



## OFFENCES & PENALTIES

### UNDER THE AML/CFT LAWS OF TRINIDAD AND TOBAGO

The Proceeds of Crime Act and amendments thereto, the Anti-Terrorism Act and amendments thereto, the Financial Intelligence Unit Act and amendments thereto and Regulations made under these Acts, and the Economic Sanctions Orders contain detailed provisions of money laundering offences, terrorist financing offences, financing of proliferation of weapons of mass destruction offences and related offences. The Table below lists some of the important offences of which you should be aware as a Supervised Entity reporting to the Financial Intelligence Unit of Trinidad and Tobago.

No.	BRIEF DESCRIPTION OF THE OFFENCE	PENALTY	SECTION CREATING OFFENCE	SECTION IMPOSING PENALTY
1	<p><b><u>Money Laundering</u></b></p> <p><b>A)</b> The offence includes engaging directly or indirectly with any transaction involving criminal property OR receiving, possessing, concealing, disguising, transferring, converting, bringing into or removing from T&amp;T property which a person knows or has reasonable grounds to suspect is criminal property.</p>	<p>\$25M and 15yrs imprisonment upon summary conviction; \$50M and 30yrs upon conviction on indictment</p>	<p><b>Sec. 45(1), POCA</b></p>	<p><b>Sec. 53(1), POCA</b></p>

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	<p><b>B)</b> A person who knowingly attempts, aids, abets, conspires, procures or otherwise facilitates the commission of the offence of money laundering commits an offence.</p>	<p>\$25M and 15yrs imprisonment upon conviction on indictment</p>	<p><b>Sec. 53(1A), POCA</b></p>	<p><b>Sec. 53(1A), POCA</b></p>
<p><b>2</b></p>	<p><b><u>Tipping-Off</u></b></p> <p>Disclosing to any other person information or any other matter which is likely to prejudice the matter that is subject to investigation or proposed investigation.</p> <p>Higher penalties apply to public officers and persons employed on contract in the State who commit the offence of tipping off.</p>	<p>\$5M and 5yrs imprisonment upon summary conviction</p> <p>\$10M and 10yrs imprisonment upon summary conviction</p>	<p><b>Sec. 51, POCA</b></p> <p><b>Sec. 53(4), POCA,</b></p>	<p><b>Sec. 53(2), POCA</b></p> <p><b>Sec. 53(4)(a), POCA</b></p>
<p><b>3</b></p>	<p>Failure to disclose knowledge or suspicion of Money Laundering.</p> <p>Higher penalties apply to public officers and persons employed on contract in the State who fail to disclose knowledge or suspicion of money laundering.</p>	<p>\$250K and 3yrs imprisonment upon summary conviction</p> <p>\$500K and 5yrs imprisonment upon summary conviction</p>	<p><b>Sec. 52(1), POCA</b></p> <p><b>Sec. 53(4),POCA</b></p>	<p><b>Sec. 53(3), POCA</b></p> <p><b>Sec. 53(4)(b), POCA</b></p>

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4	Failure to make a STR/SAR to the FIU.	\$500K and 2yrs imprisonment upon summary conviction; \$3M and 7yrs imprisonment upon conviction on indictment	Sec. 55A, POCA	Sec. 57(1), POCA
5	Where a company commits an offence under the POCA any Officer, Director or agent of the company commits an offence.	\$500K & 2 yrs. imprisonment upon summary conviction; \$3M & 7 yrs. imprisonment upon conviction on indictment	Sec. 57(2), POCA	Sec. 57(1), POCA
6	Commission of a terrorist act, use of property for commission of terrorist acts, provision of financial or other services, provision of assistance, support, training etc for commission of terrorist acts.	\$25M- \$30M & 25 yrs. imprisonment upon conviction on indictment	Sec. 3-15, ATA	Sec. 3-15, ATA
7	Financing of Terrorism	\$25M and 25yrs imprisonment upon conviction on indictment	Sec. 22A, ATA	Sec. 22A(3) and (4), ATA
8	Disclosing the facts or content of an STR/SAR to any person.	\$5M and 5yrs imprisonment on summary conviction	Sec. 55A(2), POCA & Sec. 22C(5), ATA	Sec. 55A(2), POCA & Sec. 22C(5), ATA
9	Failure to disclose information to the FIU relating to property used for the commission of offences under the ATA or proposed transactions involving terrorist property.	5yrs imprisonment upon conviction on indictment	Sec. 33(6), ATA	Sec. 33(6), ATA

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<b>10</b>	Failure of a FI or LB to comply with Court Order to provide information requested by the FIU.	Upon summary conviction:- \$500K and \$25K for each day the offence continues; Upon conviction on indictment:-\$1M and \$50K for each day the offence continues	<b>Sec.21(1), FIU Act</b>	<b>Sec.21(1), FIU Act</b>
<b>11</b>	Director, CEO or other officer, or Owner/Partner of FI or LB who knowingly authorized or agreed to withhold the information requested by the FIU.	\$250K and 3yrs imprisonment on summary conviction	<b>Sec. 21(2), FIU Act</b>	<b>Sec. 21(2), FIU Act</b>
<b>12</b>	Disclosure of Information received from FIU	\$250K and 3 yrs. imprisonment on summary conviction	<b>Sec. 23(1), FIU Act</b>	<b>Sec. 23(1), FIU Act</b>
<b>13</b>	Disclosure of Investigation into STR/SAR	\$250K and 3 yrs. imprisonment on summary conviction	<b>Sec. 24, FIU Act</b>	<b>Sec. 24, FIU Act</b>
<b>14</b>	Failure by Supervised Entity to register with the FIU	\$50K and \$5K for each day the offence continues upon summary conviction	<b>Reg. 28(2), FIU Regulations</b>	<b>Reg. 28(2), FIU Regulations</b>
<b>15</b>	Failure By Supervised Entity to notify FIU of Change of address of registered office	\$20K on Summary Conviction	<b>Reg. 29(2), FIU Regulations</b>	<b>Reg. 29(2), FIU Regulations</b>
<b>16</b>	Dealing with property owned or controlled by a listed person; providing and/or making property available to a listed entity	\$150K and 5 yrs. imprisonment on summary conviction; \$300K and 10yrs on conviction on indictment	<b>ESO (Iran), Sec. 11-13; ESO (DPRK) Sec. 11-13</b>	<b>Sec. 7, ESA</b>

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<b>17</b>	Exporting, selling, supplying, transferring items to Iran and/or permitting the acquisition of and/or providing assistance ect related to items or services	\$150K and 5yrs imprisonment on summary conviction; \$300K and 10yrs on conviction on indictment	<b>ESO (Iran), Sec. 14-20</b>	<b>Sec. 7, ESA</b>
<b>18</b>	Exporting, selling, supplying, transferring items to DPRK and/or permitting the acquisition of and/or providing assistance ect related to items or services	150K and 5yrs imprisonment on summary conviction; \$300K and 10yrs on conviction on indictment	<b>ESO (DPRK), Sec. 14-20</b>	<b>Sec. 7, ESA</b>

**ABBREVIATIONS:**

<b>ATA</b>	The Anti-Terrorism Act, Chap. 12:07 (as amended)	<b>FI</b>	Financial Institution	<b>ML</b>	Money Laundering
<b>CEO</b>	Chief Executive Officer	<b>FIU Act</b>	Financial Intelligence Unit of Trinidad and Tobago Act, Chap. 72:01 (as amended)	<b>POCA</b>	Proceeds of Crime Act, Chap. 11:27 (as amended)
<b>ESA</b>	The Economic Sanctions Act Chap. 81:05	<b>K</b>	Thousand (\$TT)	<b>Sec.</b>	Section of the Legislation
<b>ESO (DPRK)</b>	The Economic Sanctions (Implementation of United Nations Resolutions on the Democratic People's Republic of Korea) Order, 2018	<b>LB</b>	Listed Business	<b>STR/SAR</b>	Suspicious Transaction/ Activity Report
<b>ESO (Iran)</b>	The Economic Sanctions (Implementation of United Nations Resolutions on the Islamic Republic of Iran) Order, 2018	<b>M</b>	Million (\$TT)	<b>Yrs.</b>	Years

***Updated: as at 18<sup>th</sup> June, 2019.***