

August 2024

Report of the activities of the Barristers & Accountants AML/ATF Board (the “Board”) for the year ending 31st March 2024 - published in accordance with Section 5(3)(b) of the Proceeds of Crime (Anti-Money Laundering and Anti-terrorist Financing Supervision and Enforcement) Act 2008 (the “Act”) for the calendar year ending 31st March 2024.

The Supervisory Regime

During the recent reporting period, there has been heightened engagement by the Board with the National Anti-Money Laundering Committee (“NAMLC”) and other Working Groups to address priority matters affecting Bermuda in alignment with the National Action Plan and the Mutual Evaluation Report (“MER”) Follow-Up Report. The Board is helping prepare submissions for the MER Follow-Up Report.

The Board, through the involvement in the Supervisory Forum continues to meet with NAMLC agencies to discuss and act on MER and National Action Plan items, including Priority Actions, Recommended Actions, and Technical Compliance Deficiencies. Further work continues with the input of the Board for the ML/ATF National Risk Assessment (“NRA”). The Board is also part of further discussions on establishing a consistent supervisory framework approach, including enforcement and compliance assessment. Board participation remains integral to completing Bermuda's MER Follow-Up, including the Progress Report on Priority Actions, Recommended Actions, and Technical Compliance Deficiencies.

Operational matters include AML/ATF Board registrations for 2024, totaling 70. These registrations include breakdowns by firm type and status updates. Desk-top reviews have been conducted on all Regulated Professional Firms (“RPFs”), and risk ratings assigned to RPFs, with plans for on-site inspections in Q3 of 2024. Firms shall be contacted by the Supervisor.

The Board continues to liaise with both CPA Bermuda and Bermuda Bar Council to ensure a fair, efficient and effective regulatory regime.

Funding

Per previous reports, the Board is funded by way of a fee levied by CPA Bermuda in accordance with section 7A(g) of the Chartered Professional Accountants of Bermuda Act 1973, and by way of Section 9(ea) of the Bermuda Bar Act 1974. The Board’s operating budget for 2024/2025 was approved by CPA Bermuda and the Bermuda Bar Council and we continue to operate in a financially prudent and responsible manner.

The main change of course is the reduction in fees to all registrants and RPFs. When the direct funding mechanism was implemented a number of years ago, it was agreed by the Board, CPA Bermuda and Bar Council that if there was a budget surplus, and if possible, the Board would give a rebate on fees. I am pleased to say that through sound financial planning the Board was able to fulfill its undertaking to give such a rebate. This will be reflected in the fees for the upcoming registration period.

Audit and Financial Statements

The Board continues to work with the Office of the Auditor General in producing audited financial statements. All of the Board's financial statements are published on-line on the Board's website <https://www.amlatfboard.bm>.

Registration

The Board is pleased to report that the registration process is very smooth. Registrants and RPFs are able to begin their registration process two weeks prior to the official period of 1 October to 31 October when the portal is opened. Queries are answered quickly, and we continue to work with all parties to ensure that any misunderstandings are discussed prior to final submissions.

I again remind all firms need to understand the importance of submitting accurate and timely information to the Board as this information is analyzed and forms part of the risk rating for their industry and contributes to the NRA.

Board status

For the reporting period I am pleased to say we have a very engaged Board and there have been no replacements or resignations. Given the potential for real or perceived conflicts of interests the Board has ensured, through good governance, that such issues are kept to an absolute minimum.

Conclusion

The Board has had another busy but successful year, which could not all be achieved without the dedication of fellow Board members. As such I thank Renee Oliveira, Alain Fournier, Miriam Rogers, Amanda Scaife, Edward Allanby and Antoine Lightbourne and also the Supervisory Team of Kim Wilson, and Peter Aldrich for their dedicated work for the Board. In addition, I would like to thank Jerome Wilson and Shanna Lespere and their respective teams for their assistance and support at the Bar Council and CPA Bermuda.

As you know, your first point of call for queries and assistance should be Peter Aldrich for all registration related matters.

Regards



Hon. Michael M. Fahy, JP
Chairman