

## COMMONWEALTH OF DOMINICA

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**COMMONWEALTH OF DOMINICA**

**ACT NO. 7 OF 2011.**

*I assent*



**E.I. WATTY**  
*President (Ag)*

23<sup>rd</sup> November, 2011

**AN ACT TO PROVIDE FOR THE ESTABLISHMENT  
OF THE FINANCIAL INTELLIGENCE UNIT  
AND FOR RELATED MATTERS.**

BE IT ENACTED by the Parliament of the Commonwealth  
of Dominica as follows –

(Gazetted 1<sup>st</sup> December, 2011)

1. This Act may be cited as the –

Short title.

**FINANCIAL INTELLIGENCE UNIT ACT, 2011.**

Interpretation.

**2.** (1) In this Act –

“Director” means the Director appointed under section 5;

“financial institution” has the meaning assigned to it in section 2 of the Money Laundering (Prevention) Act 2011;

“Minister” means the Minister responsible for Legal Affairs;

“money laundering” has the meaning assigned to it in the Money Laundering (Prevention) Act 2011;

“scheduled business” has the meaning assigned to it in section 2 of the Money Laundering (Prevention) Act 2011;

“suspicious transaction guidelines” means guidelines issued under section 13 (1);

“suspicious transaction report” means a report required to be made under section 15 of the Money Laundering (Prevention) Act 2011 and section 19A of the Suppression of the Financing of Terrorism Act 2003;

Act No. 8 of 2011.  
Act No. 3 of 2003

“terrorist act” has the meaning assigned to it in section 2 of the Suppression of the Financing of Terrorism Act 2003;

“terrorist group” has the meaning assigned to it in section 2 of the Suppression of the Financing of Terrorism Act 2003;

“Unit” means the Financial Intelligence Unit established under section 3.

Establishment of  
Financial Intelligence  
Unit.

**3.** (1) There is hereby established a Unit to be known as the Financial Intelligence Unit.

(2) The Unit shall consist of –

- 
- (a) a Director;
  - (b) a Senior Financial Investigator;
  - (c) police officers trained in the analysis and investigation of financial crimes;
  - (d) any other person having suitable qualifications and experience to provide services to the Unit as the Minister after consultation with the Director considers necessary.

**4. (1) The Unit –**

Functions of the Unit.

- (a) is responsible for receiving, requesting, analyzing, investigating and disseminating information concerning all suspected proceeds of crime and suspicious transactions, as provided for under this Act, and information relating to the property of terrorist groups and terrorist financing;
- (b) shall gather intelligence with a view to detecting money laundering, terrorist financing and other financial crimes;
- (c) shall establish a data base on cases with a view of detecting money trails;
- (d) shall liaise with money laundering and terrorist financing intelligence agencies outside of Dominica;
- (e) shall gather information about pending cases of money laundering, terrorist financing and other financial crimes in other jurisdictions;

Act No. 8 of 2011.

Act No. 3 of 2003

(f) may on reasonable suspicion that any provision of the Money Laundering (Prevention) Act 2011 or the Suppression of the Financing of Terrorism Act 2003 is being or has been contravened apply to a Judge, or in his absence a Magistrate, for a warrant to enter into the premises of any financial institution or any person carrying on a scheduled business, during normal working hours to inspect any business transaction record kept under section 12 of the Money Laundering (Prevention) Act 2011 and ask any questions relevant to such business transaction record and make any notes or take any copies of the whole or part of any such business transaction record;

(g) may instruct any financial institution or person carrying on a scheduled business, to take steps it considers appropriate to facilitate any investigation anticipated by the Unit;

(h) shall compile statistics and records on matters relating to money laundering;

(i) may consult with any person, institution or organization within or outside Dominica for the purposes of the exercise of its powers and duties under this Act;

(j) shall pass on any relevant information relating to money laundering, terrorist financing, or any other financial crime, to the Director of Public Prosecutions with a view to taking appropriate action;



(k) shall carry out any other function assigned to it by the Minister.

(2) The Unit shall destroy any note or copy made or taken under subsection (1)(f), within one year of the inspection, except

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where any, the note or copy has been sent to the Director of Public Prosecutions.

**5.** (1) The Director is the Chief Executive Officer of the Unit and is responsible for managing the day to day affairs of the Unit.

Director.

(2) The Director shall advise the Minister on the work of the Unit and in particular on matters that could affect public policy or the priorities to be set by the Unit;

**6.** (1) No action shall lie against the Minister, Director, officers or personnel of the Unit or any person acting under the direction of the Director for anything done or omitted to be done in good faith and in the administration or discharge of any functions, duties or powers under this Act.

Protection from liability.

(2) Notwithstanding the provisions of any other Act, no order for the provision of information, documents, or evidence may be issued in respect of the Unit or against the Minister, Director, officers or personnel of the Unit or any person engaged under this Act.

**7.** (1) Proceedings for breach of banking or professional confidentiality shall not be instituted against any person or against directors or employees of a financial institution who in good faith submit a suspicious transaction report to the Unit in accordance with the Money Laundering (Prevention) Act 2011, the Suppression of Financing of Terrorism Act 2003.

No criminal or civil liability for information.

(2) Civil or criminal liability action or professional sanction shall not be brought or taken against any person or against directors or employees of a financial institution who in good faith transmits information or submits reports to the Unit.

**8.** (1) A person who obtains information in any form as a result of his connection with the Unit shall not disclose that

Confidentiality.

information to any person, except, so far as it is required under this Act or any other written law.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding ten thousand dollars or to a term of imprisonment not exceeding one year or to both.

Annual Report.

**9.** (1) The Director shall prepare and submit to the Minister at the end of the financial year an annual report reviewing the work of the Unit.

(2) The Minister shall lay or cause to be laid a copy of every annual report on the table of the House of Assembly.

Annual Budget.

**10.** The Unit shall prepare for each financial year an annual budget of revenue and expenditure which shall be submitted to the Minister at least four months prior to the commencement of the financial year.

Funds and resources.

**11.** The funds and resources of the Unit shall consist of any monies provided by Parliament.

Regulations.

**12.** The Minister may make regulations prescribing all matters—

(a) required or permitted by this Act to be prescribed; or

(b) necessary to be prescribed for carrying out or giving effect to this Act.

Unit may issue guidelines.

**13.** (1) The Unit may issue, in respect of each kind of financial institution to which the Money Laundering (Prevention) Act 2011 and the Suppression of the Financing of Terrorism Act 2003 apply, guidelines setting out any features of a transaction which may give



rise to a suspicion that the transaction is or may be relevant to the enforcement of the Money Laundering (Prevention) Act 2011 or the Suppression of the Financing of Terrorism Act 2003.

(2) The Unit shall issue suspicious transaction guidelines in a manner determined by the Director.

(3) The Unit may issue an amendment or revocation of any suspicious transaction guidelines.

(4) Without limiting subsection (1), suspicious transaction guidelines issued under this section may relate to one or more kinds of financial institutions; and such guidelines may make different provisions for different kinds of financial institutions and different kinds of transactions.

**14.** On request by any financial institution in respect of which any suspicious transaction guidelines are in force, or by any industry organisation that represents any such financial institution, the Unit shall, without charge -

Financial Intelligence Unit to make guidelines available.

(a) make those guidelines, and all amendments to those guidelines, available for inspection, by that financial institution or, as the case requires, that industry organisation, at its offices; and

(b) provide copies of those guidelines, and all amendments to those guidelines, to that financial institution, or, as the case requires, that industry organization.

**15.** The Unit shall from time to time review any suspicious transaction guidelines in force.

Review of guidelines.

Passed in the House this 26<sup>th</sup> day of October, 2011.

**VERNANDA RAYMOND (MRS.)**

*Clerk of the House of Assembly (Ag)*