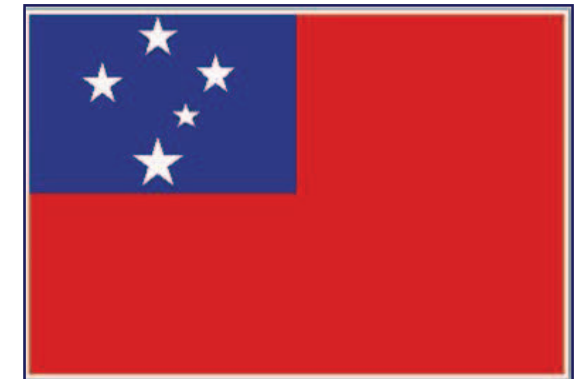




Obligations of Financial Institutions under the Money Laundering Prevention Act 2007

INFORMATION FOR LAWYERS



For more information, contact the following address:

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This brochure describes how your business can help to reduce financial crime and money laundering in Samoa.



OBLIGATIONS OF FINANCIAL INSTITUTIONS?

Money Laundering Prevention Act 2007

The Money Laundering Prevention Act (“the Act”) places certain obligations on “financial institutions”. The definition of financial institutions includes most businesses that handle large amounts of money or high value items. Lawyers are included in this category.

These obligations require lawyers to:

- Verify the identity of customers;
- Maintain business records;
- Report certain transactions; and
- Implement a compliance regime

For more information than is contained in this brochure, you should refer to the Money Laundering Prevention Authority (“the Authority”) or obtain a copy of the Money Laundering Prevention (MLP) guidelines from the Samoa Financial Intelligence Unit (SFIU).

Why Is It Important To Comply With Your Obligation Under The MLP Act?

- You can help boost Samoa’s reputation as a country that is a safe place for investment and economic growth;
- You can provide information that is vital to police investigations; and
- There are serious penalties for financial institutions that fail to fulfil their obligations.



HOW TO HELP

Customer Identification

You must be satisfied of the true identity of a person or company who is seeking to enter a business relationship or carry out a transaction with your business.

To do this, you should ask new customers for documentation to establish their identity. Identification documents include:

- Drivers licences
- Passports
- Birth certificates
- Other identity documents outlined in the MLP guidelines.

The identity of a company can be established by asking to see the company’s Certificate of Incorporation and other documents listed in the MLP guidelines.

Reporting Obligations

You must report to the SFIU any transactions you suspect may be related to money laundering, the financing of terrorism or another serious offence.

Record Keeping

You must maintain records of:

- a person’s identity;
- business transactions and related documentation;
- all reports made to the SFIU; and
- all enquiries relating to money laundering and the financing of terrorism by the SFIU or a law enforcement agency.

These records must be kept for a minimum period of five (5) years.

Compliance Regime

You should put in place a system to assist employees to comply with the obligations under the MLP Act. This regime should include:

- the appointment of a compliance officer;
- the development of written compliance policies;
- implementation and documentation of an ongoing compliance training program for employees; and
- regular review of the effectiveness of internal policies.

EXAMPLES OF SUSPICIOUS TRANSACTIONS

The following scenarios may give reasonable grounds for suspicion:

- A client requests a lawyer to hold a sum of money on the client’s behalf, which is unrelated to any particular transaction or the provision of any legal services and where there is no other reasonable explanation for it being held by the lawyer;
- Payment to a lawyer by means of a cheque drawn on an account other than that of the client in circumstances where no sound reason is given for the third party making funds available;
- A client uses a lawyer’s trust account for transactions that may be more appropriately conducted through a bank or other type of account.

Other examples of potentially suspicious transactions are included in the MLP guidelines available from the SFIU.