LEGAL NOTICE NO. 416

REPUBLIC OF TRINIDAD AND TOBAGO

THE COUNTER-PROLIFERATION FINANCING ACT, 2025

REGULATIONS

MADE BY THE MINISTER UNDER SECTION 13 OF THE COUNTER-PROLIFERATION FINANCING ACT AND SUBJECT TO NEGATIVE RESOLUTION OF PARLIAMENT

THE COUNTER-PROLIFERATION FINANCING REGULATIONS, 2025

1. These Regulations may be cited as the Counter-Proliferation Financing Regulations, 2025. Citation

2. In these Regulations— Interpretation

"Compliance Officer" means the person designated in accordance with regulation 3 of the Regulations for any financial institution or listed business;

"financial institution" has the meaning assigned to it under section 2 of the Proceeds of Crime Act; Chap. 11:27

"FIUTT" means the Financial Intelligence Unit of Trinidad and Tobago established under section 3 of the Financial Intelligence Unit of Trinidad and Tobago Act; Chap. 72:01

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

"the Act" means the Counter-Proliferation Financing Act, 2025; Act No. 8 of 2025

"the FORs" means the Financial Obligations Regulations made under section 56 of the Proceeds of Crime Act.

3. (1) Subject to subregulation (2), the obligations, prohibitions and offences contained in the FORs shall apply *mutatis mutandis* to a financial institution or a listed business, in relation to the implementation of targeted financial sanctions. Application of Financial Obligations Regulations, 2010

(2) Every financial institution or listed business to which the FORs apply, shall also comply with any additional or specific provisions contained in these Regulations.

4. (1) In addition to the responsibilities given to the independent auditors or other competent professionals under regulation 10 of the FORs, they shall report to the Compliance Officer any suspicion or knowledge that a transaction or attempted transaction involves or is an attempted breach, non-implementation or evasion of targeted financial sanctions in relation to proliferation financing. Report of suspicious transactions and suspicious activities

(2) On receipt of such a report, the Compliance Officer shall consider the same, with a view to determining whether he should submit a suspicious activity or suspicious transaction report to the FIUTT.

(3) Where the Compliance Officer determines that the report referred to in subregulation (2) should be submitted, he shall do so immediately.

Financial institutions and listed businesses to immediately conduct due diligence on receipt of lists

5. (1) In complying with the procedures set out in section 4 of the Act, a financial institution or listed business shall immediately upon receipt of the list of listed entities undertake due diligence, to confirm whether it is in possession of property—

(a) wholly or jointly owned or controlled, directly or indirectly, by a listed entity;

(b) derived or generated from funds owned or controlled directly or indirectly by listed entities; or

(c) of persons or entities acting on behalf of, or at the direction of listed entities.

(2) If a financial institution or listed business confirms that it is in possession of property of a listed entity in the manner identified in subregulation (1), it shall immediately—

(a) freeze such funds; and

(b) file a report with the FIUTT.

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

(4) If a listed entity, or any person or entity acting on behalf of or at the direction of a listed entity named on either list attempts to enter into a transaction, or to continue a business relationship with a financial institution or listed business, the financial institution or listed business shall immediately—

(a) cease continuation of the attempted transaction or business relationship; and

(b) file a suspicious transaction or activity report with the FIUTT.

Traning of staff

6. (1) A financial institution or listed business shall, in addition to its training obligations under these Regulations, 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, make arrangements for the training of its directors and members of staff.

(2) A programme of training for the purposes of this regulation, shall include a study of—

(a) procedures and controls for the prevention of the misuse of technological developments in the breach, evasion and non-implementation of targeted financial sanctions in relation to proliferation financing;

(b) new developments in methods and trends in the breach, evasion and non-implementation of targeted financial sanctions in relation to proliferation financing; and

(c) the appropriate internal controls and communication for the purpose of preventing the breach, evasion and non-implementation of targeted financial sanctions in relation to proliferation financing.

Offences and penalties

7. A financial institution or listed business which does not comply with—

(a) these Regulations, commits an offence and is liable on conviction to the penalties set out in section 12 of the Act; or

(b) a regulation specified in the Schedule may discharge the liability to the criminal offence under paragraph *(a)* by—

(i) complying with the relevant provision of these Regulations to the satisfaction of the Supervisory Authority; and

(ii) paying the administrative fines as provided in the Schedule.

Offences by companies

8. (1) Where a company commits an offence under these Regulations, any officer, director or agent of the company—

(a) who directed, authorised, assented to, or acquiesced in the commission of the offence; or

(b) to whom any omission is attributable,

is a party to the offence and is liable on summary conviction or on conviction on indictment, to the penalty prescribed in section 12 of the Act, whether or not the company has been prosecuted or convicted.

(2) Where a partnership commits an offence under these Regulations and it is proved that the partner acted according to paragraph *(a)* or *(b)* of subregulation (1), the partner and the partnership are liable on summary conviction or on conviction on indictment, to the penalty prescribed in section 12 of the Act.

(3) Where an unincorporated body other than a partnership, commits an offence and it is proved that an officer or member of the governing body acted according to subregulation (1)*(a)* or *(b)*, that officer or member as well as the unincorporated body, commits an offence and is liable on summary conviction or on conviction on indictment, to the penalty prescribed in section 12 of the Act.

(4) If the affairs of a body corporate are managed by its members, subregulation (1), applies in relation to the acts and omissions of a member in connection with his functions of management, as if he were a director of the body.

(5) In this regulation—

"officer", in relation to a body corporate, means a director, manager, secretary, Chief Executive Officer, member of the committee of management or a person acting in such a capacity; and

"partner" includes a person purporting to act as a partner.

SCHEDULE

(Regulation 7)

A. MATERIALITY OF CONTRAVENTION OF A REGULATION OF THE COUNTER-PROLIFERATION FINANCING REGULATIONS FOR THE PURPOSES OF ADMINISTRATIVE FINES

1. The levels of materiality for the contravention of a regulation of the Financial Obligations (Financing of Terrorism) Regulations to which a financial institution or listed business may be subject to the payment of an administrative fine are as follows:

Contravention	**Regulation**	**Materiality of Contravention**
Failure of a financial institution or listed business to comply with a regulation of the Financial Obligations Regulations, as set out in the Administrative Fine Schedule to the Financial Obligations Regulations, which applies *mutatis mutandis* in relation to targeted financial sanctions.	Regulation 3(1)	As set out in the Administrative Fine Schedule to the Financial Obligations Regulations
Failure by the Compliance Officer of a financial institution or listed business to consider a report of suspicion or knowledge that a transaction or attempted transaction transaction involves or is an attempted breach, non-implementation or evasion of targeted financial sanctions.	Regulation 4(2)	Very Serious

SCHEDULE—CONTINUED

Contravention	**Regulation**	**Materiality of Contravention**
Failure by the Compliance Officer of a financial institution or listed business, where he determines that a report referred to in regulation 4(2) should be submitted, to submit such report immediately.	Regulation 4(3)	Very Serious
Failure of a financial institution or listed business to, immediately on receipt of the list of listed entities, undertake due diligence to confirm whether it is in possession of funds – *(a)* wholly or jointly owned or controlled, directly or indirectly, by a listed entity; *(b)* funds derived or generated from funds owned or controlled directly or indirectly by listed entities; or *(c)* funds of persons or entities acting on behalf of, or at the direction of listed entities.	Regulation 5(1)	Very Serious
Failure of a financial institution or listed business that has confirmed that it is in possession of funds of a listed entity to take the following action: *(a)* freeze such funds; or *(b)* file a report with the FIUTT	Regulation 5(2)	Very Serious
Failure of a financial institution or listed business to include in its training programme, a study of – *(a)* procedures and controls for the prevention of the misuse of technological develop-ments in the breach, evasion and non-implementation of targeted financial sanctions in relation to proliferation financing;	Regulation 6(2)	Serious

SCHEDULE—CONTINUED

Contravention	**Regulation**	**Materiality of Contravention**
(b) new developments in methods and trends in the breach, evasion and non-implementation of targeted financial sanctions in relation to proliferation financing; and *(c)* the appropriate internal controls and communication for the purpose of preventing the breach, evasion and non-implementation of targeted financial sanctions in relation to proliferation financing.		
Where a listed entity or any person or entity acting on behalf of or at the direction of a listed entity attempts to enter into a transaction, or to continue a business relationship with the financial institution or listed business, failure of the financial institution or listed business to take the following action: *(a)* cease continuation or the attempted transaction or business relationship; or *(b)* file a Suspicious Transaction or Activity Report with the FIUTT.	Regulation 5(4)	Very Serious

B. CALCULATION OF ADMINISTRATIVE FINES IMPOSED ON LISTED BUSINESS FOR CONTRAVENTION OF THE COUNTER-PROLIFERATION FINANCING REGULATIONS

1. In determining the administrative fine which may be imposed upon a listed business for contravention of a regulation of the Financial Obligations (Financing of Terrorism) Regulations set out in subhead A, the revenue earned by the listed business from its conduct of a supervised activity for the year immediately preceding the date on which the listed business was notified of the contravention shall form the basis of the calculation of the fine upon which the methodology set out in paragraph 3 of this subhead shall be applied.

2. For the purposes of paragraph 1 in this subhead, a supervised activity is defined as an activity set out in the First Schedule of the Proceeds of Crime Act.

3. In calculating the administrative fine the following methodology shall be applicable:

Materiality of Contravention as set out in subhead A	**Annual Revenue earned by a Listed Business from its conduct of Supervised Activities for the year immediately preceding notification of the contravention**	**Calculation of Fine**
Very Serious	Ten million dollars and above	$875,000
	Less than ten million dollars but more than five million dollars	7% of the annual revenue earned by the listed business from its conduct of supervised activities for the year immediately preceding notification of the contravention
	Less than five million dollars but more than one million dollars	6.5% of the annual revenue earned by the listed business from its conduct of supervised activities for the year immediately preceding notification of the contravention
	Less than one million dollars but more than five hundred thousand dollars	6% of the annual revenue earned by the listed business from its conduct of supervised activities for the year immediately preceding notification of the contravention
	Less than five hundred thousand dollars but more than one hundred thousand dollars	5% of the annual revenue earned by the listed business from its conduct of supervised activities for the year immediately preceding notification of the contravention
	Less than one hundred thousand dollars	$5,000
Serious	Above ten million dollars	$656,250
	Less than ten million dollars but more than five million dollars	75% of the penalty for a Very Serious contravention in the same annual revenue range
	Less than five million dollars but more than one million dollars	75% of the penalty for a Very Serious contravention in the same annual revenue range
	Less than one million dollars but more than five hundred thousand dollars	75% of the penalty for a Very Serious contravention in the same annual revenue range
	Less than five hundred thousand dollars but more than one hundred thousand dollars	75% of the penalty for a Very Serious contravention in the same annual revenue range
	Less than one hundred thousand dollars	$3,750
Moderate	Above ten million dollars	$437,500
	Less than ten million dollars but more than five million dollars	50% of the penalty for a Very Serious contravention in the same annual revenue range
	Less than five million dollars but more than one million dollars	50% of the penalty for a Very Serious contravention in the same annual revenue range
	Less than one million dollars but more than five hundred thousand dollars	50% of the penalty for a Very Serious contravention in the same annual revenue range
	Less than five hundred thousand dollars but more than one hundred thousand dollars	50% of the penalty for a Very Serious contravention in the same annual revenue range
	Less than one hundred thousand dollars	$2,500

C. METHODOLOGY FOR THE CALCULATION OF ADMINISTRATIVE FINES IMPOSED ON FINANCIAL INSTITUTIONS FOR CONTRAVENTION OF THE COUNTER-PROLIFERATION FINANCING REGULATIONS

1. The Supervisory Authority shall identify the category in which the breaches of the Regulations fall depending on the severity thereof as either (1) Moderate; (ii) Serious (iii) Very Serious as specified in subhead A.

2. The relevant Supervisory Authority for Financial Institutions listed under paragraphs *(a)* to *(k)* of the definition of Financial Institution under section 2(1) of the Act shall identify the category of asset size that the Financial Institution falls into as set out in paragraph 4 below—

I. Financial Institutions with asset sizes greater than ten billion dollars;

II. Financial Institutions with asset sizes greater than one hundred million dollars but less than or equal to ten billion dollars;

III. Financial Institutions with asset sizes greater than ten million dollars but less than or equal to one hundred million dollars;

IV. Financial Institutions with asset sizes greater than or equal to one million dollars but less than ten million dollars; and

V. Financial Institutions with asset sizes less than or equal to one million dollars.

3. For the purposes of these Regulations—

1. Asset size means in respect of a financial institution that is a legal person licensed or registered by the relevant supervisory authority, the total assets as indicated in its audited financial statements as at last financial year end.
2. Notwithstanding paragraph 1, in respect of a financial institution that is an individual registered by the Supervisory Authority for persons registered under section 51(1) of the Securities Act, asset size means the total annual income as indicated in its financial statements as at the last calendar year.

4. Table A provides the range of administrative fines applicable to the category of the breach and the corresponding asset size for Financial Institutions listed under paragraphs *(a)* to *(k)* and total annual income of individuals who are registered as investment advisers under paragraph *(g)* of the definition of Financial Institution under section 2(1) of the Act.

Table A

Category		Very Serious	Serious	Moderate
Financial Institutions with asset sizes greater than ten billion dollars	Maximum Fine	$1,750,000	$1,500,000	$1,250,000
	Minimum Fine	$1,500,000	$1,250,000	$1,000,000
Financial Institutions with asset sizes greater than one hundred million dollars but less than or equal to ten billion dollars	Maximum Fine	$1,400,000	$1,150,000	$ 900,000
	Minimum Fine	$ 125,000	$ 100,000	$ 75,000
Financial Institutions with asset sizes greater than ten million dollars but less than or equal to one hundred million dollars	Fixed Fine	$ 100,000	$ 75,000	$ 50,000
Financial Institutions with asset sizes greater than or equal to one million dollars but less than ten million dollars	Fixed Fine	$ 75,000	$ 50,000	$ 25,000
Financial Institutions with asset sizes less than or equal to one million dollars	Fixed Fine	$ 25,000	$ 15,000	$ 10,000

5. The relevant Supervisory Authority for Financial Institutions listed under paragraphs *(a)* to *(k)* and individuals who are registered as investment advisers under paragraph *(g)* of the definition of Financial Institution under section 2(1) of the Act shall consider Table A, and—

(a) in the case of a Financial Institution with asset size greater than one hundred million dollars, calculate the administrative fine based applying the formula below—

"y = mx + c"

Where "m" is the slope or rate of change between the maximum and minimum fine for the asset category considering the asset size of the largest and smallest Financial Institution in the asset category and represented as follows:

$$m = \frac{\left(\text{Maximum Fine for the asset category based on the severity of the contravention} - \text{Minimum Fine for the asset category based on the severity of the contravention}\right)}{\left(\text{Maximum Asset Size of the Financial Institutions within the asset category} - \text{Minimum Asset Size of the Financial Institutions within the asset category}\right)}$$

Where—

"y" is the value of the administrative fine;

"x" is the asset size of the Financial Institution being fined; and

"c" is the value of a fine where a Financial Institution's asset size is 0 and represented as follows:

c = y – mx

where in this instance—

y = the Minimum Fine for the asset category based on the severity of the contravention; and

x = the Minimum Asset Size of the Financial Institutions within the asset category.

(b) in the case of a Financial Institution with an asset size that is less than or equal to ten million, calculate the administrative fine based on the fixed fine specified in Table A.

Dated this 12th day of November, 2025.

D. TANCOO
Minister of Finance

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