



ANY REPLY OR SUBSEQUENT REFERENCE SHOULD BE ADDRESSED TO THE
FINANCIAL SECRETARY AND THE FOLLOWING REFERENCE NUMBER QUOTED:-

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MINISTRY OF FINANCE AND PLANNING
30 NATIONAL HEROES CIRCLE
P.O. BOX 512
KINGSTON
JAMAICA

May 16, 2014

Circular No. 15
File No. 107/059
Division: Public Expenditure Coordination Division

Permanent Secretaries
Heads of Departments
Chief Executive Officers
Chairmen of Public Bodies
Principal Receivers of Revenue

Re: Limit on Cash Transactions: Proceeds of Crime Act- Section 101A

The attention of Permanent Secretaries, Heads of Departments, Chief Executive Officers, Principal Receivers of Revenue and Chairmen of Boards is invited to the following Sections of the amended Proceeds of Crime Act 2013 which came into law on October 31, 2013:-

Section 13 (101A) states et al:-

- *Subsection (1)*

“Subject to subsection (2), a person shall not-

(a) pay or receive cash in excess of the prescribed amount in a transaction for the purchase of any goods or services or for the payment or reduction of any indebtedness, accounts payable or other financial obligation...”

- *Subsection (4)*

“a person who contravenes subsection (1) commits an offence and is liable-

(a) On summary conviction before a Resident Magistrate, to a fine not exceeding three million dollars or to imprisonment for a term not exceeding three years or to both such fine and imprisonment; or

(b) On indictment before a Circuit Court, to a fine or to imprisonment for a term not exceeding ten years or to both such fine and imprisonment.”

- *Subsection (6)*

... “prescribed amount” means-

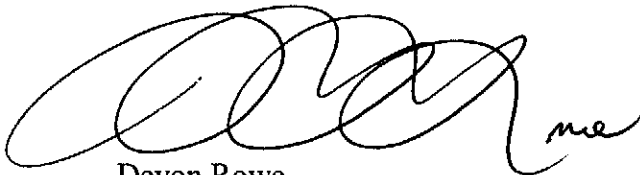
(a) *the amount of one million dollars or its equivalent (as at the date of the relevant transaction) in any other currency...*”

Based on the foregoing, Permanent Secretaries, Heads of Departments, Chief Executive Officers, Principal Receivers of Revenue and Chairmen of Boards are advised that in transacting business on behalf of the Government, under no circumstances cash must be received or paid in excess of Jamaican one million dollars (\$1M) or its equivalent in another currency, unless approval is granted by the Minister of National Security.

Please see attached amendment to the abovementioned Act for further details on the provisions of the Act and its sanctions.

Conclusion

Permanent Secretaries, Chief Executive Officers and Heads of Departments must ensure that this Circular is brought to the attention of all relevant public officers in their Ministries, Departments Agencies and Public Bodies. This Circular takes immediate effect.

A handwritten signature in black ink, consisting of several large, overlapping loops and a trailing flourish that ends in the letters 'me'.

Devon Rowe
Financial Secretary

Insertion of
new section
101A in
principal Act.

13. The principal Act is amended by inserting next after section 101 the following as section 101A—

“Limit on cash
transaction.

101A.—(1) Subject to subsection (2), a person shall not—

✓ (a) pay or receive cash in excess of the prescribed amount in a transaction for the purchase of any goods or services or for the payment or reduction of any indebtedness, accounts payable or other financial obligation; or

(b) artificially separate a single activity or course of activities into a set of transactions so that each transaction involves a payment and receipt of cash that is less than the prescribed amount but which activity or course of activities in the aggregate involves payment and receipt of cash that exceeds the prescribed amount.

(2) Subsection (1) shall not apply to—

(a) a payment made to or by a permitted person;

(b) an exempted person; or

(c) an exempted transaction.

(3) Where the Minister is satisfied that it is in the public interest to do so, the Minister may, by order subject to affirmative resolution, exempt a person or a particular type of transaction from the requirements of this section.

✓ (4) A person who contravenes subsection (1) commits an offence and is liable—

(a) on summary conviction before a Resident Magistrate, to a fine not exceeding three million dollars or to imprisonment for a term not exceeding three years or to both such fine and imprisonment; or

(b) on indictment before a Circuit Court, to a fine or to imprisonment for a term not exceeding ten years or to both such fine and imprisonment.

(5) Nothing in this section affects the enforceability of transactions in civil proceedings.

(6) In this section—

“cash” means notes and coins—

(a) of the currency of the Island issued by the Bank of Jamaica, pursuant to the Bank of Jamaica Act; or

(b) issued by the authority responsible for the issue of notes or coins of any other country which is designated as the legal tender of the country and which circulates and is customarily

used and accepted as a medium of exchange in the country of issue.

“exempted person” or “exempted transaction” means a person or transaction in relation to which the Minister has made an order under subsection (3);

“permitted person” means any of the following persons acting in accordance with the regulatory requirements applicable to that person, namely—

- (a) a bank licensed under the Banking Act;
- (b) a licensed deposit-taking institution that is regulated by the Bank of Jamaica;
- (c) a person licensed under the Bank of Jamaica Act to operate an exchange bureau;
- (d) any other person that the Minister may, by order subject to affirmative resolution, prescribe for the purposes of this subsection;

“prescribed amount” means—

- ✓ (a) the amount of one million dollars or its equivalent (as at the date of the relevant transaction) in any other currency; or

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(b) such other amount as the
Minister may, by order subject
to affirmative resolution,
prescribe."