank Negara Malaysia (BNM) is the competent authority under the **Anti-Money Laundering, Anti-Terrorism Financing and Proceeds of Unlawful Activities Act 2001 (AMLA)**. Among others, BNM:

- Leads national efforts in AML/CFT
- Formulates effective AML/CFT regime/policies
- Receives and analyses Suspicious Transaction Reports (STRs)

Who is this guide for?

This guide is for reporting institutions that are Designated Non-Financial Businesses and Professions and other Non-Bank Financial Institutions (“DNFBP”) in Malaysia to comply with the requirements in the fight against money laundering and terrorism financing. It explains the **MAIN*** anti-money laundering & counter financing of terrorism (AML/CFT) requirements under the AMLA, the AML/CFT policy document issued for DNFBPs (Sector 5 Policy Document) and other relevant documents issued by **Bank Negara Malaysia**.

Bank Negara Malaysia
Jalan Dato’ Onn
50480, Kuala Lumpur
Tel: 1-300-88-5465 (1-300-88-LINK)
E-mail: fied@bnm.gov.my

***For the full list of requirements, please refer to:**

- Anti-Money Laundering, Anti-Terrorism Financing and Proceeds of Unlawful Activities Act 2001 (AMLA)
- Anti-money laundering and counter financing of terrorism (AML/CFT) – Designated Non-Financial Businesses and Professions (DNFBPs) and Other Non-Financial Sectors (Sector 5) Policy Document

Disclaimer:

This document is intended for your general information only. It does not contain exhaustive advice or information relating to the subject matter nor should it be used as substitute for legal advice. In the event that the information on Bank Negara Malaysia’s official printed documents or any Acts differ from the information contained within this document, the information on such Act and official documents shall prevail and take precedence. The information contained herein is accurate and reliable as of the date of publication, 26 February 2018.



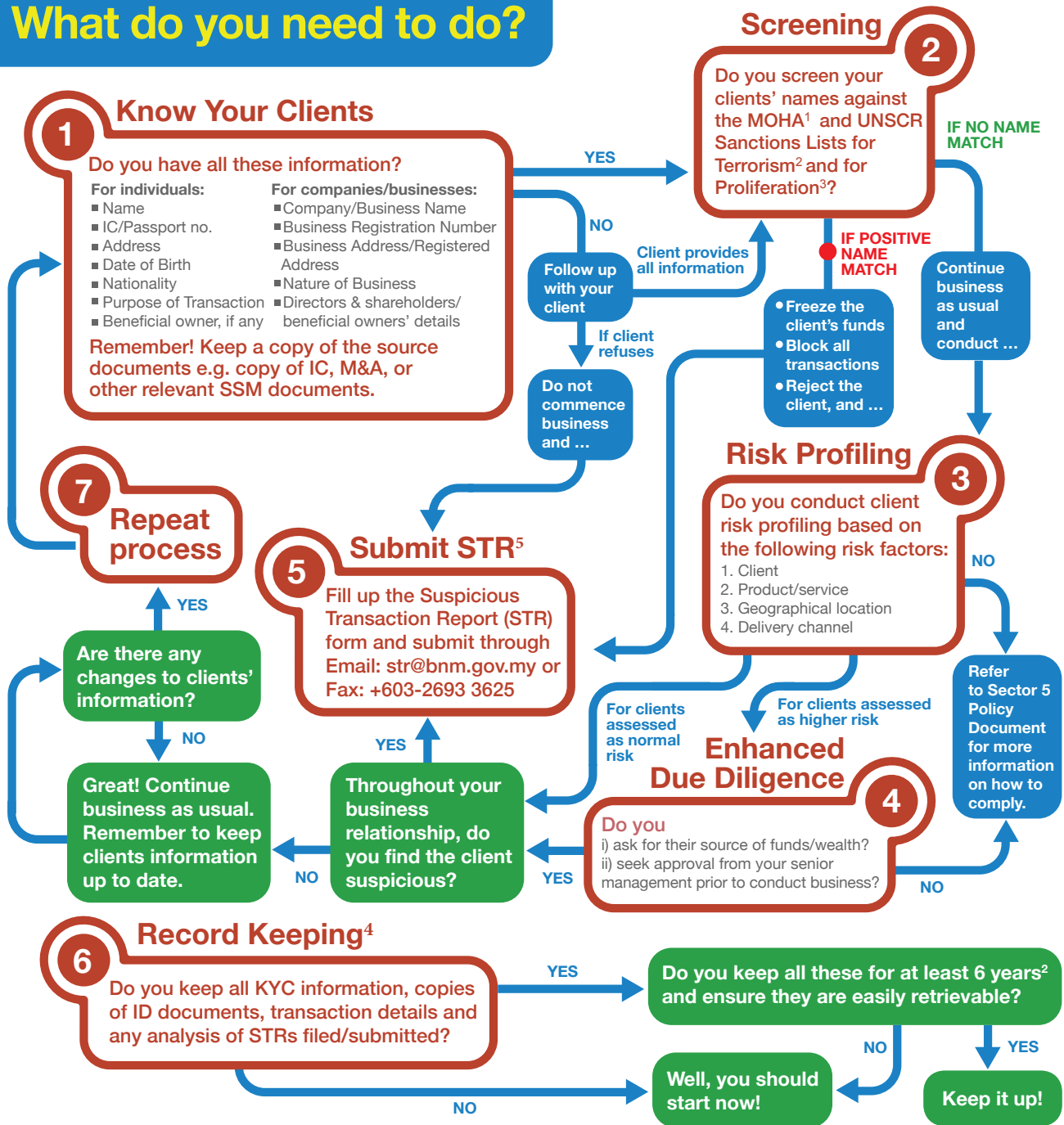
Are you a “DNFBP”?

The following businesses/professions are “DNFBPs” under the Sector 5 Policy Document:

- Lawyers
- Accountants
- Trust companies
- Company secretaries
- Dealers in precious metals or precious stones (goldsmiths, jewellers, etc)
- Real estate agents
- Casino
- Gaming institutions
- Moneylenders
- Pawnbrokers

Please refer to the First Schedule of the AMLA for the full list and more details

What do you need to do?



¹MOHA: Ministry of Home Affairs (Listed Entities under the Section 66B of AMLA)
<http://www.moha.gov.my/index.php/en/maklumat-perkhidmatan/membanteras-pembiayaan-keganasan2/senarai-kementerian-dalam-negeri>

²UNSCR: United Nations Security Council Resolutions (Terrorism)
https://www.un.org/sc/suborg/en/sanctions/1267/aa_sanctions_list; and
<https://www.un.org/sc/suborg/en/sanctions/1988/materials>

³UNSCR: United Nations Security Council Resolutions (Proliferation of Weapons of Mass Destruction)
<https://www.un.org/sc/suborg/en/sanctions/1718/materials>
<https://www.un.org/en/sc/2231/list.shtml>

⁴From the date of termination of the business relationship

⁵Utmost care must be undertaken to ensure that STRs are treated with the highest level of confidentiality

If you do NOT do any of these

Section in AMLA	Non compliance with	Maximum Penalty for Each Offence
13	Record keeping requirement	Fine up to RM1 million
14	Obligation to report suspicious transactions to BNM	
16	Obligation to conduct customer due diligence i.e. KYC	
17	Requirement to retain documents for at least 6 years	Fine up to RM 3 million or jail up to 5 years or both

For further details, please refer to the AML/CFT Microsite & STR form at <http://amlcft.bnm.gov.my>



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BANK NEGARA MALAYSIA
CENTRAL BANK OF MALAYSIA

Panduan AML/CFT

Bank Negara Malaysia (BNM) ialah pihak berkuasa berwibawa di bawah **Akta Pencegahan Pengubahan Wang Haram, Pencegahan Pembiayaan Keganasan dan Hasil daripada Aktiviti Haram 2001 (AMLA)**. Antara peranan BNM ialah:

- Menerajui pelaksanaan AML/CFT pada peringkat kebangsaan
- Merangka dasar-dasar AML/CFT yang berkesan
- Menerima dan menganalisis Laporan Transaksi Mencurigakan (STR)

Panduan ini untuk siapa?

Panduan ini disediakan untuk institusi-institusi pelapor di Malaysia yang merupakan Perniagaan dan Profession Bukan Kewangan yang Ditetapkan dan Sektor Bukan Kewangan yang lain (DNFBP) bagi mematuhi keperluan dalam membanteras pengubahan wang haram dan pembiayaan keganasan. Panduan ini menerangkan keperluan **UTAMA*** pencegahan pengubahan wang haram dan pencegahan pembiayaan keganasan (AML/CFT) di bawah AMLA, dokumen dasar AML/CFT yang dikeluarkan untuk DNFBP (Dokumen Dasar Sektor 5) dan dokumen lain yang dikeluarkan oleh **Bank Negara Malaysia**.

Bank Negara Malaysia
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E-mel: fied@bnm.gov.my

* Untuk mendapatkan senarai lengkap keperluan AML/CFT, sila rujuk:

- Akta Pencegahan Pengubahan Wang Haram, Pencegahan Pembiayaan Keganasan dan Hasil daripada Aktiviti Haram 2001 (AMLA)
- Pencegahan pengubahan wang haram dan pencegahan pembiayaan keganasan (AML/CFT) – Dokumen Dasar Sektor 5 Perniagaan dan
- Profession Bukan Kewangan yang Ditetapkan dan Sektor Bukan Kewangan yang lain

Penafian:

Dokumen ini hanya untuk memberikan maklumat umum sahaja. Dokumen ini tidak mengandungi nasihat atau maklumat yang menyeluruh berhubung dengan bidang berkenaan dan tidak wajar digunakan sebagai nasihat undang-undang. Sekiranya maklumat pada dokumen rasmi bercetak yang dikeluarkan oleh Bank Negara Malaysia atau mana-mana Akta bertentangan dengan maklumat yang tertera pada dokumen ini, maklumat pada Akta dan dokumen rasmi berkenaan harus digunapakai dan diutamakan. Maklumat yang tertera pada dokumen ini adalah tepat pada tarikh cetakan, 26 Februari 2018.



Adakah anda “DNFBP”?

Perniagaan/profesion berikut ialah “DNFBP” di bawah Dokumen Dasar Sektor 5:

- Peguam
- Akauntan
- Syarikat amanah
- Setiausaha syarikat
- Peniaga logam berharga atau batu berharga (tukang emas, pemilik kedai emas, dsb)
- Ejen harta tanah
- Kasino
- Institusi perjudian
- Pemberi pinjaman wang
- Pemajak gadai

Sila rujuk **Jadual Pertama AMLA** untuk mendapatkan senarai lengkap dan maklumat lanjut

