

No. 8 of 2025

First Session Thirteenth Parliament Republic of
Trinidad and Tobago

HOUSE OF REPRESENTATIVES

BILL

AN ACT to provide for implementation of the
recommendations of the Financial Action Task
Force (FATF) with respect to measures to counter-
proliferation financing, to make consequential
amendments to the Economic Sanctions Act and for
related matters

THE COUNTER-PROLIFERATION FINANCING BILL, 2025

Explanatory Note

(These notes form no part of the Bill but are intended only to indicate its general purport)

This Bill seeks to implement the Financial Action Task Force (“FATF”) recommendations in relation to proliferation financing. FATF Recommendation 1.11 requires countries implement risk-based measures proportionate to the risks identified, based on the understanding of their proliferation financing risks and to allocate resources efficiently, to mitigate proliferation financing risks. FATF Recommendation 1.15 requires financial institutions and designated non-financial businesses and professions to identify and assess, their proliferation financing risks. This Recommendation requires the financial institutions and designated non-financial businesses and professions to do the following:

- (a) document their PF risk assessments;
- (b) keep these assessments up to date; and
- (c) have appropriate mechanisms to provide proliferation financing risk assessment information to competent authorities and self-regulated bodies.

Additionally, FATF Recommendation 1.15 imposes an obligation on financial institutions, designated non-financial businesses and professions to have policies and controls to allow the management and mitigation of proliferation financing risks that have been identified by countries. The financial institutions, designated non-financial businesses and professions are required to take proportionate measures to manage and mitigate the proliferation financing risks identified.

Clause 1 of the Bill would provide the short title to the Act.

Clause 2 of the Bill would provide for the interpretation of certain terms used in the Act.

Clause 3 of the Bill seeks to impose a duty on financial institutions and listed businesses when they are notified of list of listed entities under the Economic Sanctions Act, Chap. 81:05 to immediately inform the Financial Intelligence Unit of Trinidad and Tobago (“the FIUTT”), whether the listed entity has property in the financial institution or listed business.

Clause 4 of the Bill would require financial institutions and listed businesses to keep and retain records pursuant to Regulations. This clause would also provide for financial institutions and listed businesses to file a suspicious activity report with the FIUTT, where there are reasonable grounds to suspect that property within the financial institution or listed business may be owned or belongs to a listed entity. This clause also seeks to prohibit the disclosure by staff of the financial institutions, listed businesses or the FIUTT, of reports of suspicious transactions or suspicious activity report made to the FIUTT to other persons. The penalty for contravention of section 5(4) would be liability on summary conviction to a fine of five million dollars (\$5,000,000) and to imprisonment for five (5) years.

Clause 5 of the Bill would require a financial institution or listed business that has reasonable grounds to suspect that property has been frozen pursuant to the Act or any other written law implementing the recommendations of the FATF in relation to measures to counter-proliferation financing, to make a suspicious activity or transaction report immediately to the FIUTT. This clause also seeks to provide protection from criminal, civil or administrative liability for staff of the financial institution or listed business, where the reports are made in good faith.

Clause 6 of the Bill would provide for Supervisory Authorities to monitor the financial institutions or listed businesses under its supervision and to take the necessary measures on a risk sensitive basis to ensure compliance with the Act and any other written law implementing the recommendations of the FATF in relation to measures to counter-proliferation financing.

Clause 7 of the Bill would provide for Supervisory Authorities to disseminate the findings of any national, sectoral or thematic assessment of proliferation financing risks to the relevant financial institution or listed business under their supervision.

Clause 8 of the Bill would empower Supervisory Authorities to enter the premises of financial institutions or listed businesses under their supervision, during working hours to examine records and to ensure compliance with the Act. Where the Supervisory Authority is the FIUTT, the consent of the owner or occupier of the premises must be obtained before entry. Where the owner or occupier of the premises refuses consent, a police officer above the rank of sergeant would be empowered to apply for a warrant to enter the premises accompanied by the relevant officer of the FIUTT.

Clause 9 of the Bill would impose an obligation on financial institutions and listed businesses to develop and implement a compliance programme designed on a risk sensitive basis to manage and mitigate proliferation financing risks.

Clause 10 of the Bill seeks to impose a duty of confidentiality on a Supervisory Authority in relation to information and documents obtained in the course of its duties.

Clause 11 of the Bill seeks to create an offence for the breach of confidentiality, with a penalty on summary conviction of a fine of two hundred and fifty thousand dollars (\$250,000) and to imprisonment for three (3) years.

Clause 12 of the Bill seeks to impose penalties for breach of section 5 or 9 of the Act and breach of the Regulations. This clause also seeks to allow for the discharge of liability by payment of an administrative fine. This clause would provide for the procedure to enable the payment of administrative fines.

Clause 13 of the Bill would empower the Minister with responsibility for finance to make Regulations generally and for specific matters, subject to negative resolution of Parliament.

Clause 14 of the Bill seeks to make consequential amendments to the Economic Sanctions Act, Chap. 81:05, to impose a duty on the Attorney General to maintain lists of listed entities and individuals that are made in accordance with that Act.

THE COUNTER-PROLIFERATION FINANCING BILL, 2025

Arrangement of Clauses

Clause

1. Short title
2. Interpretation
3. Certain procedures apply
4. Record keeping and retention duties
5. Report of suspicious activity or transaction to be made immediately
6. Requirement for Supervisory Authorities to monitor
7. Supervisory Authority to disseminate information
8. Supervisory Authority may enter premises
9. Compliance programme
10. Confidentiality
11. Breach of confidentiality
12. Offences and penalties
13. Regulations
14. Consequential Amendments

BILL

AN ACT to provide for implementation of the recommendations of the Financial Action Task Force (FATF) with respect to measures to counter-proliferation financing, to make consequential amendments to the Economic Sanctions Act and for related matters

[, 2025]

ENACTED by the Parliament of Trinidad and Tobago as Enactment follows:

1. This Act may be cited as the Counter-Proliferation Short title Financing Act, 2025.

Interpretation

2. In this Act—

“1718 List” means the list established and maintained by the Security Council Committee established pursuant to the United Nations Security Council Resolution 1718 (2006);

“business relationship” means a business, professional or commercial relationship between a relevant person and a customer, which is expected by the relevant person, at the time when contact is established, to have an element of duration;

“document” means information that is recorded in any form;

Chap. 11:27

“financial institution” has the meaning assigned to it under section 2 of the Proceeds of Crime Act;

“financial services” means the provision of services related to investment, lending, and management of property, money and assets and includes the granting of export credits and guarantees;

Chap. 72:01

“FIUTT” means the Financial Intelligence Unit of Trinidad and Tobago established under section 3 of the Financial Intelligence Unit of Trinidad and Tobago Act;

“listed business” means a business or profession listed in the First Schedule to the Proceeds of Crime Act;

Chap. 81:05

“listed entity” means an individual or entity in respect of whom a freezing order, relative to proliferation financing, has been made under the Economic Sanctions Act;

“Minister” means the Minister to whom responsibility for finance is assigned;

“NAMLC” means the the National Anti-Money Laundering and Counter Financing of Terrorism Committee established under section 57A of the Proceeds of Crime Act;

“proliferation financing” means the provision of funds or financial services used in whole or in part the manufacture, acquisition, possession, development, export, trans-shipment, brokering, transport, transfer, stockpiling or use of nuclear, chemical or biological weapons and their means of delivery and related materials;

“proliferation financing risk” means the potential breach, non-implementation or evasion of targeted financial sanctions in relation to proliferation financing, imposed under the Economic Sanctions Act or any other written law;

“property” or “funds” means assets of any kind, whether corporeal or incorporeal tangible or intangible, moveable or immovable, however acquired and legal documents or instruments in any form, including electronic or digital, evidencing title to, or interest in, such assets, including but not limited to bank credits, payment cards, payment instruments, travellers cheques, bank cheques, money orders, shares, securities, virtual assets, bonds, drafts, letters of credit whether situated in Trinidad and Tobago or elsewhere, and includes a legal or equitable interest, whether full or partial, in any such property, precious metals, oil and other natural resources and their refined products, modular refineries and related material and other economic resources which may be used to obtain funds, goods or services;

“Supervisory Authority” means, in respect of—

- Chap. 84:01

(a) financial institutions licensed under the Financial Institutions Act, the Insurance Act, the Exchange Control Act, the Home Mortgage Bank established under the Home Mortgage Bank Act, the Agricultural Development Bank established under the Agricultural Development Bank Act, the Trinidad and Tobago Mortgage Finance Company, the Central Bank;
- Chap. 79:50
- Chap. 79:08
- Chap. 79:07

(b) a person registered under section 51(1) of the Securities Act, the Trinidad and Tobago Securities and Exchange Commission; or
- Chap. 83:02

(c) other financial institutions registered as non-regulated financial institutions under the Financial Intelligence Unit of Trinidad and Tobago Act and listed businesses, the Financial Intelligence Unit of Trinidad and Tobago;

“targeted financial sanctions” means both asset freezing and prohibitions to prevent property or other assets from being made available, directly or indirectly for the benefit of listed entities and persons and entities acting on behalf of, or at the direction of listed entities in relation to proliferation financing, imposed under the Economic Sanctions Act or any other written law.

Certain
procedures apply

3. (1) As soon as a financial institution or listed business is notified of the list of listed entities, the financial institution or listed business shall immediately inform the FIUTT on the approved form—

- (a) whether any listed entity has property with the financial institution or listed business;

- (b) whether there is a transaction being conducted involving property owned or controlled, wholly or jointly, whether directly or indirectly by a listed entity;
- (c) whether the financial institution or listed business has funds or other assets of persons and entities acting on behalf of, or at the direction of a listed entity.

(2) Where a listed entity or a person or entity acting on behalf of or at the direction of a listed entity, attempts to enter into a transaction or continue a business relationship with the financial institution or listed business, the financial institution or listed business shall immediately submit a suspicious activity report to the FIUTT and shall not enter into a transaction or continue a business transaction or business relationship with such a person or entity.

(3) If the financial institution or listed business has reasonable grounds to believe that listed entity has funds in Trinidad and Tobago, it shall immediately inform the FIUTT.

4. (1) Every financial institution or listed business shall keep and retain records in accordance with the Regulations made under section 14. Record keeping and retention duties

(2) Where a financial institution or listed business knows or has reasonable grounds to suspect that property within the financial institution or listed business belong to, or is derived or generated from property owned or controlled, directly or indirectly by—

- (a) a listed entity; or
- (b) a person or entity who is acting on behalf of or at the direction of a listed entity, the financial institution or listed business shall report the existence of such property to the FIUTT by filing a suspicious activity report.

(3) Every financial institution or listed business shall—

(a) pay special attention to and report all—

(i) business transactions between individuals, corporate persons and financial institutions in or from other countries which do not comply with, or who comply insufficiently with the recommendations of the Financial Action Task Force; and

(ii) complex, unusual, or large transactions, whether completed or not, unusual patterns of transactions and significant but periodic transactions which have no apparent economic or visible lawful purpose,

to the FIUTT;

(b) examine the background and purpose of all transactions which have no economic or visible legal purpose under paragraph (a)(i) and make available to the FIUTT, written findings after its examinations, where necessary;

(c) keep and retain records relating to financial activities in accordance with the Regulations made under section 13;

(d) develop and implement a written compliance programme, reasonably designed to ensure compliance with this Act; and

(e) monitor compliance with the Regulations made under section 13.

(4) Where a financial institution or listed business

makes a suspicious transaction or suspicious activity report to the FIUTT under this Act or any other written law by which the recommendations of the Financial Action Task Force in relation to measures to counter proliferation financing are implemented, the Director or staff of the FIUTT or of such financial institution or listed business shall not disclose the fact or content of such report to any person.

(5) Any person who contravenes subsection (4) commits an offence and is liable on summary conviction to a fine of five million dollars and to imprisonment for five years.

5. (1) A suspicious activity or transaction report made to the FIUTT pursuant to this Act or and any other written law by which the recommendations of the Financial Action Task Force in relation to measures to counter proliferation financing are implemented, shall be made immediately upon the financial institution or listed business having reasonable grounds to suspect that the property is property which has been frozen pursuant to this Act or any other written law by which the recommendations of the Financial Action Task Force in relation to measures to counter proliferation financing are implemented.

Report of suspicious
activity or transaction
to be made
immediately

(2) Where the report referred to in this section is made in good faith, the financial institution or listed business and their employees, staff, directors, owners or other representatives as authorised by law, are exempt from criminal, civil or administrative liability, as the case may be, for complying with this section or for breach of any restriction on disclosure of information imposed by contract or by any legislative, regulatory or administrative provision, regardless of the result of the communication.

Requirement for
Supervisory
Authority to
monitor

6. A Supervisory Authority shall monitor a financial institution or listed business for which it is a Supervisory Authority and shall take the necessary measures, on a risk sensitive basis, to ensure compliance with this Act and any other written laws by which the recommendations of the Financial Action Task Force in relation to measures to counter proliferation financing are implemented

Supervisory
Authority to
disseminate
information

7. A Supervisory Authority shall disseminate the findings of any national, sectoral or thematic assessment of proliferation financing risks to a financial institution or listed business for which it is the Supervisory Authority.

Supervisory
Authority may enter
premises

8. (1) The relevant Supervisory Authority or a person authorised by the relevant Supervisory Authority may enter into premises of any financial institution or listed business during working hours in order to—

- (a) inspect any business transaction record or client information record kept by the financial institution or listed business pursuant to this Act and the Regulations made thereunder and any other written laws by which the recommendations of the Financial Action Task Force in relation to measures to counter-proliferation financing are implemented and ask any questions relevant to such record and to make any notes or take any copies of the whole or any part of any such record;
- (b) determine whether the policies and programmes required to ensure compliance with this Act and any other written laws by which the recommendations of the Financial Action Task Force in relation to measures to counter proliferation financing are implemented or have been implemented; and

- (c) to determine whether there is compliance with this Act and the Regulations made thereunder and any other written laws by which the recommendations of the Financial Action Task Force in relation to measures to counter-proliferation financing are implemented.

(2) Where the Supervisory Authority is the FIUTT, the FIUTT shall obtain the consent of the owner or the occupier of the premises for the entry.

(3) Where the listed business refuses to give consent under subsection (2), a police officer above the rank of sergeant may apply for a warrant to enter the premises accompanied by an officer of the FIUTT.

9. (1) A financial institution or listed business shall develop and implement policies and programmes which are reasonably designed on a risk sensitive basis to manage and mitigate proliferation financing risks to ensure compliance with this Act and any other written laws by which the recommendations of the Financial Action Task Force in relation to measures to counter-proliferation financing are implemented.

Compliance
programme

(2) The policies and programmes mentioned in subsection (1) shall be approved by the senior management of that financial institution or listed business.

(3) For the purposes of this section, “senior management” in relation to a financial institution or listed business means the body responsible for directing or overseeing the performance of the financial institution or listed business.

10. A Supervisory Authority shall regard and deal with all information and documents which it has obtained in the course of its duties as the Supervisory Authority, as secret and confidential.

Confidentiality

Breach of
confidentiality

11. Where a director, officer, employee or a person acting under the direction of a Supervisory Authority communicates or attempts to communicate the information or documents referred to in section 10 or anything contained in such document or copies to any person—

- (a) other than a person to whom it is authorised to communicate it; or
- (b) otherwise than for the purposes of this Act or any other written law,

he commits an offence and is liable on summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for three years.

Offences and
penalties

12. (1) A person who knowingly contravenes or fails to comply with the provisions of section 5 or 9 commits an offence and is liable—

- (a) on summary conviction, to a fine not exceeding two million dollars and imprisonment for a term not exceeding two years; or
- (b) on conviction on indictment, to a fine not exceeding five million dollars and imprisonment for a term not exceeding seven years.

(2) Regulations made under section 13 may, notwithstanding section 63 of the Interpretation Act, provide that a contravention of a regulation is subject to a penalty—

- (a) on summary conviction, of a fine not exceeding two million dollars and imprisonment for a term not exceeding two years; or
- (b) on conviction on indictment, of a fine not exceeding five million dollars and imprisonment for a term not exceeding seven years.

(3) Notwithstanding subsection (2), a contravention of a regulation which attracts a summary penalty under subsection (2)(a), as provided for under the Regulations, may be liable to an administrative fine not exceeding one million seven hundred and fifty thousand dollars in the manner provided for under subsections (4) to (15).

(4) Notwithstanding any other action available to a Supervisory Authority under this Act or any other written law, a Supervisory Authority, where it has reasonable cause to believe that a financial institution, or listed business which is supervised by it, has contravened or is contravening a provision of Regulations made under this Act, may offer the financial institution, or listed business the opportunity to discharge the liability for the contravention by issuing a Notice, in the manner set out in subsection (5), requiring the financial institution, or listed business to—

- (a) comply with the relevant provision of the Regulations to the satisfaction of the Supervisory Authority; and
- (b) pay the applicable administrative fine in the Regulations,

within such period as is specified in the Notice.

(5) A Notice under subsection (4), shall specify—

- (a) that the Supervisory Authority has reason to believe that the financial institution or listed business, has contravened or is contravening a provision of Regulations made under this Act;
- (b) the particulars of the contravention;

(c) that the financial institution, or listed business referred to in paragraph (a) may discharge any liability to conviction in respect of that contravention by—

(i) discontinuing or remedying the contravention to the satisfaction of the Supervisory Authority within the time specified by the Supervisory Authority; and

(ii) paying the prescribed administrative fine within twenty-one business days from the day after which the Notice was served;

(d) that a failure to—

(i) discontinue or remedy the contravention to the satisfaction of the Supervisory Authority, within the time specified by the Supervisory Authority; and

(ii) pay the fine within twenty-one business days from the day after which the Notice was served,

may result in the matter being referred to the Commissioner of Police;

(e) the amount of the administrative fine that is to be paid and the place where, or the manner in which, the administrative fine may be paid; and

(f) that the payment of the administrative fine will not be accepted after the expiration of twenty-one business days,

is without prejudice to any proceedings for the offence to which the Notice applies.

(6) In any proceedings for an offence to which this section applies, no reference shall be made to the giving of any Notice under this section or to the payment or non-payment of an administrative fine thereunder, unless in the course of the proceedings or in some document which is before the Court in connection with the proceedings, reference has been made by, or on behalf of the accused to the giving of such a Notice, or, as the case may be, to such payment.

(7) The Minister may on the advice of the Supervisory Authority, by Order, vary the period for paying the fine as stated in respect of subsection (5)(c)(ii) and (5)(f).

(8) A Supervisory Authority shall, prior to the issue of a Notice under subsection (4), forward a Notification of Intention to Issue a Notice which—

- (a) informs the financial institution or listed business of its intention to issue a Notice that it has contravened or is contravening a provision of Regulations made under this Act;
- (b) advises of the circumstances that gave rise to the administrative penalty and the amount of the administrative fine;
- (c) offers the financial institution or listed business an opportunity to present any relevant information that may be pertinent to the decision on whether to issue the Notice under subsection (4); and
- (d) states that the financial institution or listed business has ten business days to respond to the Notification of Intention.

(9) Where a Supervisory Authority has issued a Notice under subsection (4), the financial institution, or listed business shall have twenty-one business days, commencing from the day after which the Notice was served, to pay the administrative fine and discontinue or remedy the contravention to the satisfaction of the Supervisory Authority.

(10) A Supervisory Authority may extend the time to discontinue or remedy the contravention for a further period not exceeding twenty-one business days.

(11) Payment of an administrative fine set out in the Regulations shall be made to the Comptroller of Accounts.

(12) Where an administrative fine is required to be paid, the payment may be made electronically.

(13) Notwithstanding subsection (4), a financial institution or listed business to whom a Notice has been issued, may within fifteen business days of the receipt of the Notice, appeal to the High Court, from the decision to issue the Notice.

(14) The procedure for determining an appeal filed under subsection (13), shall be in accordance with the Civil Proceedings Rules of the Supreme Court of Judicature.

(15) Notwithstanding the fact that an appeal may have been filed under subsection (13),—

- (a) the Notice shall be binding upon the appellant; and
- (b) the appellant is required to comply with the Regulations made under this Act and any instruction of the Supervisory Authority,

unless, on an *inter partes* application made to the High Court, the High Court is satisfied that circumstances exist that warrant a stay of the particular instruction contained in the Notice and grants an injunction to the appellant for a stay of the Notice before the determination of the appeal on such terms and conditions as the High Court may direct.

(16) For the purposes of this section “business day” means Monday to Friday, except a public holiday.

(17) Notwithstanding anything in any other law to the contrary, any complaint relating to an offence under Regulations made under section 14 which is triable by a District Court in Trinidad and Tobago may be so tried if it is laid at any time within seven years after the commission of the offence or within eighteen months after the relevant date.

(18) In this section “relevant date” means the date on which evidence sufficient in the opinion of the Supervisory Authority to justify the institution of summary proceedings, comes to its knowledge.

(19) For the purposes of subsection (18), a certificate as to the date on which the evidence referred to in subsection (18) came to the knowledge of the Supervisory Authority shall be conclusive evidence of that fact.

(20) Where a company commits an offence under this Act, any officer, director or agent of the company who directed, authorised, assented to, acquiesced in or participated in the commission of the offence is a party to, and commits the offence and is liable on conviction to the punishment provided for the offence.

13. (1) The Minister to whom responsibility for ^{Regulations} finance is assigned may make Regulations, subject to negative resolution, prescribing the—

- (a) type of records to be kept by a financial institution or listed business and the type of information to be included in these records;
- (b) procedure to be followed in implementing section 10;
- (c) periods for which and the methods by which the records referred to in paragraph (a) may be retained;
- (d) measures which a financial institution or listed business shall implement to—
 - (i) ascertain the identity of persons with whom they are dealing; and
 - (ii) treat with circumstances in which sufficient identification data is not made available by an applicant or business;
- (e) manner in which the Supervisory Authority for—
 - (i) financial institutions which are not licensed under the Financial Institutions Act, the Insurance Act, the Exchange Control Act or registered under the Securities Act; and
 - (ii) listed businesses,
 may be selected for the purpose of ensuring compliance with this Act;
- (f) the measures that may be taken by a Supervisory Authority to secure compliance with this Act or to prevent the commission of an unsafe or unsound practice including—

- (i) administrative sanctions, which may include administrative fines; and
- (ii) disciplinary actions when possible;
- (g) generally, for the purpose of giving effect to this Act.

14. The Economic Sanctions Act is amended—

Consequential
amendments

- (a) in section 3, by inserting after the definition of “foreign State”, the following definition:

“ “listed entity” means an individual or entity in respect of whom a freezing order, relative to proliferation financing, has made under this Act;”;

Chap. 81:05

- (b) in section 4, by inserting after the subsection (6), the following subsection:

“(6A) An order made under this section may contain procedures for the freezing seizing of assets of listed entities.”; and

- (c) by inserting after section 4, the following section:

“Attorney
General to
maintain list
of listed
persons or
entities

4A. (1) Where Trinidad and Tobago is a member of a regional or international organisation and has agreed as a member of such organisation to implement economic sanctions against another State, the Attorney General shall be responsible for—

- (a) maintaining a list of entities to be known as “listed entities” to

which this Act or any subsidiary legislation made under this Act applies;

- (b) maintaining contact with the United Nations at frequent intervals to ensure that the list of listed entities remains current;
- (c) circulating the list referred to in paragraph (a) immediately, to financial institutions and listed businesses;
- (d) maintaining a consolidated list of all orders issued by a Court, in respect of freezing and seizing of assets against listed entities to which this Act or any subsidiary legislation made under this Act applies; and
- (e) circulating consolidated list of entities referred to in paragraph (d) to financial institutions and listed businesses.

(2) The Attorney General may where new information is obtained in respect of listed

Clerk of the House

Speaker

Clerk of the Senate

President of the Senate

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