

The Government of the Union of Myanmar
Ministry of Home Affairs
Notification No. 1 /2003
Yangon, 12th Waxing Day of Nadaw, 1365 M.E.
(5th December, 2003)

In exercise of the power conferred by sub-section (a) of section 41 of the Control of Money Laundering Law, the Ministry of Home Affairs issues the following Rules with the approval of the Government:-

Chapter I

Title and Definition

1. These Rules shall be called the Control of Money Laundering Rules.
2. The expressions contained in these Rules shall have the same meanings as are assigned to them in the Control of Money Laundering Law. In addition, the following expressions shall have the meanings given hereunder: -
 - (a) Law means the Control of Money Laundering Law.
 - (b) Money Laundering Offence means an offence of illegally converting, transferring, concealing, obliterating or disguising of money and property obtained from the commission of any of the following offences to legalize the same : -
 - (1) offences committed under the Narcotic Drugs and Psychotropic Substances Law;
 - (2) trafficking in and smuggling of women and children;
 - (3) undertakings of a financial institution without the licence to operate issued by the Central Bank of Myanmar;
 - (4) theft and smuggling out of the country of antiques and articles of cultural heritage;
 - (5) illegal trafficking of arms, ammunitions and explosives;
 - (6) counterfeiting money, using and possessing thereof;
 - (7) hijacking of aircraft, vessel or any type of vehicle;
 - (8) cyber crimes committed by electronic means;
 - (9) offences committed by act of terrorism;
 - (10) offences prescribed by the Government by notification from time to time;
 - (11) transnational crimes of offences mentioned above in sub-rules (1) to (10).
 - (c) **Investigation Body** means the Investigation Body formed by the Central Control Board under sub-section (a) of section 9 of the Law and Rule 14;
 - (d) **Preliminary Scrutiny Body** means the Preliminary Scrutiny Body formed by the Central Control Board under section 13 of the Law and Rule 26;
 - (e) **Financial Intelligence Unit** means the body formed and assigned duty by the Central Control Board under sub-rule (d) of Rule 4 and Rule 5;
 - (f) **Central Bank** means the Central Bank of the Union of Myanmar;
 - (g) **Person having beneficial interest in the exhibit** means any person other than the person under investigation who has suggested that the money and property obtained by illegal means have been transferred and obtained by any means, with consideration and in good faith.

Chapter II

Duties and Powers of the Central Control Board

3. The Central Control Board
 - (a) may liaise with the States Parties of the United Nations conventions, international and regional organizations and neighbouring countries in respect of exchange of information,

investigation, taking legal action and adjudication relating to the control of money and property obtained by illegal means;

(b) shall co-ordinate and co-operate with the relevant government departments and organizations so as not to enable the owner or possessor of money and property obtained by illegal means to operate economic enterprises or to establish and operate banks and financial institutions and other economic organizations by using such money and property or to use the same as legal money or property;

(c) shall, to increase technical know-how in investigating and exposing arrange, supervise and guide the responsible persons from the banks and financial institutions, members of Financial Intelligence Unit and responsible persons from the relevant government departments and organizations for conducting necessary training courses, holding workshops and exchanging of local and foreign knowledge.

4. The Central Control Board:

(a) shall prescribe the amount and value of money and property against which action can be taken as the money laundering offences under sub-section (c) of section 5 and sub-section (a) of section 8. Such provision may be amended from time to time;

(b) shall, with the approval of the Government, prescribe the amount and value of money and property which shall be reported to the Central Control Board under sub-section (c) of section 8, sub-section (b) of section 19, sub-section (b) of section 20 and section 21 of the Law. Such provision may be amended from time to time with the approval of the Government;

(c) shall inform the prescribed amount and value of money and property to the relevant government departments and organizations as confidential;

(d) shall form the Staff Office comprising experts to assist its functions and duties. The Financial Intelligence Unit shall be formed, with suitable expert members out of the members of Staff Office for detecting money laundering offences;

(e) shall, on receiving the information that money laundering offence has been committed, form the necessary Investigation Bodies in accordance with the Law and assign duty to carry out investigation, entering, inspecting, searching and seizing;

(f) shall, when duty has been assigned under sub-rule (e) with respect to money and property obtained by illegal means, issue in Form (1) the order granting permission to the Investigation Body to investigate, enter and make inspection, search and seize;

(g) may, issue order under sub-section (f) of section 8 of the Law to the responsible persons from the banks and financial institutions to grant permission to the Investigation Body to seize temporarily as exhibit the money and property obtained by illegal means deposited in the relevant banks and financial institutions to inspect financial records and if necessary, to make copy thereof, and seize temporarily as exhibit;

(h) shall, if order is passed to return the property seized temporarily in Form (2) as exhibit, under a bond, cause to the bond to be entered into in Form (4); if there is violation of the bond, the order returning the property under the said bond may be revoked.

(i) may issue a prohibitory order in Form(3) under sub-section (g) of section 8 of the Law to the relevant departments, organizations and persons not to convert, transfer by any means, conceal, obliterate and disguise the money and property obtained by illegal means during the period in which investigation is being made under these Rules. In addition, if necessary, may direct the sealing of the immoveable property.

(j) Under the report of findings of the Investigation Body:-

(1) if it is necessary to make further investigation of the supporting evidences, directive may be issued to the Investigation Body to make such investigations and submit thereof;

(2) if evidence is found that a money laundering offence is likely to be committed, the

Preliminary Scrutiny Body shall be formed and assigned functions and duties thereto for enabling to conduct hearing of the said matter and to submit remark thereof

(3) if it is found clearly that no money laundering offence has been committed, the case under investigation shall be closed; in addition, the money and property seized temporarily shall be returned in Form (7) to the person under investigation or the person whose property has been seized.

(4) if it is necessary to take action against the offender under section 22 or 23 of the Law, the Investigation Body shall be directed to file the information report at the relevant police station and to proceed further.

(k) may, under the report of findings of the Investigation Body and submission of the Preliminary Scrutiny Body, pass the order confiscating or not confiscating the money and property seized temporarily. If prior sanction has been granted or is to be granted to prosecute the offender, under section 22 or 23 of the Law postponement shall be made without passing the confiscation order on the money and property seized temporarily as exhibit, and necessary order shall be passed in conformity with the order and judgment of the relevant Court which is final and confirmed.

(l) may, if it is evident that, after committing the money laundering offence the person under investigation is absconding or cannot be found or has died or has gone abroad for good, with respect to money and property involved in the money laundering offence, pass the confiscation order under the report of findings of the Investigation Body and submission made by the Preliminary Scrutiny Body.

(m) may, before or after passing the order confiscating the exhibit, if the person under investigation applies within 90 days after hearing is made by the Preliminary Scrutiny Body for review of the case, submitting witnesses, document and evidence that he was not able to submit at all in the previous investigation, direct the Investigation Body to investigate again or the Preliminary Scrutiny Body to conduct the hearing again.

Chapter III

Formation of the Financial Intelligence Unit and Functions and Duties thereof

5. The Central Control Board shall, in forming the Financial Intelligence Unit under sub-rule (d) of Rule 4, form with suitable, competent persons from the relevant government departments and organizations who are included in the Office Staff.

6. The Financial Intelligence Unit shall carry out the following functions and duties in accordance with the directive of the Central Control Board:

(a) with respect to matters on exchange of information relating to money and property obtained by illegal means, liaising mutually with international organizations, regional organizations and neighbouring countries;

(b) with respect to matters to be carried out by the banks and financial institutions under these Rules, reporting to the Central Control Board, if no reporting is made on matters that are to be investigated and reported, or if unusual or suspicious information is received;

(c) reporting to the Central Control Board, if information has been received on illegal financial transactions, not through the banks and financial institutions;

(d) reporting to the Central Control Board, if responsible persons of the Department of Settlements and Land Records and State, Divisional, District and Township Land Records Offices and Registration Offices subordinate to it fail to give information after undertaking intelligence measures under section 20 of the Law on the registration of documents relating to the transfer of immoveable property or obtaining information that is unusual or suspicious;

(e) reporting to the Central Control Board, if responsible persons from relevant government

department and organization fail to report on matters that are to be reported or obtain the unusual and suspicious information after investigation relating to money which has been brought in or brought out by any person entering or leaving Myanmar;

(f) advising and submitting to the Central Control Board to conduct training courses for the responsible persons from the banks and financial institutions, and government departments and organizations to assist in increasing the necessary technical know-how.

Chapter IV

Duties to Report

7. For the purpose of these Rules, the responsible persons from the banks and financial institutions -

(a) shall, notwithstanding anything contained in the existing laws regarding bank secrecy, with respect to depositing, withdrawing and transferring of money, if any of the following points is found, determine the accounts of the person who has made deposit and withdrawal of money as confidential, and, without delay, report to the Central Control Board in the Form specified by directive of the Central Control Board, and a copy shall be sent to the Central Bank:

(1) exceeding of the amount and value of money prescribed by the Central Control Board;

(2) being unusual or suspicious although it does not exceed the amount and value of money prescribed by the Central Control Board;

(b) may continue to perform according to the procedures of the banks and financial institutions to deposit, withdraw and transfer of money, if no prohibition is made by issuance of order by the Central Control Board although information is made under sub-rule(a).

8. The Central Bank shall, with respect to matters of suspicious nature out of the information sent by copy to it under sub-rule (a) of Rule 7, call for information as may be required from the banks and financial institutions, scrutinize and submit to the Central Control Board matters that are required to be detected and exposed.

9. For the purpose of these Rules, the responsible persons of the Department of Settlements and Land Records and State, Divisional, District and Township Settlements and Land Records Offices and the Registration Offices:

(a) shall, if any of the following points is found in performing registration with respect to sale, gift, charity, disowning and exchanging of immoveable property, classify the names of transferor and transferee and the value of property as confidential, and report, without delay, to the Central Control Board in Form (5), and send a copy to the Department of Settlements and Land Records:-

(1) Exceeding of the value of property mentioned in the instrument over the amount and value of property determined by the Central Control Board;

(2) Although the value of property mentioned in the instrument does not exceed the amount and value of money determined by the Central Control Board, under field inspection, the value of property being in excess of the amount and value of property determined by the Central Control Board;

(3) Transferring of property which is unusual or of suspicious nature.

(b) may, if no prohibition is made by issuance of order by the Central Control Board, although it has been reported under sub-rule (a), continue the registration of instruments in accordance with the procedures relating to registration of instruments.

10. The Department of Settlements and Land Records shall, out of the information sent by copy to it under sub-rule (a) of Rule 9 regarding matters of suspicious nature, call for necessary information from the relevant State, Division, District and Township Department of Settlements and Land Records, Registration Offices, scrutinize and submit to the Central

Control Board matters that are required to be detected and exposed.

11. Out of the matters which are to be reported, responsible persons under Rules 7 and 9 shall not have the duty to report the matter which is not related to a money laundering offence and in respect of which supporting evidence can be submitted that it is a deposit, withdrawal and transfer of money or transfer of property under any existing law or any customary law and which is in accordance with the right of inheritance.

12. For the purpose of this Law any responsible person from the Customs Department and relevant government department and organization shall, in respect of foreign currency brought into, imported into the country or carried and sent abroad from a port, airport or any border area or by money order by post which exceeds the prescribed amount of the Central Control Board classify as confidential and without delay report to the Central Control Board in Form 6 and shall send a copy to the Head of his department.

13. The Head of a department shall, out of information a copy of which was sent under Rule 12, regarding suspicious matters, call for necessary information from his subordinate department and organization and after scrutinizing the same submit to the Central Control Board for the necessary exposure and investigation.

Chapter V

Formation of the Investigation Body and Functions and Duties thereof

14. The Central Control Board shall, on obtaining information and data relating to money laundering offence, form the Investigation Body comprising not less than three suitable persons from the relevant government departments and organizations for enabling investigation and exposure. In so forming, the members of the Investigation Body shall not be retained permanently, but shall be assigned duty case-wise or subject to a time limit by changing the composition thereof.

15. The Investigation Body shall, only after obtaining the sanction of the Central Control Board commence carrying out investigation and exposure, entering and inspecting, searching and seizing as exhibits.

16. The Investigation Body, in carrying out under Rule 15 with respect to money laundering offence:-

- (a) shall open the case and conduct the necessary investigation;
- (b) shall, in investigating, show to the person under investigation the sanction of the Central Control Board initially and explain for which matter investigation is going to be conducted;
- (c) may call for and examine the documents and other supporting evidence as are required from the person under investigation, the relevant government departments and organizations, and banks and financial institutions;
- (d) may summon and obtain statements from the person under investigation or other persons as are required.

17. The Investigation Body, in carrying out under Rule 15, with respect to money laundering offence:-

- (a) has the right to enter and inspect the building, land and work-site of the person under investigation;
- (b) shall, if it is required to seize the diamond, gold, silver, gems, jewellery, ornaments, money and valuables, seal the same and seized temporarily. The said properties shall be deposited in the bank determined by the Central Control Board under a safe custody system;
- (c) shall seize temporarily different kinds of vehicles such as motor-car, vessel, engine-

propelled vehicle, vehicle without engine and slow-moving vehicles, different kinds of accessories thereof and documents. If the Central Control Board grants permission during the period of investigation to return the property seized temporarily under a bond, a bond with sufficient security shall be entered into in Form (4) and the said properties shall be re-entrusted to the person whose property has been seized;

(d) shall, if it is required to seize animals such as elephant, horse and cattle, seize the same temporarily. During the period of investigation, a bond with sufficient security shall be entered into in Form (4), and the said animals shall be re-entrusted to the person whose animals have been seized;

(e) shall, if it is required to seize moveable properties such as furniture, musical instruments and electrical goods, seize the same temporarily, and during the period of investigation, a bond with sufficient security shall be entered into in Form (4), and the said properties shall be re-entrusted to the person whose property has been seized;

(f) shall, with respect to properties that will be re-entrusted under a bond under sub-rules (c), (d) and (e), re-entrust the same under a bond to the person whose property has been seized, only when the prohibitory order in Form (3) of the Central Control Board has been obtained.

(g) shall, in entering and inspecting, searching and seizing temporarily of money and property under the duties and powers mentioned in sub-rules (a) to (e), seizing shall be made in the presence of two search witnesses by making three copies of temporarily seizing of property Form (2). The said Form shall be signed by the person under investigation or the person whose property has been seized, search witnesses and the Head of the Investigation Body. One copy of the temporarily seizing of property Form (2) shall be given to the person under investigation or the person whose property has been seized.

18. The Investigation Body shall, if there arises a cause to pass any of the following orders and directive during the period of investigation with respect to money and property seized temporarily as exhibit, submit to the Central Control Board giving remark:-

(a) order to return under a bond of sufficient security, on the application made by the person under investigation, person whose property has been seized or person who has beneficial interest in the exhibit to return the property under a bond;

(b) prohibitory order that prohibits converting, transferring, concealing, obliterating and disguising of property in any manner;

(c) directive to seal the land and building.

19. The Central Control Board shall: -

(a) after scrutiny on the matter submitted under Rule 8, pass any suitable order and directive;

(b) if the property permitted to be seized temporarily as exhibit are arms and ammunitions, narcotic drugs and psychotropic substances, controlled precursors or other properties not permitted by any existing law, direct the Investigation Body to hand over systematically to the relevant government department and organization.

20. The Investigation Body shall, after conducting investigation, submit the report on findings to the Central Control Board together with the case proceedings. In the said report, the following points with respect to money laundering offence shall be included as may be necessary:-

(a) type of offence committed and summary of the case;

(b) name, father's name, occupation and address of persons involved in the commission of the offence;

(c) date of ownership or enjoyment of benefit in respect of money and property located locally or abroad by the person under investigation;

- (d) the manner and the date on which deposit, withdrawal or transfer was made;
- (e) type of property, the means by which the said property was owned and date of ownership or transfer;
- (f) estimate current value of properties, location thereof and if the property does not exist at the time of investigation, the reason why that property does not exist;
- (g) type of property which is under the control or not under the control of the person under investigation; type of property transferred to other person's name under pretence; type of property transferred to other person, type of property mingled with property owned by another person, which is easy or not easy to separate and current value of each item of property;
- (h) income and business of the person under investigation;
- (i) submission made by the person who has beneficial interest in the exhibit;
- (j) summary of one's activities under the orders and directives issued by the Central Control Board;
- (k) list of evidential documents and witnesses;
- (l) the findings of the investigation and review.

Chapter VI

Inspecting, Making copies and Seizing as Exhibits of Financial Records of Banks and Financial Institutions

21. The Investigation Body shall, during the period of investigation, for enabling the issue of prohibitory order not to withdraw or transfer money and property relating to money laundering offence that are maintained in banks or financial institutions, and for obtaining permission to inspect and, if necessary, to make copy and to seize temporarily as exhibit of financial records, submit the following points to the Central Control Board in a confidential manner:-

- (a) summary of the offence committed known through investigation and exposure;
- (b) findings on commission of the offence;
- (c) matter desired to be carried out and duration of time;
- (d) name and address of the bank or financial institution relating to the matter desired to be carried out.

22. The Central Control Board:-

(a) may, after scrutinizing the submission made under Rule 21 by the Investigation Body, during the period of investigation, pass any of the following order:-

- (1) prohibitory order prohibiting withdrawal and transfer of money and property;
- (2) order permitting inspection of the financial records and order permitting copies thereof to be made;
- (3) order permitting seizure temporarily of the financial records and money and property as exhibit.

(b) when passing any order under sub-rule (a) shall issue the said order to the responsible persons of the banks and financial institutions and send a copy of the order to the Governor of the Central Bank and Head of the relevant bank and financial institution.

23. The Investigation Body:-

(a) shall, in accordance with the order issued by the Central Control Board, carry out in accordance with sub-rule (g) of Rule 17 inspection, copying, seizing temporarily as exhibit the financial records, seizing temporarily as exhibit the money and property deposited, or transferred by the person under investigation;

(b) shall deposit the diamond, gold, silver, gems, jewellery, ornaments, money and valuables seized temporarily as exhibit in the bank and financial institution determined by Central Control Board for safe custody system.

Chapter VII

Measures to be Taken for Passing the Prohibitory Order and Directing to Seal in Respect of Exhibits

24. During the investigation period, when the Central Control Bank issues the prohibitory order or directs to seal the immovable property to the relevant government department, organization and persons, so as not to convert, transfer, conceal, obliterate or disguise money and property obtained by illegal means to be legal, the Investigation Body:

- (a) shall affix the said order or directive in a conspicuous place at the site where the property in respect of which a prohibitory order or a directive to seal was issued is situated and also at the relevant offices of the Township, Ward and Village-Tract Peace and Development Council;
- (b) may, with respect to the sealed immovable property if the person under investigation, the person whose property has been seized or the person having beneficial interest in the exhibit applies for return of the property under a bond submitting valid evidence during the investigation period cause a bond to be entered into in Form(4) with sufficient security by order of the Central Control Board and return the sealed immovable property;
- (c) shall, if the sealed immovable property is not returned under a bond, remove the residents from there, lock and seal the property;
- (d) shall assign duty to the relevant Township Police Force Commander to keep the sealed immovable property in safe custody.

25. The person under investigation or the person to whom the property is returned under a bond, shall not sell, mortgage, lease, transfer by any other means or give right of residence and occupancy to a third person in respect of property and money on which a prohibitory order is issued or which is directed to be sealed by the Central Control Board.

Chapter VIII

Formation of the Preliminary Scrutiny Body and Functions and Duties thereof

26. The Central Control Board shall, from the report of findings of the Investigation Body, if there is supporting evidence that a money laundering offence has been committed by any person, form the Preliminary Scrutiny Body comprising not less than three suitable persons to scrutinize and submit as to whether or not the property seized temporarily should be confiscated. In such body, one Deputy Minister shall be assigned duty as the Chairman.

27. The Preliminary Scrutiny Body shall:-

- (a) carry out and open the preliminary proceeding when assigned duty by the Central Control Board;
- (b) inform the person under investigation, the person whose property has been seized or person having beneficial interest in the exhibit, personally or by representative or by lawyer to appear and defend within 30 days;
- (c) submit with remarks to the Central Control Board, if the persons concerned fail to appear for defence although informed under sub-rule (b), after summoning and examining witnesses who have been examined by the Investigation Body and other necessary witnesses whether the money and property seized temporarily as exhibit shall be confiscated or not.

28. The Preliminary Scrutiny Body shall, when the person informed under sub-rule (b) of Rule 27 appears and clarifies:-

- (a) explain to the person under investigation, person whose property has been seized or person having beneficial interest in the exhibit to clarify and defend showing the reason why the money and property seized temporarily as exhibit should not be confiscated;
- (b) submit to the Central Control Board with remarks that the money and property seized

temporarily as exhibit should be confiscated, if the person under investigation, person whose property has been seized or person having beneficial interest in the exhibit admits that he has committed the money laundering offence.

29. If the person under investigation, person whose property has been seized or person having beneficial interest in the exhibits denies that he has not committed any money laundering offence, the Preliminary Scrutiny Body:-

- (a) shall first hear and examine the witnesses examined by the Preliminary Scrutiny Body;
- (b) after hearing the person under investigation, person whose property has been seized and person having beneficial interest in the exhibit and scrutinizing the documentary evidences submitted by them, may accept as exhibit or refuse to accept as exhibit
- (c) shall hear and examine the witnesses submitted by the person under investigation, person whose property has been seized and person having beneficial interest in the exhibit;
- (d) may, if necessary, summon and examine the persons who have been exposed during the course of investigation and examine again witnesses who have been examined;
- (e) If it is found that certain evidence is required to be examined from the report of findings of the Investigation Body or from the defence of the person under investigation, person whose property has been seized and person having beneficial interest in the exhibit shall direct the Investigation Body to make further investigation and submit the findings.
- (f) shall read out the statements, and cause the person under investigation to sign on each page of the statements, and the members of the Preliminary Scrutiny Body shall also put their signatures.
- (g) shall , after scrutiny of the report of findings of the Investigation Body and the statements made by the person under investigation, person whose property has been seized, person having beneficial interest in the exhibit and the statements of witnesses of both sides, and exhibit documents submit to the Central Control Board together with remark as to whether or not the money and property seized temporarily as exhibit should be confiscated.

30. The Preliminary Scrutiny Body shall, on being directed by the Central Control Board to make investigation again on the submission made under sub-rule (g) of Rule 29, submit again, examine again the witnesses as may be required, obtain more evidences, and submit again with remark.

31. The Preliminary Scrutiny Body shall, on being directed by the Central Contral Board to scrutinize the application made by the person whose property has been seized or person having beneficial interest in the exhibit stating that the money and property seized temporarily as exhibit have been obtained through transfer by certain means, with consideration and in good faith, obtain necessary statements and evidences in accordance with Rules 28 and 29, and submit to the Central Control Board with remark as to whether or not the right applied for by the said person should be given.

Chapter IX

Confiscation

32. The Central Control Board, with respect to money and property seized temporarily by the Investigation Body as exhibit :-

- (a) may, if it is required to obtain statements of witnesses and evidences, again direct the Preliminary Scrutiny Body to obtain and submit the same again;
- (b) shall, on finding out that a money laundering offence has been committed according to the report of findings of the Investigation Body and submission made by the Preliminary Scrutiny Body, pass an order confiscating the money and property seized temporarily as exhibit. If it is found that the said offence has not been committed, it shall pass an order to return the money

and property seized temporarily as exhibit to the original person whose property has been seized.

(c) shall, in carrying out under sub-rule (b), if prior sanction has been granted or is to be granted to prosecute the offender, postpone passing the order confiscating the money and property seized temporarily as exhibit and pass the order as may be required in conformity with the order and judgment of the relevant Court which is final.

(d) shall send the order passed under sub-rules(b) and (c) to the person under investigation, or person whose property has been seized or person having beneficial interest in the exhibit within 30 days from the date of passing the order.

33. The Central Control Board shall, if it is clearly evident that the money and property seized temporarily as exhibit has been obtained through transfer by certain means, with consideration and in good faith by the person whose property has been seized or person having beneficial interest in the exhibit according to the report of findings of the Investigation Body and submissions made by the Preliminary Scrutiny Body -

(a) if all the said money and property have been transferred and obtained, return all such money and property to the said person;

(b) if part of the said money has been transferred, obtained and in possession, return such part of the said money to the said person;

(c) if part of the property transferred and obtained is not jointly owned by the person under investigation and is easy to separate, return such part of the said property to the said person;

(d) if the property transferred and obtained is jointly owned by the person under investigation and is not easy to separate, such property shall be sold by auction. Out of the proceeds of the sale, the money proportionate to possession of that person shall be returned to him, and the money proportionate to possession of the person under investigation shall be confiscated.

34. When the Central Control Board returns the money and property seized temporarily as exhibit to the person under investigation, person whose property has been seized or person having beneficial interest in the exhibit, the Investigation Body shall return the same in Form (7) in the presence of witnesses.

35. The Central Control Board shall:-

(a) pay the money confiscated to the accounts head prescribed by the Government.

(b) administer the properties confiscated in accordance with the decision of the Government or transfer to the relevant government department and organization.

36. With respect to properties transferred under sub-rule (b) of Rule 36, the relevant government department and organization shall administer the same in accordance with the directive of the Government.

37. The Central Control Board:-

(a) shall, if it is found that the person under investigation, person whose property has been seized or person having beneficial interest in the exhibit has transferred, obliterated, destroyed or caused destruction, of the property involved in the money laundering offence and which is seized temporarily as exhibit during the period of investigation, pass the confiscation order without making further investigation with regard to the said property.

(b) shall, if it is found that the person under investigation, person whose property has been seized or person having beneficial interest in the exhibit has transferred, obliterated, destroyed or caused destruction to the money and property entrusted under a bond, and no exposure and seizure have been made of to the said money and property, pass an order on the said person to pay the said money and value of the said property as indemnity without making further investigation with regard to the said money and property. If the said person

fails to pay the same, a person from the relevant government department and organization may be assigned duty to recover the amount as if they were arrears of land revenue.

(c) may direct the Investigation Body to take action under section 26 or 27 of the Law against the person violating the provisions contained in sub-rules (a) and (b).

Chapter X

Functions and Duties of the Central Bank and the Financial Institutions

38. The Central Bank, to enable the successful performance of the functions and duties of the banks and financial institutions contained in these Rules:-

(a) shall inspect, supervise and control the banks and financial institutions that transact business under the licence to operate issued by it.

(b) may request to submit financial and economic information and data and records of deposit and withdrawal by sending a notice to the relevant banks and financial institutions.

(c) shall, with respect to money and property obtained by illegal means in the relevant banks and financial institutions, when order is issued by the Central Control Board to the responsible persons of the relevant banks and financial institutions to grant permission for seizing temporarily as exhibit, for inspection of financial records, and if necessary, for making copy thereof, supervise the relevant banks and financial institutions by issuing necessary directives.

(d) may contact with local and foreign organizations to give technical know-how to the responsible persons and staff of the relevant banks and financial institutions.

39. The relevant banks and financial institutions:-

(a) shall compile detailed records of the name, address, occupation, Citizen Scrutiny Card number, National Registration Certificate number, Foreigners Registration Certificate number, and if it is a foreigner residing abroad, the nationality, passport number and visa number of the person who opens accounts, the person who deposits and withdraws money and the person who transfers money, and the information and data relevant to the said persons.

(b) shall, in carrying out under sub-rule (a), inspect and scrutinize necessary evidences and documents. If it is found that the data are incorrect or if it is doubtful that a false name has been used, shall not continue further but shall inform the Central Bank;

(c) shall, keep the accounts and records for at least five years from the date of commencing transactions;

(d) shall, grant the Investigation Body permission to inspect the financial records, make copy thereof to seize temporarily as exhibit and to seize the money and property obtained by illegal means as exhibit in accordance with the order issued by the Central Control Board. In granting such permission, if financial transactions and records are carried out and kept in store using cyphers making use of electronic technology, the original meaning shall be deciphered and exposed;

(e) shall receive and keep the money and property entrusted by the Investigation Body under sub-rule (b) of Rule 23 safely, in accordance with the directive issued by the Central Control Board;

(f) with respect to money and property obtained by illegal means, shall not issue or transfer the said money and property during the period of investigation, without permission of the Central Control Board;

(g) shall not obliterate, change or amend the financial records relevant to the investigation;

(h) shall, provide necessary assistance when financial records relevant to offences of money laundering are being examined by the Investigation Body or Financial Intelligence Unit;

(i) shall, during the period prescribed report to the Central Bank their administrative matters

and business situation, compiling and completing fully in the Forms prescribed by the Central Bank for the purpose of these Rules.

(j) shall submit to the inspection of investigators of the Central Bank and auditors appointed by the Central Bank and show them the necessary accounts, record books and documents.

Chapter XI

Appeal and Revision

40. If the person under investigation, person whose property has been seized or person having beneficial interest in the exhibit, is dissatisfied with any of the following order or directive of the Central Control Board in respect of money and property obtained by illegal means, he may appeal to the Government within 90 days from the date on which the said order or directive is received: -

- (a) order granting permission to seize temporarily as exhibit;
- (b) prohibitory order in respect of the exhibit money and property;
- (c) order for not returning the exhibit money and property under a bond;
- (d) order revoking the order for returning the exhibit money and property under a bond;
- (e) directive to seal the immoveable property;
- (f) confiscation order.

41. An appeal filed under Rule 40 by the person under investigation, person whose property has been seized or person having beneficial interest in the exhibit shall be attached with the following documents and supporting evidences:-

- (a) certified copy of order or directive passed by the Central Control Board;
- (b) documentary evidence and other valid supporting documents relied upon;
- (c) existing laws, rules, procedures, orders and directives which are desired to be referred (if any);

42. The Office of the Government, shall scrutinize the petition for appeal attached with documents and supporting evidences, and if it is complete, submit the same to the Government and shall abide by the decision.

43. The Government may, upon an appeal submitted by the aggrieved person or in its discretion, call for the proceedings on any order passed by the Central Control Board and pass any suitable order for confirmation, revision or setting aside the said order or if necessary for re-investigation to be made.

44. The order of the Government under Rule 43 shall be final and conclusive.

Chapter XII

Miscellaneous

45. In respect of the money and property obtained by illegal means, the person whose property has been seized or the person having beneficial interest in the exhibit shall: -

- (a) be exempted from action being taken any offence contained in the Law, if valid supporting evidence can be furnished that such money and property were transferred by certain means with consideration and in good faith. In addition, in accordance with section 33, he shall have the right to receive the money and property seized.
- (b) have action taken against him, under section 32 of the Law if it is found that such money and property were transferred by certain means with or without consideration and not in good faith or if it is found that a false submission that such money and property were transferred with consideration and in good faith was made.

46. The Central Control Board shall keep secret the name of an informant in respect of the money and property obtained by illegal means and shall arrange measures to give lawful protection as necessary. In addition, depending on the severity of offence, it may arrange for rewarding the following persons with the approval of Government: -

- (a) an informant regarding the commission of any offence under the Law;
- (b) secret hardcore informant;
- (c) persons who make brilliant investigation and search to enable seizure of money and property involved in the offence and arrest of the offender.

47. In the absence of express provisions in these Rules regarding the issue of search warrant, search, arrest, or seizure as exhibits for any offence contained in the Law, the provisions of the Code of Criminal Procedure shall be complied with.

- 48. (a) The Central Control Board may, in exercising its powers and duties, form the Central Control Works Committees comprising three suitable persons out of its members and assign duty to them.
- (b) The Central Control Works Committees which are assigned duty under sub-rule (a), submit their activities to the nearest meeting held by the Central Control Board and shall obtain the approval thereof.

49.

(Sd.)

Colonel Tin Hlaing

Minister

Ministry of Home Affairs.

Form (1)

The Government of the Union of Myanmar
Ministry of Home Affairs
The Central Control Board on Money Laundering
Order granting permission to investigate, enter and
make inspection, search and seize
[Rule 4 (f)]

This Order is hereby issued to the Investigation Body headed by (name of the leader) (designation) of Department on receiving sufficient information that money laundering offence has been committed for enabling investigation, entering inspection, search and seizure relating to money and property obtained by illegal means.

1. Person to be investigated

(a) Name

(b) Citizenship Scrutiny Card No; National Registration Certificate No; Foreigner Registration Certificate No; Nationality; Passport No; Visa No;

.....

(c) Father's name

(d) Address

2. Brief summary of the Money Laundering Offence

.....

.....

.....

3. Immovable properties and movable properties relating to Money Laundering Offence shall be seized with Temporary Seizure Form(2) in the presence of 2 witnesses.

4. If execution cannot be made in accordance with this Order, the reason for not being able to do so shall be reported to the Central Control Board.

5. If execution can be made, after conducting investigation, the report of findings of investigation shall be reported promptly to the Central Control Board.

office seal

Chairman

Dated: -----
Laundering

The Central Control Board on Money

Form (2)

The Government of the Union of Myanmar
Ministry of Home Affairs
The Central Control Board on Money Laundering
Temporary Seizure of Money and Property Form
[Rule 4 (h)]

1. Date and time of seizure of money and property

2. Location where property was seized

3. Person under investigation

(a) Name

(b) Citizenship Scrutiny Card No. / National Registration Certificate No. / Foreigner
Registration Certificate No. / Passport No. / Visa No.

.....

(c) Address

4. Person whose money and property have been seized

(a) Name

(b) Citizenship Scrutiny Card No./ National Registration Certificate No./
Foreigner Registration Certificate No./ Passport No./ Visa No.

(c) Address

5. Money and Property seized temporarily.

6. We hereby put our signatures as witnesses certifying that it is true that properties contained in this Temporary Seizure Form were seized in our presence.

Witness (1)

Signature -----

Name -----

Citizenship Scrutiny Card No./

National Registration Certificate

No. -----

Address -----

Witness (2)

Signature -----

Name -----

Citizenship Scrutiny Card No./

National Registration Certificate

No. -----

Address -----

Note:

(1) In mentioning the number of items of property it shall be expressed in words as well as in figures.

(2) In mentioning the number of items of property, if there is not enough space, separate sheets of paper shall be used to mention thereof, and the person under investigation, leader of the Investigation Body and witnesses shall put their signatures on every page.

(3) The leader of the Investigation Body shall read and explain the facts included in Temporary Seizure Form (2) to the person under investigation.

Form (3)

**The Government of the Union of Myanmar
Ministry of Home Affairs
The Central Control Board on Money Laundering
Prohibitory Order of Central Control Board
on Money Laundering
[Rule 4 (I)]**

In respect of money laundering offence during investigation period, this prohibitory order is hereby issued to the following relevant department, organization and person not to convert, transfer, conceal, disguise, and obliterate the money and properties obtained by illegal means.

1. Name and Address of person and organization under investigation

.....

2. Name and Address of person and organization whose property has been seized

.....

3. Name and Address of person and organization to whom prohibitory order has been issued.

.....

4. Prohibitory order be issued for the following:-

(a) The amount of money

(b) The value of property
(c) The type of property and location
5. Commencing date of prohibition
.....
.....

Chairman

Central Control Board on

Dated: -----

Money Laundering

Form (4)

**The Government of the Union of Myanmar
Ministry of Home Affairs
The Central Control Board on Money Laundering Board
Bond
[Rule 4 (h)]**

1. On (day) (month)
(year), I, U/Daw (name)....., (age).....years, holder of
Citizenship Scrutiny Card No., residing at
(No.), (street).....(ward/village),.....
(township) hereby put my signature below to enter into this Bond and agree to refund
compensation as mentioned herein if this Bond be violated.

2. The Investigation Body has temporarily seized the following properties at
..... (No.)..... (street), (ward/village)
(township) owned by me and which relate to money laundering Offence.

3. I hereby promise that with respect to the properties contained in paragraph 2 seized
temporarily I will not amend the original form of, change, sell, mortgage, gift, release, transfer
by certain means, conceal, obliterate, disguise the said properties and will not amend or
change the original form with intention to destroy or cause destruction during the period in
which they are re-entrusted to me.

4. I hereby promise that the properties seized temporarily contained in paragraph 2 will be
kept at No., (street),
..... (ward/village), (township) only, and
without sanction of the Central Control Board, will not be moved to another place.

5. I further promise that necessary maintenance and protection will be made so as not to
cause destruction and loss to the said property.

6. I understand and know that if any of the promises mentioned above are violated by me or
violated by any person with to my abetment, the relevant properties will be confiscated under
Rule 37 (a) and also will have action taken against me.

Signature

Person under investigation/

Person whose property has been seized

If any of the promises contained in this bond are violated by the person under investigation or person whose property has been seized, and no prescribed value be paid, we, two sureties hereby guarantee to pay the value that is owed fully individually, or jointly.

Surety (1)

Surety (2)
Signature

Signature
Name

Name
Citizenship Scrutiny Card No:

Citizenship Scrutiny Card No.
National Registration Certificate No;

National Registration Certificate No;
.....
.....

Address

Address

I hereby put my signature confirming that this bond is made in my presence.

Signature

Name

Leader of Investigation Body

Note:

(1) In respect of the temporarily seized properties, this Bond Form (4) shall be made only after the Central Control Board has issued the prohibitory order Form (3).

(2) The person under investigation, the person whose property has been seized, the leader of Investigation Body and witnesses shall sign on every paper used as separate sheets as there is not enough space for mentioning the property seized temporarily.

(3) The leader of Investigation Body shall read and explain the facts included in the Temporary Seizure Form (2) to the person under investigation or person whose property has been seized.

Form (5)

**The Government of the Union of Myanmar
Ministry of Home Affairs
The Central Control Board on Money Laundering
Submitting Report
[Rule 9 (a)]**

To

Chairman

The Central Control Board on Money Laundering

Yangon

Subject: Submitting Report in respect of the value of property transferred by deed

1. Transferor:

(a) Name

(b) Citizenship Scrutiny Card No; National Registration Card No; Foreigner Registration Card No; Citizen, Passport No; Visa No

(c) Address

2. Transferee:

(a) Name

(b) Citizenship Scrutiny Card No; National Registration Card No; Foreigner Registration Card No; Citizen, Passport No; Visa No

(c) Address

3. Type of Land transferred

(a) Type

(b) Area

(c) Location of the Block

4. Type of building transferred

(a) Type

- (b) Area and number of persons
- (c) Address of location
5. Value of property transferred contained in the Deed
-
6. Type of the Transfer Deed
7. Date of receiving the Deed
8. Registration number and date of the Deed
9. Value of property according to finding of investigation
-
- 10 Unusual or suspicious transfer
-
11. Other Descriptions

Registrar of Deeds

..... Land Records Office

..... Town

C.C:-

Director-General, Settlements and Land Records Department, Yangon.

Note :

1. In serial number 3 (a), the type of land transferred be classified and mentioned as freehold land, land already obtained La/ No. 3 (Kha), Land already granted La-Na/No. (39), land granted for residence, land granted for industry;

2. In serial number 3(b), to mention the area of land plot in terms of acre or the length and breadth in terms of feet;

3. In serial number 3 (c), to mention completely the location of the land in terms of Number of the Field, Land Number, Land List Number, etc. in accordance with the location of the land survey plot;

4. In serial number 4 (a), to classify and mention the building as reinforced concrete, semi-pucca brick, brick and timber, timber, bambo-walled, hut, etc.
5. In serial number (6), to mention the type of deed that has been entered such as sales deed, gift deed release deed;
6. In serial number (7), to mention the date of registration of the deed, and if no registration has been made, date of the temporary registration of the deed;
7. In serial number (9), to mention reporting excess over the amount of value prescribed or reporting excess over the amount of value prescribed after finding out from field inspection;
8. In serial number (10), to classify and mention reporting due to transfer of unusual nature of or reporting due to transfer of suspicious nature;
9. In serial number (11), to mention fully other points that are desired to be mentioned.

Form (6)

The Government of the Union of Myanmar
Ministry of Home Affairs
The Central Control Board on Money Laundering
Submitting Report
[Rule 12]

To

Chairman

The Central Control Board on Money Laundering

Yangon

Subject:

Submitting Report in respect of Bringing in, Sending, Carrying, Transferring Money

1. The person who brings in, sends, carries, transfers of money into or outside of the country -

(a) Name

(b) Citizenship Scrutiny Card No., National Registration Card No., Foreigner Registration Card No., Citizen, Passport No., Visa No

.....

(c) Address

(d) Other obvious particulars

2. Types of money and total amount of money

.....

3. Date of bringing in, sending, carrying, transferring

.....

4. Name and location of airport, port, border trade station where declaration is made

5. Location, time and situation on which it is found out upon investigation.
...

6. Matter concerning bringing in, sending, carrying and transferring money

7. Relevant documents and other evidences relating to money (if any)

8. Other Points to be mentioned

Name

Designation

Government department and organization

Submitting the report

Dated :-

C.C:

.....

Form (6)

**The Government of the Union of Myanmar
Ministry of Home Affairs
The Central Control Board on Money Laundering
Form for Returning of Money and Property
[Rule 4 (j)(3) and 34]**

1. Brief summary of the order passed by Central Control Board and Date
.....
.....

2. Date and time of returning of money and property

3. Location of returning money and property

4. The person under investigation

(a) Name

(b) Citizenship Scrutiny Card No., National Registration Card No., Foreigner Registration Card No., Passport No., Visa No.

(c) Address

5. Person to whom property has been returned

(a) Name

(b) Citizenship Scrutiny Card No., National Registration Card No., Foreigner Registration Card No., Passport No., Visa No.

(c) Address

6. Money and properties returned :

Signature

Name

Signature

Name

The person being investigated

Leader of Investigation Body

person whose property has been

person returning the money and
returned

property

7. We hereby put our signatures as witnesses certifying that it is true that properties contained in Form for Returning Money and Property have been returned in our presence.

Witness (1)

Witness (2)

Signature

Signature

Name

Name

Citizenship Scrutiny Card No./

Citizenship Scrutiny Card No./
National Registration Certificate No.....

National Registration Certificate No.....
Address
Address

Note:

- (1) In mentioning the number of items of property it shall be expressed in words as well as in figures.
- (2) In mentioning the number of items of property, if there is no enough space, seperate papers shall be used to mention thereof, and the person under investigation, leader of the Investigation Body and witnesses shall put their signatures on every page.
- (3) The leader of the Investigation Body shall read and explain the facts included in Returning of property Form (7) to the person under investigation or the person whose property has been seized.

.....