

Dear Attorneys,

It is that time of the year again when all attorneys are required to complete the **Proceeds of Crime Act (POCA) Annual Declaration of Activities Form** for the reporting year **2024**. In completing the Form, Attorneys are reminded to have regard to the GLC's Anti-Money Laundering Guidance for the Legal Profession (As Revised December 2023) on what comprise Designated Non- Financial Activities (DNFI) under the relevant legislation including the Proceeds of Crime Act, Terrorism Prevention Act and United Nations Security Council Resolutions Implementation Act (the 'Regime').

Below are important notes to assist with accurate completion of the Form and to avoid misrepresentation and duplication of information submitted to the GLC.

## **1. In-House Counsel**

Attorneys are reminded of the provisions of **Paragraph 14** of the GLC's Guidance:

- **Exemption from DNFI Activities:** Attorneys working exclusively as In-house counsel are **not** considered to be engaged in DNFI (Designated Non-Financial Institution) activities. In light of this, it is recommended that
  - a. **In-house counsel who** carries out the stated activities on behalf of the organization to whom they are employed **ONLY** should:
    - In **Part 1 – Structure of Practice**, select the option **Other** and indicate **In-house counsel**, as well as specify the entity to which the attorney is employed.
    - In **Part 2 – Activity Information**, select the option **None of the Above**.
  - b. Where an attorney who is employed as In-House Counsel also carries out the DNFI activities outside their organization for clients/family members or for any person other than their employer, the work is not exempted, and the attorney is required to indicate the DNFI activity done for the relevant year on the Annual Declaration.

## **2. Practitioners who do not have partners but who employ Associates**

The GLC is aware that there are practitioners who do not have partners but who employ associates and who practice together as a group. The present gazetted version of the Annual Declaration will be amended in due course to allow these Practitioners to include in the Annual Declaration the name of any employed associates in the same way as firms. Pending such revision, it is recommended

that in completing the Form for the year 2024, the Practitioner without a partner and who employs associates should indicate:

- In **Part 1 – Structure of Practice**, select the option **Other** and specify **Sole Practitioner with Associates**.
- Indicate the names of the associates employed to the practice under **Part 1, No. 8** of the Form.

Where partners or associates are included on a declaration completed by Partner on behalf of a firm or by a Practitioner to whom the associate is employed, the partner or associate is not required to submit a separate Form **unless** the partner or associate is engaged in DNFI activity outside of the practice in respect of which the declaration was completed.

### 3. Completing the Form Accurately

- **Truthful Declarations:**

- Ensure all information provided on the form are accurate and truthful.
- Any misrepresentation and particularly in respect of DNFI activity done over the relevant period can result in **disciplinary action** by the General Legal Council or trigger a special examination under the Legal Profession (Competent Authority Examinations) Regulations, 2024.

### 4. Additional Information:

- The **POCA Annual Declaration of Activities Form** must be submitted on or before **January 31, 2025**, and is a pre-condition for the issuance of a Practising Certificate.
- If you have any questions or require clarification, please consult the GLC's Guidance or contact the **POCA Compliance Manager at 876-8473174** directly.
- The form can be located on the GLC's website at:

<https://www.generallegalcouncil.org/documents/poca-annual-declaration-of-activities-form.pdf>