

MISCELLANEOUS PROVISIONS (PROCEEDS OF CRIME, ANTI-TERRORISM, FINANCIAL INTELLIGENCE UNIT OF TRINIDAD AND TOBAGO) BILL, 2014

EXPLANATORY NOTE

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

This Bill seeks to amend the Proceeds of Crime Act, Chap. 11:27, the Anti-Terrorism Act, Chap. 12:07 and the Financial Intelligence Unit of Trinidad and Tobago Act Chap. 72:01.

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

Clause 2 of the Bill provides that the Act shall have effect although inconsistent with the Constitution.

Clause 3 of the Bill would amend *inter alia*-

- (a) in section 2, by amending the definitions of “financial institution”, “security” and “specified offence” and inserting a definition of and “Seized Assets Fund”;
- (b) in section 19 in subsection (2) by providing factors for the Court to consider in making a restraint order;
- (c) in section 29 in subsection (5), by providing for compensation to be paid out of the Seized Assets Fund, and from the Consolidated Fund, where the balance of the Seized Asset Fund is less than the quantum of compensation to be paid;

- (d) in section 32, by correcting a typographical error and providing that materials necessary for investigation be provided in electronic format;
- (e) in section 38 in subsection (1) by removing the requirement for an officer to be on duty in order to assist in a cash seizure and in subsection (4) by providing for initial applications to freeze or seize assets to be made *ex parte* and for service of the order on parties;
- (f) in sections 42A to 46, by repealing those sections and substituting the following new sections-
 - (i) proposed section 43 that address the offence of money laundering by inserting the definition of “criminal conduct” and “criminal property”;
 - (ii) proposed section 44 that makes money laundering an indictable offence;
 - (iii) proposed section 45 that specifies the elements of the offence of money laundering, and by provides that the standard of proof required shall be on a balance of probabilities rather than beyond reasonable doubt; and
 - (iv) proposed section 46 that provides for a defence to the offence of money laundering.
- (g) in section 47, by replacing “specified offence” with “criminal conduct” and by inserting a new section after subsection (3) that provides for the protection of persons who make disclosures to the FIU in the form of an STR or SAR report.
- (h) in section 50, by correcting a cross reference and replacing “specified offence” with “criminal conduct”;
- (i) in section 51, by deleting the words “is guilty of” and substituting the words “commits an offence”;
- (j) in section 52, by correcting a cross reference and deleting the words “is guilty of” and substituting the words “commits an offence”;

- (k) in section 53, by providing a penalty for the offence of money laundering created under section 43 and deleting the words “is guilty of” and substituting the words “who commits an offence”;
- (l) in section 55-
 - (i) by providing that financial institutions and listed businesses pay special attention to unusual large transactions;
 - (ii) by repealing several sections; and
 - (iii) by decreasing the value of a “large transaction” to ninety thousand dollars;
- (m) by inserting after section 55 the following new sections:
 - (i) proposed section 55A would address the reporting of suspicious activity and transactions;
 - (ii) proposed section 55B would exempt financial institution or listed businesses from liability for complying with the requirement to make a report in good faith;
 - (iii) proposed section 55C would address compliance programmes and stipulate that each financial institution or listed business’ senior management, approve compliance programs;
 - (iv) proposed section 55D would authorize the FIU to enter into premises;
 - (v) proposed section 55E would outline the duty of the FIU to treat all information obtained in the course of duties as confidential.;
 - (vi) proposed section 55F would outline the penalty for the FIU breaching confidentiality.

(n) in section 57, by deleting the words “is guilty of” and substituting the words “commits an offence”;

(o) in section 58, to ensure consistency, and allow for increased uses of seized assets and to be in accordance with the Exchequer and Audit Act by providing for:

- (i) the creation of the “Seized Assets Fund”;
- (ii) use of monies of the Fund;
- (iii) property both real and personal seized under a forfeiture order;
- (iv) reciprocal agreements;
- (v) the purpose of the Fund
- (vi) appointment, composition, terms of office and meetings of the “Seized Assets Advisory Committee”;
- (vii) declaration of interest of any member of the Committee;
- (viii) audits and accounting;
- (ix) the report of the Minister;
- (x) regulations and rules of the Committee;

(p) in the First Schedule-

- (i) by replacing the definition of “Private Members’ Clubs” with a new definition that in accordance with the Registration of Clubs Act, Chap. 21:01,
- (ii) by amending the type of business “An Accountant, an Attorney-at-law or other Independent Legal Professional” to include a person performing the functions of an Accountant or Other Independent Legal Professional;
- (iii) by including the creation, operation or management of legal persons or arrangements as functions for which an accountant, attorney at law or person performing those functions would be held accountable;

- (iv) by providing that a trustee of an express trust be included in the category of “Trust and Company Service Provider”; and
- (v) by removing the category “Money or Value Transfer Services” as a listed business.

Clause 4 of the Bill would amend the Anti-Terrorism Act, Chap. 12:07, *inter alia*-

- (a) in section 2, by expanding the definition of “terrorist property” to include property belonging to a terrorist or a terrorist organization; and
- (b) in section 34, by narrowing the scope of that provision by providing for customs officers, immigration officers or police officers above a certain rank to seek a Restraint Order against a person for property deemed to be “terrorist property”; and
- (c) by increasing penalties in sections-
 - (i) 22A for financing terrorism;
 - (ii) 24B for disclosure of a customer information order;
 - (iii) 24C for disclosure of a monitoring order; and
 - (iv) 42 for failure to comply with reporting requirements and procedures.

Clause 5 of the Bill would amend the Financial Intelligence Unit of Trinidad and Tobago Act, Chap. 72:01, *inter alia*-

- a) in section 2 by including a person who carries on money or value transfer services as a “non-regulated financial institution”;
- b) in section 18F by providing that an FIU officer accompany a police officer in the execution of a warrant.

ARRANGEMENT OF CLAUSES

Proceeds of Crime Act, Chap. 11:27, the Anti-Terrorism Act, Chap. 12:07 and the Financial Intelligence Unit of Trinidad and Tobago Act Chap. 72:01.

1. Short title
2. Act inconsistent with Constitution
3. Chap. 11:27 amended
4. Chap. 12:07 amended
5. Chap. 72:01 amended

A BILL

AN ACT to amend the Proceeds of Crime Act, Chap. 11:27, the Anti-Terrorism Act, Chap. 12:07 and the Financial Intelligence Unit of Trinidad and Tobago Act, Chap. 72:01

Preamble WHEREAS it is enacted by section 13(1) of the Constitution, that an Act of Parliament to which that section applies may expressly declare that it shall have effect even though inconsistent with sections 4 and 5 of the Constitution and, if any Act does so declare, it shall have effect accordingly:

 And whereas it is provided in section 13(2) of the Constitution that an Act of Parliament to which that section applies is one the Bill for which has been passed by both Houses of Parliament and at the final vote thereon in each House has been supported by the votes of not less than three-fifths of all the members of that House:

 And whereas it is necessary and expedient that the provisions of this Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution:

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

Short title **1.** This Act may be cited as the Miscellaneous Provisions (Proceeds of Crime, Anti-Terrorism and Financial Intelligence Unit of Trinidad and Tobago) Act, 2014.

Act inconsistent with Constitution **2.** This Act shall have effect even though inconsistent with the Constitution.

Chap. 11:27 amended **3.** The Proceeds of Crime Act is amended-

- (a) in section 2(1)-
 - (i) in the definition of “financial institution”-
 - (A) in paragraph (e), by inserting after the word “company” the words “, agent or broker”; and
 - (B) by deleting paragraphs (h), (i) and (j) and substituting the following paragraphs:

- “(h) a person who carries on money or value transfer services; or
- (i) a person or entity managing a collective investment scheme under the Securities Act;”;

(ii) by deleting the definition of “security” and substituting the following definition:

Chap. 83:02 “ “security” has the meaning assigned to it by the Securities Act, 2012;”;

(iii) by inserting after the definition of “security” the following new definition:

“Seized Assets Fund” means the Seized Assets Fund established under section 58(1);”;

(iv) by deleting the definition of “specified offence” and substituting the following definition:

“ “specified offence” means-

- (a) an offence which is punishable upon conviction with a fine of not less than five thousand dollars or to imprisonment for not less than twelve months; or
- (b) any act committed outside of Trinidad and Tobago, which would constitute an offence referred to in paragraph (a) if committed in Trinidad and Tobago;”;

(b) in section 19, by repealing subsection (2) and substituting the following subsection:

“ (2) Without prejudice to the generality of subsection (1), the Court in making a restraint order may make it subject to such conditions and exceptions as the Court considers fit, and may in particular-

- (a) make provision for meeting out of the property or a specified part of the property, reasonable living expenses, including but not limited to-

- (i) mortgage or rent payments;
 - (ii) allowances for food, medicine and medical treatment;
 - (iii) any payments due as a result of an Order of the Court;
 - (iv) provision for the reasonable living expenses of dependants including educational expenses; and
 - (v) provision for taxes, insurance premiums and public utilities;
- (b) make provision for reasonable expenses, including expenses incurred in defending a criminal charge or any proceedings connected thereto and any proceedings under this Act;
- (c) make provision for expenses necessary to enable a person to carry on any trade, business, profession or occupation; and
- (d) be made subject to any other condition that the Court considers reasonable.”;

(c) in section 29-

- (i) in subsection (5), by deleting the words “Consolidated Fund” and substituting the words “Seized Assets Fund”; and
- (ii) by inserting after subsection (5), the following new subsections:

“ (6) Notwithstanding subsection (5), where the Seized Assets Fund cannot satisfy the compensation payable under this section, compensation shall be paid out of the Consolidated Fund.

(7) Compensation paid out of the Consolidated Fund under subsection (6) shall be only to the extent necessary to satisfy a payment under subsection (5).”;

(d) in section 32-

(i) in subsection (3), by deleting the words “(1)(d)” and substituting the words “(1)”; and

(ii) in subsection (10)-

(a) in paragraph (a), by deleting the word “and”;

(b) in paragraph (b), by deleting the word “.” and substituting the words “; and”; and

(c) by inserting after paragraph (b), the following new paragraph:

“(c) an order under subsection (2)(a) may specify that the material required be provided in electronic format.”.

(e) in section 38-

(i) in subsection (1), by deleting the words “on duty at a port of entry into Trinidad and Tobago,” and the words “on duty at any place,”;

(ii) in subsection (4), by inserting after the word “made”, the words “in the prescribed form”; and

(iii) by inserting after subsection (4), the following subsections:

“(4A) An application for an order under subsection (2) shall be made *ex parte*.

(4B) Where an order has been granted under subsection (2) or (3), the order shall be served as soon as reasonably practicable on-

(a) the person by or on whose behalf the cash was being imported or exported if known;

or

(b) the person from whom the cash was seized.”;

(f) by repealing sections 42A, 43, 44, 45 and 46 and substituting the following sections:

“Interpretation
of certain
words and
phrases

43. (1) In this Part-

“criminal conduct” means
conduct which-

- (a) constitutes an offence in Trinidad and Tobago; or
- (b) occurs outside of Trinidad and Tobago and would constitute an offence if committed in Trinidad and Tobago; and

“criminal property” means property which constitutes the benefit to a person for criminal conduct or represents such a benefit in whole or in part whether directly or indirectly.

(2) For the purposes of the definition of “criminal property” under subsection (1), it is immaterial who-

- (a) carried out the criminal conduct; or
- (b) benefitted from the criminal conduct.

Money
laundering

44. (1) An offence committed under section 45 shall be known as a money laundering offence and the term “money laundering” shall be construed accordingly.

(2) The offence of money laundering is an indictable offence.

Dealings with
criminal
property

45. (1) A person who knows or has reasonable grounds to suspect that property is criminal property and who-

- (a) engages directly or indirectly, in a transaction that involves that criminal property; or
- (b) receives, possesses, conceals, disposes of, disguises, transfers, brings into, or sends out of Trinidad and Tobago, that criminal property; or
- (c) converts, transfers or removes from Trinidad and Tobago that criminal property,

commits an offence of money laundering.

(2) Where a person referred to in subsection (1) is a financial institution or listed business, the person knows or has reasonable grounds to suspect that the property is criminal property, if the person fails to take reasonable steps to implement or apply procedures to control or combat money laundering in accordance with the Regulations made pursuant to section 56.

(3) Where a person is charged with an offence under this section and the Court is satisfied that the property in his possession or under his control was not acquired from income derived from a legitimate source, it shall be presumed, unless the contrary is proven, that the property is criminal property.

(4) For the purposes of subsection (3), the standard of proof required by the person referred to in that subsection, shall be on a balance of probabilities.

Defence to
charge of
money
laundering

46. (1) It is a defence to a charge of money laundering that the accused acquired or otherwise came into possession of the property for adequate consideration and had no knowledge that the property was criminal property.

(2) For the purposes of this section-

- (a) a person acquires property for adequate consideration if the value of the consideration is not significantly less than the value of the property; or
- (b) a person uses or has possession of property for adequate consideration if the value of the consideration is not significantly less than the value of the use or possession.

(3) The provision of goods and services to any person which are of assistance to him in the course of engaging in criminal conduct shall not be treated as consideration for the purposes of subsection (1).”;

(g) in section 47-

- (i) in subsection (1), by deleting the words “a specified offence” and substituting the words “criminal conduct”; and
- (ii) by inserting after subsection (3), the following subsection-
 - “ (4) This section also applies where a person discloses to the FIU in the form of a suspicious transaction report

or a suspicious activity report his knowledge or suspicion that the property is criminal property, in whole or in part, directly or indirectly.”;

(h) in section 50-

- (i) by deleting the words “43, 45 or 46” and substituting the word “45”; and
- (ii) by deleting the words “specified offence” wherever they occur and substituting the words “criminal conduct”;

(i) in section 51, by deleting the words “is guilty of” wherever they occur and substituting the word “commits”;

(j) in section 52 -

- (i) in subsection (1), by deleting the words “is guilty of” and substituting the word “commits”; and
- (ii) in subsection (8), by deleting the words “55(3)” and substituting the words “55A”;

(k) in section 53-

- (i) in subsection (1), by deleting the words “guilty of an offence under sections 43, 44, 45 and 46” and substituting the words “who commits an offence under section 45”; and
- (ii) in subsections (2) and (3), by deleting the words “guilty of” wherever they occur and substituting the words “who commits”;

(l) in section 55 -

- (i) in subsection (2)(a)(ii), by deleting the words “, or”;
- (ii) by repealing subsections (2)(b), (3), (3A), (3B), (4), (5), (6), (7), (8), (9), (11) and (12); and
- (iii) in section 3C, by deleting the words “ninety-five” and substituting the words “ninety”;

(m) by inserting after section 55, the following new sections:

“Reporting suspicious activity and transactions	55A. (1) Where a financial institution or listed business knows
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or has reasonable grounds to suspect that funds being used for the purpose of a transaction to which subsection (2) refers are the proceeds of criminal conduct, the financial institution or listed business shall make a suspicious transaction or a suspicious activity report to the FIU in the form approved by the FIU.

(2) Where a financial institution or listed business makes a suspicious transaction or suspicious activity report to the FIU under this section, the Director or staff or such financial institution or listed business shall not disclose the fact or content of such report to any person, and any person who contravenes this subsection commits an offence and is liable on summary conviction to a fine of five million dollars and imprisonment for five years.

(3) A report to which subsection (1) refers shall be made as soon as possible, but in any event, within fourteen days of the date on which the financial institution or listed business knew or had reasonable

grounds to suspect that the funds used for a transaction were the proceeds of criminal conduct.

Exemption from liability

55B. When the report referred to in section 55A is made in good faith, the financial institution or listed business and their employees, staff, directors, owners or other representatives as authorised by law, shall be exempted 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.

Compliance programme

55C. (1) Every financial institution or listed business shall develop and implement a written compliance programme, approved by the financial institution's or listed business' senior management and reasonably designed to ensure compliance with this Act.

(2) A compliance programme referred to in subsection (1) shall include—

(a) a system of internal

controls to ensure ongoing compliance;

(b) internal or external independent testing for compliance;

(c) training of personnel in the identification of suspicious transactions; and

(d) appointment of a staff member responsible for continual compliance with the Act and the Regulations.

FIU may enter premises

55D.(1) The relevant Supervisory Authority or a person authorized by the relevant Supervisory Authority may enter into the premises of any financial institution or listed business during working hours and with the consent of the owner or occupier of such premises 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 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 a

compliance programme has been implemented; and

- (c) determine whether there is compliance with this Act or any Rules or Regulations made thereunder.

(2) Where the financial institution or listed business refuses to give consent under subsection (1), a police officer above the rank of sergeant may apply for a warrant to enter the premises accompanied by an officer of the relevant Supervisory Authority referred to in subsection (1).

(3) For the purposes of this section, “Supervisory Authority” means in relation to-

- (a) a financial institution 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, and the Trinidad and Tobago Mortgage Finance Company, the Central Bank;

- (b) a person licensed as a

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Chap. 84:01
Chap. 79:50
Chap. 79:08

Chap. 79:07

Chap. 83:02

broker-dealer, investment advisor or underwriter under the Securities Act, the Trinidad and Tobago Securities and Exchange Commission; or

- (c) any other financial institution and listed business, the FIU.

Confidentiality

55E. 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.

Breach of confidentiality

55F. Where a Supervisory Authority communicates or attempts to communicate the information or documents referred to in section 55E to any person 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,

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.”;

(n) in section 57(1), by deleting the words “is guilty of an offence and” and substituting the words “commits an offence and is”;

(o) by deleting section 58 and substituting the following sections:

“Seized Assets Fund 58.(1) There is hereby established a fund to be known as “the Seized Assets Fund” (hereinafter referred to as “the Fund”).

(2) The Minister with responsibility for finance shall disburse monies from the Fund to finance activities as advised by the Seized Assets Advisory Committee under section 58E.

Monies of the fund 58A. The Fund shall comprise –

- (a) any monies paid in satisfaction of a confiscation under this Act;
- (b) cash forfeited under this Act;
- (c) proceeds of the sale of forfeited real property under section 58B;
- (d) proceeds of the sale of forfeited personal property under section 58C;
- (e) proceeds of the sale of forfeited property under section 58D to which Trinidad and Tobago is entitled pursuant to any reciprocal agreement;
- (f) the proceeds of any charging order under this Act;
- (g) cash or the proceeds of the

sale of any property real or personal forfeited to the State under Part VIII of the Anti-Terrorism Act; and

- (h) proceeds of the sale of any property or benefit forfeited to the State under section 24 of the Trafficking in Persons Act.

Chap. 12:10

Property seized pursuant to a forfeiture order

58B. (1) Where real property has been forfeited under this Act, the real property shall –

- (a) vest in the State and may be sold; or
- (b) where it is the subject of a reciprocal sharing agreement under section 58D, it shall be sold and the proceeds of such sale divided between the State and the foreign State party to the reciprocal agreement.

(2) The proceeds of the sale of the property under subsection (1) which belongs to the State shall form part of the monies of the Fund under section 58A.

Personal property seized pursuant to a forfeiture Order

58C. (1) Where personal property is seized pursuant to a forfeiture order, the Permanent Secretary in the Ministry with responsibility for national security shall take possession of such personal property and may –

- (a) dispose of it by public

auction on behalf of the State; or

(b) direct the manner in which it is to be used by the State.

(2) The proceeds of the sale of personal property under subsection (1) shall form part of the monies of the Fund under section 58A.

Reciprocal agreement

58D. The Attorney General may enter into an agreement with the government of any foreign State for the reciprocal sharing of the proceeds or disposition of property confiscated, forfeited or seized —

(a) under this Act; or

(b) by that foreign State,

in circumstances where law enforcement authorities of that foreign State, or of Trinidad and Tobago, as the case may be, have participated in the investigation of the offence that led to the confiscation, forfeiture or seizure of the property or if the law enforcement authorities participation led to the confiscation, forfeiture or seizure of the property under this Act.

Purpose of Fund 58E. The purpose of the Fund is to provide funds for-

- (a) community development;
- (b) drug abuse treatment;
- (c) rehabilitation projects;
- (d) law enforcement;
- (e) compensation under section 29; and
- (f) restoration of monies by the President under section 42.

Appointment of Seized Assets Advisory Committee 58F. The Minister with responsibility for national security shall appoint a committee to be known as “the Seized Assets Advisory Committee”, to advise on the areas under section 58E(a) to (d), for which the monies in the Fund are to be used.

Composition of Seized Assets Advisory Committee 58G. (1) The Seized Assets Advisory Committee shall comprise of a minimum of five but no more than nine members, one of whom shall be appointed by the Minister as the Chairman.

(2) The members of the Seized Assets Advisory Committee shall be selected from among persons with experience and relevant qualifications in areas of finance, community development, drug abuse treatment, demand reduction and rehabilitation and

law enforcement.

Terms of office
of members

58H. (1) Members of the Seized Assets Advisory Committee may hold office for a term of two years.

(2) The Minister with responsibility for national security may renew the appointment of a member of the Seized Assets Advisory Committee for no more than two consecutive terms.

Meetings

58I. (1) The Seized Assets Advisory Committee shall regulate its own procedures.

(2) The Seized Assets Advisory Committee shall meet at least once a month and at such other times as may be necessary or expedient and such meetings shall be held at such place and time and on such days as the Seized Assets Advisory Committee may determine.

(3) The Minister with responsibility for national security may in writing request the Chairman convene a special meeting of the Seized Assets Advisory Committee.

(4) The Seized Assets

Advisory Committee shall elect a Secretary from amongst its membership.

(5) The Secretary under this section shall keep minutes of each meeting, which shall be confirmed by the Seized Assets Advisory Committee at the subsequent meeting.

(6) A copy of the confirmed minutes of each meeting shall be submitted to the Minister with responsibility for national security.

Declaration of
interest

58J. (1) Any member of the Seized Assets Advisory Committee, including its Chairman whose interest is likely to be directly affected by a decision or determination of the Seized Assets Advisory Committee on any subject matter, shall declare his interest in the subject matter and shall not be present or take part in the meeting when the particular subject matter is being deliberated.

(2) A member or person who fails to disclose his interest under subsection (1) commits an offence and is liable on summary conviction to a fine of five hundred thousand dollars and to imprisonment for two years.

Accounts and
Audit

58K. All accounts relating to the
Seized Assets Fund shall be –

(a) kept separately by the
Comptroller of Accounts
but shall be shown to the
general accounts of
Trinidad and Tobago and
laid therewith before
Parliament; and

Chap. 69:01

(b) audited annually by the
Auditor General in
accordance with the
Exchequer and Audit Act
as if the Fund were
established under
section 43 of that Act.

Report of
Minister

58L.(1) The Minister with
responsibility for national security shall
within four months from the end of the
financial year, submit to Parliament a
report on the management of the Fund.

Regulation and
Rules

58M. (1) The Minister with
responsibility for finance may make
Regulations for –

(a) the management and
control of the Fund;

(b) the accounts, books and
forms to be used in the
management of the Fund;
and

(c) the general operations of
the Fund.

(2) The Minister with responsibility for national security may make rules with respect to the sale and disposal of real and personal property forfeited under the Act, for the purpose of sections 58B and 58C.”;

(p) in the First Schedule –

(i) in respect of the type of business “A Private Members’ Club” referred to in the First Column, by deleting its related words of interpretation in the Second Column and substituting the following words:

“A members’ club which is granted a certificate under section 5(4) of the Registration of Clubs Act, Chap 21:01.”;

(ii) by deleting in the First Column, the words “An Accountant, an Attorney-at-law or other Independent Legal Professional” in the respect of the type of business and substituting the following words:

“An Attorney-at-law, Accountant or other person performing the functions of an Accountant or Other Independent Legal Professional.”;

(iii) in the Second Column, in respect of the type of business referred to as “An Attorney-at-law, Accountant or other person performing the functions of an Accountant or Other Independent Legal Professional” as amended-

(a) in item (d), by deleting the words “legal persons or arrangements”; and

(b) by deleting item (e) and substituting the following item:

“(e) creation, operation or management of legal persons or arrangements, and buying and selling of business entities.”;

- (iv) in the Second Column, in respect of the type of business “Trust and Company Service Provider”-
 - (A) in item (d), by deleting the word “.” and substituting the words “; and”; and

(B) by inserting after item (d), the following item:

“(e) acting as, or arranging for another person to act as a trustee of an express trust.”; and

- (v) in the First Column, by deleting the item “Money or Value Transfer Services” and its related words of interpretation contained in the Second Column after the item “Motor Vehicle Sales”.

Chap. 12:07
amended

4. The Anti-Terrorism Act is amended-

(a) in section 2 in the definition of “terrorist property”-

- (i) in paragraph (b), by deleting the word “or” after the words “act;”;
- (ii) in paragraph (c), by inserting the word “or” after the words “organization;”;
- (iii) by inserting after paragraph (c) the following paragraph:

“(d) property belonging to a terrorist or terrorist organization;”;

(b) in section 22A-

(i) in subsection (3)-

(a) in paragraph (a), by inserting after the word “years” the words “and to a fine of five million dollars”; and

(b) in paragraph (b), by deleting the word “two” and substituting the words “twenty-five”; and

- (ii) in subsection (4), by inserting after the words “twenty-five years” the words “and to a fine of five million dollars”;
- (c) in section 22C(5), by deleting the words “two hundred and fifty dollars” and “five years” and substituting the words “five million dollars” and “five years” respectively;
- (d) in section 24B(10), by deleting the words “five hundred thousand” and substituting the following words “five million”;
- (e) in section 24C(8), by deleting the words “five hundred thousand” and substituting the words “five million”;
- (f) in section 34(1), by deleting all the words after the word “possession” and substituting the words “of a person is terrorist property,” and;
- (g) in section 42 in paragraph (a), by deleting the words “fine of two” and substituting the words “fine of three”.

Chap. 72:01
amended

5. The Financial Intelligence Unit of Trinidad And Tobago Act is amended-

- (a) in section 2 in the definition of “non-regulated financial institution” by deleting paragraph (b) and substituting the following paragraph:

“(b) a person who carries on money or value transfer services or;” and

- (b) in section 18F, by inserting after subsection (3) the following new subsection:

“(4) A warrant under subsection (2) shall authorize the police officer to be accompanied by an officer of the FIU.”.

Passed in the House of Representatives this day of , 2014.

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed by the House of Representatives and at the final vote thereon in the House has been supported by the votes of not less than three-fifths of all the members of the House, that is to say, by the votes of _____ members of the House.

Clerk of the House

I confirm the above.

Speaker

Passed in the Senate this _____ day of _____, 2014.

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed by the Senate and at the final vote thereon in the Senate has been supported by the votes of not less than three-fifths of all the members of the Senate, that is to say, by the votes of _____ Senators.

Clerk of the Senate

I confirm the above.

President of the Senate