

## Proceeds of Crime (Money Laundering) and Terrorist Financing Act

2000, c. 17

[Assented to June 29, 2000]

An Act to facilitate combatting the laundering of proceeds of crime and combatting the financing of terrorist activities, to establish the Financial Transactions and Reports Analysis Centre of Canada and to amend and repeal certain Acts in consequence

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

### SHORT TITLE

Short title      1. This Act may be cited as the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act*.  
2000, c. 17, s. 1; 2001, c. 41, s. 48.

### INTERPRETATION

Definitions      2. The definitions in this section apply in this Act.

“authorized person”  
« *personne autorisée* »      “authorized person” means a person who is authorized under subsection 45(2).

“Centre”  
« *Centre* »      “Centre” means the Financial Transactions and Reports Analysis Centre of Canada established by section 41.

“client”  
« *client* »      “client” means a person or an entity that engages in a financial transaction or activity with a person or an entity referred to in section 5, and includes a person or an entity on whose behalf the person or the entity that engages in the transaction or activity is acting.

“Commissioner”[Repealed, 2005, c. 38, s. 124]

“courier”  
« *messenger* »      “courier” means a courier as defined by regulation.

“customs office”  
« *bureau de douane* »      “customs office” has the same meaning as in subsection 2(1) of the *Customs Act*.

“entity”  
« *entité* »      “entity” means a body corporate, a trust, a partnership, a fund or an unincorporated association or organization.

“legal counsel”  
« *conseiller juridique* »      “legal counsel” means, in the Province of Quebec, an advocate or a notary and, in any other province, a barrister or solicitor.

“mail”  
« *envois* » ou  
« *courrier* »      “mail” has the same meaning as in subsection 2(1) of the *Canada Post Corporation Act*.

<p>“Minister” « <i>ministre</i> »</p>	<p>“Minister” means, in relation to sections 25 to 39, the Minister of Public Safety and Emergency Preparedness and, in relation to any other provision of this Act, the member of the Queen’s Privy Council for Canada who is designated by the Governor in Council as the Minister for the purposes of that provision.</p>
<p>“money laundering offence” « <i>infraction de recyclage des produits de la criminalité</i> »</p>	<p>“money laundering offence” means an offence under subsection 462.31(1) of the <i>Criminal Code</i>.</p>
<p>“officer” « <i>agent</i> »</p>	<p>“officer” has the same meaning as in subsection 2(1) of the <i>Customs Act</i>.</p>
<p>“person” « <i>personne</i> »</p>	<p>“person” means an individual.</p>
<p>“prescribed” <i>Version anglaise seulement</i></p>	<p>“prescribed” means prescribed by regulations made by the Governor in Council.</p>
<p>“President” « <i>président</i> »</p>	<p>“President” means the President of the Canada Border Services Agency appointed under subsection 7(1) of the <i>Canada Border Services Agency Act</i>.</p>
<p>“terrorist activity” « <i>activité terroriste</i> »</p>	<p>“terrorist activity” has the same meaning as in subsection 83.01(1) of the <i>Criminal Code</i>.</p>
<p>“terrorist activity financing offence” « <i>infraction de financement des activités terroristes</i> »</p>	<p>“terrorist activity financing offence” means an offence under section 83.02, 83.03 or 83.04 of the <i>Criminal Code</i> or an offence under section 83.12 of the <i>Criminal Code</i> arising out of a contravention of section 83.08 of that Act.</p>
<p>“threats to the security of Canada” « <i>menaces envers la sécurité du Canada</i> »</p>	<p>“threats to the security of Canada” has the same meaning as in section 2 of the <i>Canadian Security Intelligence Service Act</i>.</p> <p>2000, c. 17, s. 2, c. 24, s. 76.1; 2001, c. 32, s. 70, c. 41, ss. 49, 132; 2005, c. 38, ss. 124, 145.</p>

## OBJECT OF ACT

- Object
- 3.** The object of this Act is
- (a) to implement specific measures to detect and deter money laundering and the financing of terrorist activities and to facilitate the investigation and prosecution of money laundering offences and terrorist activity financing offences, including
- (i) establishing record keeping and client identification requirements for financial services providers and other persons or entities that engage in businesses, professions or activities that are susceptible to being used for money laundering or the financing of terrorist activities,
  - (ii) requiring the reporting of suspicious financial transactions and of cross-border movements of currency and monetary instruments, and
  - (iii) establishing an agency that is responsible for dealing with reported and other information;
- (b) to respond to the threat posed by organized crime by providing law enforcement officials with the information they need to deprive criminals of the proceeds of their criminal activities, while ensuring that appropriate safeguards are put in place to protect the privacy of persons with respect to personal information about themselves; and
- (c) to assist in fulfilling Canada’s international commitments to participate in the fight against transnational crime, particularly money laundering, and the fight against terrorist activity.

2000, c. 17, s. 3; 2001, c. 41, s. 50.

## HER MAJESTY

Binding on Her Majesty **4.** This Act is binding on Her Majesty in right of Canada or a province.

### PART 1

## RECORD KEEPING AND REPORTING OF SUSPICIOUS TRANSACTIONS

### APPLICATION

Application of Part

**5.** This Part applies to the following persons and entities:

(a) authorized foreign banks within the meaning of section 2 of the *Bank Act* in respect of their business in Canada, or banks to which that Act applies;

(b) cooperative credit societies, savings and credit unions and caisses populaires regulated by a provincial Act and associations regulated by the *Cooperative Credit Associations Act*;

(c) life companies or foreign life companies to which the *Insurance Companies Act* applies or life insurance companies regulated by a provincial Act;

(d) companies to which the *Trust and Loan Companies Act* applies;

(e) trust companies regulated by a provincial Act;

(f) loan companies regulated by a provincial Act;

(g) persons and entities authorized under provincial legislation to engage in the business of dealing in securities, or to provide portfolio management or investment counselling services;

(h) persons and entities engaged in the business of foreign exchange dealing;

(i) persons and entities engaged in a business, profession or activity described in regulations made under paragraph 73(1)(a);

(j) persons and entities engaged in a business or profession described in regulations made under paragraph 73(1)(b), while carrying out the activities described in the regulations;

(k) casinos, as defined in the regulations, including those owned or controlled by Her Majesty;

(l) departments and agents of Her Majesty in right of Canada or of a province that are engaged in the business of accepting deposit liabilities or that sell money orders to the public, while carrying out the activities described in regulations made under paragraph 73(1)(c); and

(m) for the purposes of section 7, employees of a person or entity referred to in any of paragraphs (a) to (l).

2000, c. 17, s. 5; 2001, c. 41, s. 51.

### RECORD KEEPING

Duties **6.** Every person or entity shall keep and retain records that relate to financial activities in accordance with the regulations made under subsection 73(1).

### REPORTING

Transactions if reasonable grounds to suspect **7.** In addition to the requirements of subsection 9(1), every person or entity shall report to the Centre, in the prescribed form and manner, every financial transaction that occurs in the course of their activities and in respect of which there are reasonable grounds to suspect that the transaction is related to the commission of a money laundering offence or a terrorist activity financing offence.

2000, c. 17, s. 7; 2001, c. 41, s. 52.

Disclosure **7.1 (1)** In addition to the requirements of section 7 and subsection 9(1), every person or entity that is required to make a disclosure under section 83.1 of the *Criminal Code* shall also make a report on it to the

Centre, in the prescribed form and manner.

Limitation	(2) Subsection (1) does not apply to prescribed persons or entities, or prescribed classes of persons or entities, in respect of prescribed transactions or property, or classes of transactions or property, if the prescribed conditions are met.  2001, c. 41, s. 52.
No disclosure of reports	<b>8.</b> No person or entity shall disclose that they have made a report under section 7, or disclose the contents of such a report, with the intent to prejudice a criminal investigation, whether or not a criminal investigation has begun.
Prescribed financial transactions	<b>9.</b> (1) Every person or entity shall report to the Centre, in the prescribed form and manner, every prescribed financial transaction that occurs in the course of their activities.
Limitation	(2) Subsection (1) does not apply to prescribed persons or entities, or prescribed classes of persons or entities, in respect of prescribed transactions, classes of transactions, clients or classes of clients, if the prescribed conditions are met.
List of persons	(3) Every person or entity shall maintain a list, in the prescribed form and manner, of their clients in respect of whom a report would have been required under subsection (1) were it not for subsection (2). However, a person or an entity may choose to report a client's transactions under subsection (1) instead of maintaining the list in respect of that client.
Reports under other Acts	<b>9.1</b> Subject to section 9, every person or entity that is required to make a report to the Centre under an Act of Parliament or any regulations under it shall make it in the form and manner prescribed under this Act for a report under that Act.  2001, c. 41, s. 53.
Immunity	<b>10.</b> No criminal or civil proceedings lie against a person or an entity for making a report in good faith under section 7, 7.1 or 9, or for providing the Centre with information about suspicions of money laundering or of the financing of terrorist activities.  2000, c. 17, s. 10; 2001, c. 41, s. 53.
Solicitor-client privilege	<b>11.</b> Nothing in this Part requires a legal counsel to disclose any communication that is subject to solicitor-client privilege.

## PART 2

### REPORTING OF CURRENCY AND MONETARY INSTRUMENTS

#### REPORTING

Currency and monetary instruments	<b>12.</b> (1) Every person or entity referred to in subsection (3) shall report to an officer, in accordance with the regulations, the importation or exportation of currency or monetary instruments of a value equal to or greater than the prescribed amount.
Limitation	(2) A person or entity is not required to make a report under subsection (1) in respect of an activity if the prescribed conditions are met in respect of the person, entity or activity, and if the person or entity satisfies an officer that those conditions have been met.
Who must report	(3) Currency or monetary instruments shall be reported under subsection (1) <ul style="list-style-type: none"> <li>( a ) in the case of currency or monetary instruments in the actual possession of a person arriving in or departing from Canada, or that form part of their baggage if they and their baggage are being carried on board the same conveyance, by that person or, in prescribed circumstances, by the person in charge of the conveyance;</li> <li>( b ) in the case of currency or monetary instruments imported into Canada by courier or as mail, by the exporter of the currency or monetary instruments or, on receiving notice under subsection 14(2), by the importer;</li> <li>( c ) in the case of currency or monetary instruments exported from Canada by courier or as mail, by the</li> </ul>

exporter of the currency or monetary instruments;

( d ) in the case of currency or monetary instruments, other than those referred to in paragraph ( a ) or imported or exported as mail, that are on board a conveyance arriving in or departing from Canada, by the person in charge of the conveyance; and

( e ) in any other case, by the person on whose behalf the currency or monetary instruments are imported or exported.

- Duty to answer and comply with the request of an officer (4) If a report is made in respect of currency or monetary instruments, the person arriving in or departing from Canada with the currency or monetary instruments shall
- ( a ) answer truthfully any questions that the officer asks with respect to the information required to be contained in the report; and
- ( b ) on request of an officer, present the currency or monetary instruments that they are carrying or transporting, unload any conveyance or part of a conveyance or baggage and open or unpack any package or container that the officer wishes to examine.
- Sending reports to Centre (5) Officers shall send the reports they receive under subsection (1) to the Centre.  
2000, c. 17, s. 12; 2001, c. 41, s. 54.
- Decision not to proceed with importing or exporting **13.** A person or an entity that is required to report currency or monetary instruments may, at any time before they are retained under subsection 14(1) or forfeited as a result of a contravention of subsection 12(1), decide not to proceed further with importing or exporting them.

## RETENTION

- Temporary retention **14.** (1) Subject to subsections (2) to (5), if a person or an entity indicates to an officer that they have currency or monetary instruments to report under subsection 12(1) but the report has not yet been completed, the officer may, after giving notice in the prescribed manner to the person or entity, retain the currency or monetary instruments for the prescribed period.
- Importation or exportation by courier or as mail (2) In the case of currency or monetary instruments imported or exported by courier or as mail, the officer shall, within the prescribed period, give the notice to the exporter if the exporter's address is known, or, if the exporter's address is not known, to the importer.
- Limitation (3) Currency or monetary instruments may no longer be retained under subsection (1) if, during the period referred to in that subsection,
- ( a ) the officer is satisfied that the currency or monetary instruments have been reported under subsection 12(1); or
- ( b ) the importer or exporter of the currency or monetary instruments advises the officer that they have decided not to proceed further with importing or exporting them.
- Content of notice (4) The notice referred to in subsection (1) must state
- ( a ) the period for which the currency or monetary instruments may be retained;
- ( b ) that if, within that period, the currency or monetary instruments are reported under subsection 12(1) or the importer or exporter decides not to proceed further with importing or exporting them, they may no longer be retained; and
- ( c ) that currency or monetary instruments retained at the end of that period are forfeited to Her Majesty in right of Canada at that time.
- Forfeiture and report to Centre (5) Currency or monetary instruments that are retained by an officer under subsection (1) are forfeited to Her Majesty in right of Canada at the end of the period referred to in that subsection, and the officer shall send any incomplete report in respect of the forfeited currency or monetary instruments made under subsection 12(1) to the Centre.

## SEARCHES

- Search of the person **15.** (1) An officer may search

- ( a ) any person who has arrived in Canada, within a reasonable time after their arrival in Canada,
- ( b ) any person who is about to leave Canada, at any time before their departure, or
- ( c ) any person who has had access to an area designated for use by persons about to leave Canada and who leaves the area but does not leave Canada, within a reasonable time after they leave the area,

if the officer suspects on reasonable grounds that the person has secreted on or about their person currency or monetary instruments that are of a value equal to or greater than the amount prescribed for the purpose of subsection 12(1) and that have not been reported in accordance with that subsection.

Person taken before senior officer

(2) An officer who is about to search a person under this section shall, on the person's request, without delay take the person before the senior officer at the place where the search is to take place.

Discharge or search

(3) A senior officer before whom a person is taken under subsection (2) shall, if the senior officer believes there are no reasonable grounds for suspicion under subsection (1), discharge the person or, if the senior officer believes otherwise, direct that the person be searched.

Search by same sex

(4) No person shall be searched under this section by a person who is not of the same sex, and if there is no officer of the same sex at the place where the search is to take place, an officer may authorize any suitable person of the same sex to perform the search.

2000, c. 17, s. 15; 2001, c. 41, s. 55.

Search of conveyance

**16.** (1) If an officer suspects on reasonable grounds that there are, on or about a conveyance, currency or monetary instruments of a value equal to or greater than the amount prescribed for the purpose of subsection 12(1) and that have not been reported in accordance with that subsection, the officer may stop, board and search the conveyance, examine anything in or on it and open or cause to be opened any package or container in or on it and direct that the conveyance be moved to a customs office or other suitable place for the search, examination or opening.

Search of baggage

(2) If an officer suspects on reasonable grounds that there are, in baggage, currency or monetary instruments that are of a value equal to or greater than the amount prescribed for the purpose of subsection 12(1) and that have not been reported in accordance with that subsection, the officer may search the baggage, examine anything in it and open or cause to be opened any package or container in it and direct that the baggage be moved to a customs office or other suitable place for the search, examination or opening.

2000, c. 17, s. 16; 2001, c. 41, s. 56.

Examination and opening of mail

**17.** (1) An officer may examine any mail that is being imported or exported and open or cause to be opened any such mail that the officer suspects on reasonable grounds contains currency or monetary instruments of a value equal to or greater than the amount prescribed for the purpose of subsection 12(1).

Exception

(2) An officer may not open or cause to be opened any mail that weighs 30 grams or less unless the person to whom it is addressed consents or the person who sent it consents or has completed and attached to the mail a label in accordance with article 116 of the Detailed Regulations of the Universal Postal Convention.

Opening of mail in officer's presence

(3) An officer may cause mail that weighs 30 grams or less to be opened in the officer's presence by the person to whom it is addressed, the person who sent it or a person authorized by either of those persons.

2000, c. 17, s. 17; 2001, c. 41, s. 57.

## SEIZURES

Seizure and forfeiture

**18.** (1) If an officer believes on reasonable grounds that subsection 12(1) has been contravened, the officer may seize as forfeit the currency or monetary instruments.

Return of seized currency or monetary instruments

(2) The officer shall, on payment of a penalty in the prescribed amount, return the seized currency or monetary instruments to the individual from whom they were seized or to the lawful owner unless the officer has reasonable grounds to suspect that the currency or monetary instruments are proceeds of crime within the meaning of subsection 462.3(1) of the *Criminal Code* or funds for use in the financing of terrorist activities.

Notice of seizure

(3) An officer who seizes currency or monetary instruments under subsection (1) shall

- (a) if they were not imported or exported as mail, give the person from whom they were seized written

notice of the seizure and of the right to review and appeal set out in sections 25 and 30;

(b) if they were imported or exported as mail and the address of the exporter is known, give the exporter written notice of the seizure and of the right to review and appeal set out in sections 25 and 30; and

(c) take the measures that are reasonable in the circumstances to give notice of the seizure to any person whom the officer believes on reasonable grounds is entitled to make an application under section 32 in respect of the currency or monetary instruments.

Service of notice (4) The service of a notice under paragraph (3)(b) is sufficient if it is sent by registered mail addressed to the exporter.

2000, c. 17, s. 18; 2001, c. 32, s. 71, c. 41, ss. 58, 134.

Power to call in aid 19. An officer may call on other persons to assist the officer in exercising any power of search, seizure or retention that the officer is authorized under this Part to exercise, and any person so called on is authorized to exercise the power.

Recording of reasons for decision 19.1 If an officer decides to exercise powers under subsection 18(1), the officer shall record in writing reasons for the decision.

Report to President and the Centre 20. If the currency or monetary instruments have been seized under section 18, the officer who seized them shall without delay report the circumstances of the seizure to the President and to the Centre.

2000, c. 17, s. 20; 2005, c. 38, s. 127.

## EXPORTED MAIL

Mail to be made available to an officer 21. (1) On request of an officer, any mail that is being sent from a place in Canada to a place in a foreign country and that contains or is suspected to contain currency or monetary instruments that are of a value equal to or greater than the amount prescribed for the purpose of subsection 12(1) shall be submitted by the Canada Post Corporation to an officer.

Mail in the course of post (2) All mail that is submitted to an officer under this section remains, for the purposes of the *Canada Post Corporation Act*, in the course of post unless it is retained or seized under this Part.

Notice of retention or seizure (3) If mail is retained or seized under this Part, notice of the retention or seizure shall be given in writing to the Canada Post Corporation within 60 days after the retention or seizure unless the mail has, before the expiry of that period, been returned to the Corporation.

Mail subject to customs laws (4) An officer shall deal with all mail submitted to the officer under this section in accordance with the laws relating to customs and this Part and, subject to those laws and this Part, shall return it to the Canada Post Corporation.

Non-mailable matter (5) Any non-mailable matter found by an officer in mail made available to the officer under this section shall be dealt with in accordance with the regulations made under the *Canada Post Corporation Act*.

2000, c. 17, s. 21; 2001, c. 41, s. 59.

## TRANSFER TO THE MINISTER OF PUBLIC WORKS AND GOVERNMENT SERVICES

When forfeiture under s. 14(5) 22. (1) An officer who retains currency or monetary instruments forfeited under subsection 14(5) shall send the currency or monetary instruments to the Minister of Public Works and Government Services.

When seizure or payment of a penalty (2) An officer who seizes currency or monetary instruments or is paid a penalty under subsection 18(2) shall send the currency or monetary instruments or the penalty, as the case may be, to the Minister of Public Works and Government Services.

2000, c. 17, s. 22; 2001, c. 41, s. 60.

## FORFEITURE

**Time of forfeiture**            **23.** Subject to subsection 18(2) and sections 25 to 31, currency or monetary instruments seized as forfeit under subsection 18(1) are forfeited to Her Majesty in right of Canada from the time of the contravention of subsection 12(1) in respect of which they were seized, and no act or proceeding after the forfeiture is necessary to effect the forfeiture.

## REVIEW AND APPEAL

**Review of forfeiture**            **24.** The forfeiture of currency or monetary instruments seized under this Part is final and is not subject to review or to be set aside or otherwise dealt with except to the extent and in the manner provided by sections 25 to 30.

**Request for Minister's decision**            **25.** A person from whom currency or monetary instruments were seized under section 18, or the lawful owner of the currency or monetary instruments, may within 90 days after the date of the seizure request a decision of the Minister as to whether subsection 12(1) was contravened, by giving notice in writing to the officer who seized the currency or monetary instruments or to an officer at the customs office closest to the place where the seizure took place.  
2000, c. 17, s. 25; 2001, c. 41, s. 61.

**Notice of President**            **26.** (1) If a decision of the Minister is requested under section 25, the President shall without delay serve on the person who requested it written notice of the circumstances of the seizure in respect of which the decision is requested.

**Evidence**            (2) The person on whom a notice is served under subsection (1) may, within 30 days after the notice is served, furnish any evidence in the matter that they desire to furnish.  
2000, c. 17, s. 26; 2005, c. 38, s. 127.

**Decision of the Minister**            **27.** (1) Within 90 days after the expiry of the period referred to in subsection 26(2), the Minister shall decide whether subsection 12(1) was contravened.

**Deferral of decision**            (2) If charges are laid with respect to a money laundering offence or a terrorist activity financing offence in respect of the currency or monetary instruments seized, the Minister may defer making a decision but shall make it in any case no later than 30 days after the conclusion of all court proceedings in respect of those charges.

**Notice of decision**            (3) The Minister shall, without delay after making a decision, serve on the person who requested it a written notice of the decision together with the reasons for it.  
2000, c. 17, s. 27; 2001, c. 41, s. 62.

**If there is no contravention**            **28.** If the Minister decides that subsection 12(1) was not contravened, the Minister of Public Works and Government Services shall, on being informed of the Minister's decision, return the penalty that was paid, or the currency or monetary instruments or an amount of money equal to their value at the time of the seizure, as the case may be.

**If there is a contravention**            **29.** (1) If the Minister decides that subsection 12(1) was contravened, the Minister shall, subject to the terms and conditions that the Minister may determine,  
(a) decide that the currency or monetary instruments or, subject to subsection (2), an amount of money equal to their value on the day the Minister of Public Works and Government Services is informed of the decision, be returned, on payment of a penalty in the prescribed amount or without penalty;  
(b) decide that any penalty or portion of any penalty that was paid under subsection 18(2) be remitted; or  
(c) subject to any order made under section 33 or 34, confirm that the currency or monetary instruments are forfeited to Her Majesty in right of Canada.

The Minister of Public Works and Government Services shall give effect to a decision of the Minister under paragraph (a) or (b) on being informed of it.

**Limit on amount paid**            (2) The total amount paid under paragraph (1)(a) shall, if the currency or monetary instruments were sold or otherwise disposed of under the *Seized Property Management Act*, not exceed the proceeds of the sale or disposition, if any, less any costs incurred by Her Majesty in respect of the currency or monetary instruments.

**Appeal to**            **30.** (1) A person who requests a decision of the Minister under section 25 may, within 90 days after being



- Federal Court notified of the decision, appeal the decision by way of an action in the Federal Court in which the person is the plaintiff and the Minister is the defendant.
- Ordinary action (2) The *Federal Courts Act* and the rules made under that Act that apply to ordinary actions apply to actions instituted under subsection (1) except as varied by special rules made in respect of such actions.
- Delivery after final order (3) The Minister of Public Works and Government Services shall give effect to the decision of the Court on being informed of it.
- Limit on amount paid (4) If the currency or monetary instruments were sold or otherwise disposed of under the *Seized Property Management Act*, the total amount that can be paid under subsection (3) shall not exceed the proceeds of the sale or disposition, if any, less any costs incurred by Her Majesty in respect of the currency or monetary instruments.  
2000, c. 17, s. 30; 2001, c. 41, s. 139; 2002, c. 8, s. 161.
- Service of notices **31.** The service of the President's notice under section 26 or the notice of the Minister's decision under section 27 is sufficient if it is sent by registered mail addressed to the person on whom it is to be served at their latest known address.  
2000, c. 17, s. 31; 2005, c. 38, s. 127.

### THIRD PARTY CLAIMS

- Interest as owner **32.** (1) If currency or monetary instruments have been seized as forfeit under this Part, any person, other than the person in whose possession the currency or monetary instruments were when seized, who claims an interest in the currency or monetary instruments as owner may, within 90 days after the seizure, apply by notice in writing to the court for an order under section 33.
- Date of hearing (2) A judge of the court to which an application is made under this section shall fix a day, not less than 30 days after the date of the filing of the application, for the hearing.
- Notice to President (3) A person who makes an application under this section shall serve notice of the application and of the hearing on the President, or an officer designated by the President for the purpose of this section, not later than 15 days after a day is fixed under subsection (2) for the hearing of the application.
- Service of notice (4) The service of a notice under subsection (3) is sufficient if it is sent by registered mail addressed to the President.
- Definition of "court" (5) In this section and sections 33 and 34, "court" means  
(a) in the Province of Ontario, the Superior Court of Justice;  
(b) in the Province of Quebec, the Superior Court;  
(c) in the Provinces of Nova Scotia and British Columbia, the Yukon Territory and the Northwest Territories, the Supreme Court;  
(d) in the Provinces of New Brunswick, Manitoba, Saskatchewan and Alberta, the Court of Queen's Bench;  
(e) in the Provinces of Prince Edward Island and Newfoundland, the Trial Division of the Supreme Court;  
and  
(f) in Nunavut, the Nunavut Court of Justice.  
2000, c. 17, s. 32; 2001, c. 41, s. 63; 2005, c. 38, s. 127.
- Order **33.** If, on the hearing of an application made under subsection 32(1), the court is satisfied  
(a) that the applicant acquired the interest in good faith before the contravention in respect of which the seizure was made,  
(b) that the applicant is innocent of any complicity in the contravention of subsection 12(1) that resulted in the seizure and of any collusion in relation to that contravention, and  
(c) that the applicant exercised all reasonable care to ensure that any person permitted to obtain possession of the currency or monetary instruments seized would report them in accordance with subsection 12(1),  
the applicant is entitled to an order declaring that their interest is not affected by the seizure and declaring the

nature and extent of their interest at the time of the contravention.

- Appeal**            **34.** (1) A person who makes an application under section 32 or Her Majesty in right of Canada may appeal to the court of appeal from an order made under section 33 and the appeal shall be asserted, heard and decided according to the ordinary procedure governing appeals to the court of appeal from orders or judgments of a court.
- Definition of "court of appeal"**            (2) In this section, "court of appeal" means, in the province in which an order referred to in subsection (1) is made, the court of appeal for that province as defined in section 2 of the *Criminal Code*.
- Delivery after final order**            **35.** (1) The Minister of Public Works and Government Services shall, after the forfeiture of currency or monetary instruments has become final and on being informed by the President that a person has obtained a final order under section 33 or 34 in respect of the currency or monetary instruments, give to the person
- (a) the currency or monetary instruments; or
- (b) an amount calculated on the basis of the interest of the applicant in the currency or monetary instruments at the time of the contravention in respect of which they were seized, as declared in the order.
- Limit on amount paid**            (2) The total amount paid under paragraph (1)(b) shall, if the currency or monetary instruments were sold or otherwise disposed of under the *Seized Property Management Act*, not exceed the proceeds of the sale or disposition, if any, less any costs incurred by Her Majesty in respect of the currency or monetary instruments.
- 2000, c. 17, s. 35; 2005, c. 38, s. 127.

#### DISCLOSURE OF INFORMATION

- Prohibition**            **36.** (1) Subject to this section and subsection 12(1) of the *Privacy Act*, no official shall disclose the following:
- (a) information set out in a report made under subsection 12(1), whether or not it is completed;
- (b) any other information obtained for the purposes of this Part; or
- (c) information prepared from information referred to in paragraph (a) or (b).
- Disclosure of information to a police force**            (2) An officer who has reasonable grounds to suspect that information referred to in subsection (1) would be relevant to investigating or prosecuting a money laundering offence or a terrorist activity financing offence may disclose the information to the appropriate police force.
- Disclosure of information to the Centre**            (3) An officer may disclose to the Centre information referred to in subsection (1) if the officer has reasonable grounds to suspect that it would be of assistance to the Centre in the detection, prevention or deterrence of money laundering or of the financing of terrorist activities.
- Recording of reasons for decision**            (3.1) If an officer decides to disclose information under subsection (2) or (3), the officer shall record in writing the reasons for the decision.
- Powers, duties and functions**            (4) An official may disclose information referred to in subsection (1) for the purpose of exercising powers or performing duties and functions under this Part.
- Immunity from compulsory processes**            (5) Subject to section 36 of the *Access to Information Act* and section 34 of the *Privacy Act*, an official is required to comply with a subpoena, an order for production of documents, a summons or any other compulsory process only if it is issued in the course of
- (a) criminal proceedings under an Act of Parliament that have been commenced by the laying of an information or the preferring of an indictment; or
- (b) any legal proceedings that relate to the administration or enforcement of this Part.
- Definition of "official"**            (6) In this section and section 37, "official" means a person who obtained or who has or had access to information referred to in subsection (1) in the course of exercising powers or performing duties and functions under this Part.
- 2000, c. 17, s. 36; 2001, c. 41, s. 64.
- Use of information**            **37.** No official shall use information referred to in subsection 36(1) for any purpose other than exercising powers or performing duties and functions under this Part.

## AGREEMENTS FOR EXCHANGE OF INFORMATION

- Agreements with foreign states**      **38.** (1) The Minister, with the consent of the Minister designated for the purpose of section 42, may enter into an agreement or arrangement in writing with the government of a foreign state, or an institution or agency of that state, that has reporting requirements similar to those set out in this Part, whereby
- (a) information set out in reports made under subsection 12(1) in respect of currency or monetary instruments imported into Canada from that state will be provided to a department, institution or agency of that state that has powers and duties similar to those of the Canada Border Services Agency in respect of the reporting of currency or monetary instruments; and
  - (b) information contained in reports in respect of currency or monetary instruments imported into that state from Canada will be provided to the Canada Border Services Agency.
- Information sent under an agreement**      (2) When an agreement or arrangement referred to in subsection (1) is in effect with a foreign state or an institution or agency of that state and a person fulfils the reporting requirements of that state in respect of currency or monetary instruments that are imported into that state from Canada, the person is deemed to have fulfilled the requirements set out in section 12 in respect of the exportation of the currency or monetary instruments.
- Information received by the Centre**      (3) The information received under an agreement or arrangement referred to in subsection (1) shall be sent to the Centre and, for the purposes of any provision of this Act dealing with the confidentiality of information or the collection or use of information by the Centre, is deemed to be information set out in a report made under section 12.
- 2000, c. 17, s. 38; 2005, c. 38, ss. 125, 139.

## DELEGATION

- Minister's duties**      **39.** (1) The Minister may authorize an officer or a class of officers to exercise powers or perform duties of the Minister, including any judicial or quasi-judicial powers or duties of the Minister, under this Part.
- President's duties**      (2) The President may authorize an officer or a class of officers to exercise powers or perform duties of the President under this Part.
- 2000, c. 17, s. 39; 2005, c. 38, s. 127.

## PART 3

### FINANCIAL TRANSACTIONS AND REPORTS ANALYSIS CENTRE OF CANADA

#### OBJECT

- Object**      **40.** The object of this Part is to establish an independent agency that
- (a) acts at arm's length from law enforcement agencies and other entities to which it is authorized to disclose information;
  - (b) collects, analyses, assesses and discloses information in order to assist in the detection, prevention and deterrence of money laundering and of the financing of terrorist activities;
  - (c) ensures that personal information under its control is protected from unauthorized disclosure;
  - (d) operates to enhance public awareness and understanding of matters related to money laundering; and
  - (e) ensures compliance with Part 1.
- 2000, c. 17, s. 40; 2001, c. 41, s. 65.

#### ESTABLISHMENT OF THE CENTRE

- Centre established**      **41.** (1) There is hereby established the Financial Transactions and Reports Analysis Centre of Canada.

Powers of Centre	(2) The Centre may exercise powers only as an agent of Her Majesty in right of Canada.
Minister is responsible	<b>42.</b> (1) The Minister is responsible for the Centre.
Minister may direct	(2) The Minister may direct the Centre on any matter that, in the Minister's opinion, materially affects public policy or the strategic direction of the Centre.
Statutory instruments	(3) A direction under subsection (2) is not a statutory instrument for the purposes of the <i>Statutory Instruments Act</i> .
Advisor	(4) The Minister may from time to time engage the services of any person to advise and report to the Minister on any matter referred to in subsection (2).

## ORGANIZATION AND HEAD OFFICE

Appointment of Director	<b>43.</b> (1) The Governor in Council shall appoint a Director to hold office during pleasure for a term of not more than five years.
Reappointment	(2) Subject to subsection (3), the Director is eligible to be reappointed on the expiry of a first or subsequent term of office.
Limitation	(3) No person shall hold office as Director for terms of more than ten years in the aggregate.
Absence or incapacity	(4) In the event of the absence or incapacity of the Director, or if the office of Director is vacant, the Governor in Council may appoint a qualified person to hold office instead of the Director for a term of not more than six months, and the person shall, while holding that office, have all of the powers, duties and functions of the Director under this Part.
Delegation by Director	(5) The Director may delegate to any person, subject to any terms and conditions that the Director may specify, any power, duty or function conferred on the Director under this Act.
Accident compensation	<b>44.</b> The Director and the employees of the Centre are deemed to be employees for the purposes of the <i>Government Employees Compensation Act</i> and to be employed in the federal public administration for the purposes of any regulations made under section 9 of the <i>Aeronautics Act</i> . 2000, c. 17, s. 44; 2003, c. 22, s. 224(E).
Director's powers	<b>45.</b> (1) The Director is the chief executive officer of the Centre, has supervision over and direction of its work and employees and may exercise any power and perform any duty or function of the Centre. The Director has the rank and all the powers of a deputy head of a department.
Directions to authorized persons	(2) The Director may authorize any person to act, under the Director's direction, for the purposes of sections 62 to 64.
Employees	<b>46.</b> An employee of the Centre may exercise any power and perform any duty or function of the Centre if the employee is appointed to serve in the Centre in a capacity appropriate to the exercise of the power or the performance of the duty or function.
Remuneration	<b>47.</b> The Director shall be paid the remuneration fixed by the Governor in Council.
Head office	<b>48.</b> (1) The head office of the Centre is to be in the National Capital Region, as described in the schedule to the <i>National Capital Act</i> .
Other offices	(2) The Director may, with the approval of the Minister, establish other offices of the Centre elsewhere in Canada.

## HUMAN RESOURCES

Personnel	<b>49.</b> (1) The Director has exclusive authority to (a) appoint, lay off or terminate the employment of the employees of the Centre; and
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(b) establish standards, procedures and processes governing staffing, including the appointment, lay-off or termination of the employment of employees otherwise than for cause.

Right of employer

(2) Nothing in the *Public Service Labour Relations Act* shall be construed so as to affect the right or authority of the Director to deal with the matters referred to in paragraph (1)(b).

Human resources management

(3) Subsections 11.1(1) and 12(2) of the *Financial Administration Act* do not apply to the Centre, and the Director may

(a) determine the organization of and classify the positions in the Centre;

(b) set the terms and conditions of employment for employees, including termination of employment for cause, and assign to them their duties;

(c) notwithstanding section 112 of the *Public Service Labour Relations Act*, in accordance with the mandate approved by the Treasury Board, fix the remuneration of the employees of the Centre; and

(d) provide for any other matters that the Director considers necessary for effective human resources management in the Centre.

2000, c. 17, s. 49; 2003, c. 22, ss. 190, 223(A).

Political activities

**50.** Part 7 of the *Public Service Employment Act* applies to the Director and employees of the Centre. For the purposes of that Part, the Director is deemed to be a deputy head, and the employees are deemed to be employees, as defined in subsection 2(1) of that Act.

2000, c. 17, s. 50; 2003, c. 22, s. 242.

#### AUTHORITY TO PROVIDE SERVICES

Authority to provide services

**51.** When a department in, or other portion of, the federal public administration specified in Schedule I, IV or V to the *Financial Administration Act* is authorized to provide services to another department in or portion of the federal public administration specified in one of those Schedules, it may enter into an agreement to provide those services to the Centre if it considers it appropriate to do so.

2000, c. 17, s. 51; 2003, c. 22, s. 191.

#### DISCLOSURE OF INFORMATION

Director to report to Minister

**52.** (1) The Director shall report to the Minister from time to time on the exercise of the Director's powers and the performance of his or her duties and functions under this Act.

Director to keep Minister informed

(2) The Director shall keep the Minister informed of any matter that could materially affect public policy or the strategic direction of the Centre, and any other matter that the Minister considers necessary.

Director to disclose other information

(3) The Director shall, at the Minister's request, disclose to the Minister any information that the Minister considers relevant for the purpose of carrying out the Minister's powers and duties under this Act.

Disclosure of information to advisor

(4) The Director shall disclose to a person engaged under subsection 42(4) any information that the person considers relevant for the purpose of advising the Minister on any matter referred to in subsection 42(2).

Limitation

**53.** The Director may not disclose any information under section 52 that would directly or indirectly identify an individual who provided a report or information to the Centre, or a person or an entity about whom a report or information was provided under this Act.

#### REPORTS AND INFORMATION

Reports and information

**54.** The Centre

(a) shall receive reports made under section 7, 7.1, 9, 12 or 20, incomplete reports sent under subsection 14(5), reports referred to in section 9.1, information provided to the Centre by any agency of another country that has powers and duties similar to those of the Centre, information provided to the Centre by law enforcement agencies or government institutions or agencies, and other information voluntarily provided to

the Centre about suspicions of money laundering or of the financing of terrorist activities;

(b) may collect information that the Centre considers relevant to money laundering activities or the financing of terrorist activities and that is publicly available, including commercially available databases, or that is stored in databases maintained by the federal or provincial governments for purposes related to law enforcement or national security and in respect of which an agreement was entered into under subsection 66(1);

(c) shall analyse and assess the reports and information;

(d) subject to section 6 of the *Privacy Act*, shall retain each report and all information for five years after the date the report is received or the information is received or collected or, where information is disclosed under subsection 55(3), (4) or (5), shall retain the information and any report containing it for eight years after that date; and

(e) notwithstanding the *Library and Archives of Canada Act*, shall destroy each report received and all information received or collected on the expiry of the applicable period referred to in paragraph (d).

2000, c. 17, s. 54; 2001, c. 12, s. 1, c. 41, s. 66; 2004, c. 11, s. 42, c. 15, s. 100.

## DISCLOSURE AND USE OF INFORMATION

Disclosure by  
Centre  
prohibited

**55.** (1) Subject to subsection (3), sections 52, 55.1 and 56.1, subsection 58(1) and section 65 and to subsection 12(1) of the *Privacy Act*, the Centre shall not disclose the following:

(a) information set out in a report made under section 7;

(a.1) information set out in a report made under section 7.1;

(b) information set out in a report made under section 9;

(b.1) information set out in a report referred to in section 9.1;

(c) information set out in a report made under subsection 12(1), whether or not it is completed, or section 20;

(d) information voluntarily provided to the Centre about suspicions of money laundering or of the financing of terrorist activities;

(e) information prepared by the Centre from information referred to in paragraphs (a) to (d); or

(f) any other information, other than publicly available information, obtained in the administration or enforcement of this Part.

Disclosure by  
others  
prohibited

(2) The prohibition in subsection (1) also applies to the following persons:

(a) any person who, in the course of exercising powers or performing duties or functions under this Part, obtained or has or had access to information referred to in subsection (1); and

(b) any person or an employee of any person with whom the Centre enters into a contract, memorandum of understanding or other agreement for the provision of goods or services.

Disclosure of  
designated  
information

(3) If the Centre, on the basis of its analysis and assessment under paragraph 54(c), has reasonable grounds to suspect that designated information would be relevant to investigating or prosecuting a money laundering offence or a terrorist activity financing offence, the Centre shall disclose the information to

(a) the appropriate police force;

(b) the Canada Revenue Agency, if the Centre also determines that the information is relevant to an offence of evading or attempting to evade paying taxes or duties imposed under an Act of Parliament administered by the Minister of National Revenue;

(b.1) the Canada Border Services Agency, if the Centre also determines that the information is relevant to an offence of evading or attempting to evade paying taxes or duties imposed under an Act of Parliament administered by the Agency; and

(c) [Repealed, 2001, c. 41, s. 67]

(d) the Canada Border Services Agency, if the Centre also determines that the information would promote the objective set out in paragraph 3(1)(i) of the *Immigration and Refugee Protection Act* and is relevant to determining whether a person is a person described in sections 34 to 42 of that Act or to an offence under any of sections 117 to 119, 126 or 127 of that Act.

Exception (3.1) Paragraph (3)(b) or (b.1) does not apply in respect of an offence relating to taxes or duties imposed under a prescribed Act or a prescribed portion of an Act.

(4) and (5) [Repealed, 2001, c. 41, s. 67]

Recording of reasons for decision (5.1) The Centre shall record in writing the reasons for all decisions to disclose information made under subsection (3).

Exception (6) A person may disclose any information referred to in subsection (1) if the disclosure is necessary for the purpose of exercising powers or performing duties and functions under this Part.

Definition of "designated information" (7) For the purposes of subsection (3), "designated information" means, in respect of a financial transaction or an importation or exportation of currency or monetary instruments,

(a) the name of the client or of the importer or exporter, or any person acting on their behalf;

(b) the name and address of the place of business where the transaction occurred or the address of the customs office where the importation or exportation occurred, and the date the transaction, importation or exportation occurred;

(c) the amount and type of currency or monetary instruments involved or, in the case of a transaction, if no currency or monetary instruments are involved, the value of the transaction or the value of the funds that are the subject of the transaction;

(d) in the case of a transaction, the transaction number and the account number, if any; and

(e) any other similar identifying information that may be prescribed for the purposes of this section.

2000, c. 17, s. 55; 2001, c. 12, s. 2, c. 27, s. 270, c. 41, ss. 67, 123; 2005, c. 38, s. 126.

Disclosure of information to the Canadian Security Intelligence Service **55.1** (1) If the Centre, on the basis of its analysis and assessment under paragraph 54(c), has reasonable grounds to suspect that designated information would be relevant to threats to the security of Canada, the Centre shall disclose that information to the Canadian Security Intelligence Service.

Recording of reasons for decision (2) The Centre shall record in writing the reasons for all decisions to disclose information made under subsection (1).

Definition of "designated information" (3) For the purposes of subsection (1), "designated information" means, in respect of a financial transaction or an importation or exportation of currency or monetary instruments,

(a) the name of the client or of the importer or exporter, or any person or entity acting on their behalf;

(b) the name and address of the place of business where the transaction occurred or the address of the customs office where the importation or exportation occurred, and the date the transaction, importation or exportation occurred;

(c) the amount and type of currency or monetary instruments involved or, in the case of a transaction, if no currency or monetary instruments are involved, the value of the transaction or the value of the funds that are the subject of the transaction;

(d) in the case of a transaction, the transaction number and the account number, if any; and

(e) any other similar identifying information that may be prescribed for the purposes of this section.

2001, c. 41, s. 68.

Agreements and arrangements **56.** (1) The Minister may enter into an agreement or arrangement, in writing, with the government of a foreign state, or an international organization established by the governments of foreign states regarding the exchange, between the Centre and any institution or agency of that state or organization that has powers and duties similar to those of the Centre, of information that the Centre, institution or agency has reasonable grounds to suspect would be relevant to investigating or prosecuting a money laundering offence or a terrorist activity financing offence, or an offence that is substantially similar to either offence.

Agreements and arrangements — Centre (2) The Centre may, with the approval of the Minister, enter into an agreement or arrangement, in writing, with an institution or agency of a foreign state that has powers and duties similar to those of the Centre, regarding the exchange, between the Centre and the institution or agency, of information that the Centre, institution or agency has reasonable grounds to suspect would be relevant to investigating or prosecuting a money laundering offence or a terrorist activity financing offence, or an offence that is substantially similar to

either offence.

- Purposes (3) Agreements or arrangements entered into under subsection (1) or (2) must
- (a) restrict the use of information to purposes relevant to investigating or prosecuting a money laundering offence or a terrorist activity financing offence, or an offence that is substantially similar to either offence; and
  - (b) stipulate that the information be treated in a confidential manner and not be further disclosed without the express consent of the Centre.

2000, c. 17, s. 56; 2001, c. 41, s. 68.

- Disclosure to foreign agencies **56.1** (1) The Centre may disclose designated information to an institution or agency of a foreign state or of an international organization established by the governments of foreign states that has powers and duties similar to those of the Centre, if
- (a) the Centre has reasonable grounds to suspect that the information would be relevant to the investigation or prosecution of a money laundering offence or a terrorist activity financing offence, or an offence that is substantially similar to either offence; and
  - (b) the Minister has, in accordance with subsection 56(1), entered into an agreement or arrangement with that foreign state or international organization regarding the exchange of such information.

- Disclosure to foreign agencies (2) The Centre may disclose designated information to an institution or agency of a foreign state that has powers and duties similar to those of the Centre, if
- (a) the Centre has reasonable grounds to suspect that the information would be relevant to the investigation or prosecution of a money laundering offence or a terrorist activity financing offence, or an offence that is substantially similar to either offence; and
  - (b) the Centre has, in accordance with subsection 56(2), entered into an agreement or arrangement with that institution or agency regarding the exchange of such information.

- Request for information (2.1) For greater certainty, designated information may be disclosed to an institution or agency under subsection (1) or (2) in response to a request made by the institution or agency.

- Other disclosure (3) In order to perform its functions under paragraph 54(c), the Centre may direct queries to an institution or agency in respect of which an agreement referred to in subsection (1) or (2) has been entered into, and in doing so it may disclose designated information.

- Recording of reasons for decision (4) The Centre shall record in writing the reasons for all decisions to disclose information made under paragraph (1)(a) or (2)(a).

- Definition of "designated information" (5) For the purposes of this section, "designated information" means, in respect of a financial transaction or an importation or exportation of currency or monetary instruments,
- (a) the name of the client or of the importer or exporter, or any person or entity acting on their behalf;
  - (b) the name and address of the place of business where the transaction occurred or the address of the customs office where the importation or exportation occurred, and the date the transaction, importation or exportation occurred;
  - (c) the amount and type of currency or monetary instruments involved or, in the case of a transaction, if no currency or monetary instruments are involved, the value of the transaction or the value of the funds that are the subject of the transaction;
  - (d) in the case of a transaction, the transaction number and the account number, if any; and
  - (e) any other similar identifying information that may be prescribed for the purposes of this section.

2001, c. 41, s. 68.

- Use of information **57.** No person who obtained or who has or had access to information referred to in subsection 55(1) in the course of exercising powers or performing duties and functions under this Part shall use the information for a purpose other than exercising those powers or performing those duties and functions.

- Feedback, research and public **58.** (1) The Centre may
- (a) inform persons and entities that have provided a report under section 7, 7.1 or 9, or a report referred to



education	<p>in section 9.1, about measures that have been taken with respect to reports under those sections;</p> <p>(b) conduct research into trends and developments in the area of money laundering and the financing of terrorist activities and improved ways of detecting, preventing and deterring money laundering and the financing of terrorist activities; and</p> <p>(c) undertake measures to inform the public, persons and entities referred to in section 5, authorities engaged in the investigation and prosecution of money laundering offences and terrorist activity financing offences, and others, with respect to</p> <ul style="list-style-type: none"> <li>(i) their obligations under this Act,</li> <li>(ii) the nature and extent of money laundering in Canada,</li> <li>(ii.1) the nature and extent of the financing of terrorist activities in Canada, and</li> <li>(iii) measures that have been or might be taken to detect, prevent and deter money laundering and the financing of terrorist activities in Canada, and the effectiveness of those measures.</li> </ul>
Limitation	<p>(2) The Centre may not disclose any information that would directly or indirectly identify an individual who provided a report or information to the Centre, or a person or an entity about whom a report or information was provided.</p> <p>2000, c. 17, s. 58; 2001, c. 41, s. 69.</p>
Immunity from compulsory processes	<p><b>59.</b> (1) Subject to section 36 of the <i>Access to Information Act</i> and section 34 of the <i>Privacy Act</i>, the Centre, and any person who has obtained or who has or had access to any information or documents in the course of exercising powers or performing duties and functions under this Act, other than Part 2, is required to comply with a subpoena, a summons, an order for production of documents, or any other compulsory process only if it is issued in the course of court proceedings in respect of a money laundering offence, a terrorist activity financing offence or an offence under this Act in respect of which an information has been laid or an indictment preferred or, in the case of an order for production of documents, if it is issued under section 60.1 for the purposes of an investigation in respect of a threat to the security of Canada.</p>
Search warrants	<p>(2) Despite any other Act, no search warrant may be issued in respect of the Centre.</p> <p>2000, c. 17, s. 59; 2001, c. 41, s. 70.</p>
Limitation on orders for disclosure of information	<p><b>60.</b> (1) Despite the provisions of any other Act, except sections 49 and 50 of the <i>Access to Information Act</i> and sections 48 and 49 of the <i>Privacy Act</i>, an order for disclosure of information may be issued in respect of the Centre only under subsection (4) or section 60.1.</p>
Purpose of application	<p>(2) The Attorney General may, for the purposes of an investigation in respect of a money laundering offence or a terrorist activity financing offence, make an application under subsection (3) for an order for disclosure of information.</p>
Application	<p>(3) An application shall be made <i>ex parte</i> in writing to a judge and be accompanied by an affidavit sworn on the information and belief of the Attorney General — or a person specially designated by the Attorney General for that purpose — deposing to the following matters:</p> <ul style="list-style-type: none"> <li>(a) the offence under investigation;</li> <li>(b) the person in relation to whom the information or documents referred to in paragraph (c) are required;</li> <li>(c) the type of information or documents — whether in written form, in the form of a report or record or in any other form — obtained by or on behalf of the Director in respect of which disclosure is sought;</li> <li>(d) the facts relied on to justify the belief, on reasonable grounds, that the person referred to in paragraph (b) has committed or benefited from the commission of a money laundering offence or a terrorist activity financing offence and that the information or documents referred to in paragraph (c) are likely to be of substantial value, whether alone or together with other material, to an investigation in respect of that offence;</li> <li>(e) a summary of any information already received from the Centre in respect of the offence; and</li> <li>(f) information respecting all previous applications brought under this section in respect of any person being investigated for the offence.</li> </ul>
Order for disclosure of information	<p>(4) Subject to the conditions that the judge considers advisable in the public interest, the judge to whom an application is made may order the Director — or any person specially designated in writing by the Director for the purposes of this section — to allow a police officer named in the order to have access to and examine all information and documents to which the application relates or, if the judge considers it necessary in the</p>

circumstances, to produce the information and documents to the police officer and allow the police officer to remove them, where the judge is satisfied

(a) of the matters referred to in paragraph (3)(d); and

(b) that there are reasonable grounds for believing that it is in the public interest to allow access to the information or documents, having regard to the benefit likely to accrue to the investigation if the access is obtained.

The order must be complied with within the period following the service of the order that the judge may specify.

Execution in another province

(5) A judge may, if the information or documents in respect of which disclosure is sought are in a province other than the one in which the judge has jurisdiction, issue an order for disclosure and the order may be executed in the other province after it has been endorsed by a judge who has jurisdiction in that other province.

Service of order

(6) A copy of the order shall be served on the person to whom it is addressed in the manner that the judge directs or as may be prescribed by rules of court.

Extension of period for compliance with order

(7) A judge who makes an order under subsection (4) may, on application of the Director, extend the period within which it is to be complied with.

Objection to disclosure of information

(8) The Director — or any person specially designated in writing by the Director for the purposes of this section — may object to the disclosure of any information or document in respect of which an order under subsection (4) has been made by certifying orally or in writing that it should not be disclosed on the ground that

(a) the Director is prohibited from disclosing the information or document by any bilateral or international treaty, convention or other agreement to which the Government of Canada is a signatory respecting the sharing of information related to a money laundering offence or a terrorist activity financing offence, or an offence that is substantially similar to either offence;

(b) a privilege is attached by law to the information or document;

(c) the information or document has been placed in a sealed package pursuant to law or an order of a court of competent jurisdiction; or

(d) disclosure of the information or document would not, for any other reason, be in the public interest.

Determination of objection

(9) An objection made under subsection (8) may be determined, on application, in accordance with subsection (10), by the Chief Justice of the Federal Court, or by any other judge of that Court that the Chief Justice may designate to hear those applications.

Judge may examine information

(10) A judge who is to determine an objection may, if the judge considers it necessary to determine the objection, examine the information or document in relation to which the objection is made. The judge shall grant the objection and order that disclosure be refused if the judge is satisfied of any of the grounds mentioned in subsection (8).

Limitation period

(11) An application under subsection (9) shall be made within 10 days after the objection is made or within such greater or lesser period as the Chief Justice of the Federal Court, or any other judge of that Court that the Chief Justice may designate to hear those applications, considers appropriate in the circumstances.

Appeal to Federal Court of Appeal

(12) An appeal lies from a determination under subsection (9) to the Federal Court of Appeal.

Limitation period for appeal

(13) An appeal under subsection (12) shall be brought within 10 days after the date of the determination appealed from or within such further time as the Federal Court of Appeal considers appropriate in the circumstances.

Special rules for hearings

(14) An application under subsection (9) or an appeal brought in respect of that application shall be heard in private and, on the request of the person objecting to the disclosure of the information or documents, be heard and determined in the National Capital Region described in the schedule to the *National Capital Act*.

*Ex parte* representations

(15) During the hearing of an application under subsection (9) or an appeal brought in respect of that application, the person who made the objection in respect of which the application was made or the appeal was brought shall, on the request of that person, be given the opportunity to make representations *ex parte*.

- Copies (16) Where any information or document is examined or provided under subsection (4), the person by whom it is examined or to whom it is provided or any employee of the Centre may make, or cause to be made, one or more copies of it and any copy purporting to be certified by the Director or an authorized person to be a copy made under this subsection is evidence of the nature and content of the original information or document and has the same probative force as the original information or document would have had if it had been proved in the ordinary way.
- Definitions (17) The definitions in this subsection apply in this section.
- “Attorney General”  
« procureur général » “Attorney General” means the Attorney General as defined in section 2 of the *Criminal Code*.
- “judge”  
« juge » “judge” means a provincial court judge as defined in section 2 of the *Criminal Code* or a judge as defined in subsection 462.3(1) of that Act.
- “police officer”  
« policier » “police officer” means any officer, constable or other person employed for the preservation and maintenance of the public peace.  
2000, c. 17, s. 60; 2001, c. 12, s. 3, c. 32, s. 72, c. 41, s. 71.
- Application for production order **60.1** (1) The Director of the Canadian Security Intelligence Service, or any employee of the Canadian Security Intelligence Service, may, for the purposes of an investigation in respect of a threat to the security of Canada, after having obtained the approval of the Minister of Public Safety and Emergency Preparedness, make an application under subsection (2) to a judge for an order for disclosure of information.
- Matters to be specified in application for production order (2) An application shall be made *ex parte* in writing and be accompanied by an affidavit of the applicant deposing to the following matters:
- (a) the person or entity in relation to whom the information or documents referred to in paragraph (b) are required;
  - (b) the type of information or documents — whether in written form, in the form of a report or record or in any other form — obtained by or on behalf of the Director in respect of which disclosure is sought;
  - (c) the facts relied on to justify the belief, on reasonable grounds, that a production order under this section is required to enable the Canadian Security Intelligence Service to investigate a threat to the security of Canada;
  - (d) a summary of any information already received from the Centre in respect of the threat to the security of Canada; and
  - (e) information respecting all previous applications brought under this section in respect of any person or entity being investigated in relation to the threat to the security of Canada.
- Order for disclosure of information (3) Subject to the conditions that the judge considers advisable in the public interest, the judge to whom an application is made may order the Director — or any person specially designated in writing by the Director for the purpose of this section — to allow an employee of the Canadian Security Intelligence Service named in the order to have access to and examine all information and documents to which the application relates or, if the judge considers it necessary in the circumstances, to produce the information and documents to the employee and allow the employee to remove them, if the judge is satisfied
- (a) of the matters referred to in subsection (2); and
  - (b) that there are reasonable grounds for believing that it is in the public interest to allow access to the information or documents, having regard to the benefit likely to accrue to the investigation if the access is obtained.
- The order must be complied with within the period following the service of the order that the judge may specify.
- Maximum duration of production order (4) A production order shall not be issued under subsection (3) for a period exceeding sixty days.
- Service of order (5) A copy of the order shall be served on the person or entity to whom it is addressed in the manner that the judge directs or as may be prescribed by rules of court.

Extension of period for compliance with order	(6) A judge who makes an order under subsection (3) may, on application of the Director, extend the period within which it is to be complied with.
Objection to disclosure of information	(7) The Director — or any person specially designated in writing by the Director for the purposes of this section — may object to the disclosure of any information or document in respect of which an order under subsection (3) has been made by certifying orally or in writing that it should not be disclosed on the ground that <ul style="list-style-type: none"> <li>(a) the Director is prohibited from disclosing the information or document by any bilateral or international treaty, convention or other agreement to which the Government of Canada is a signatory respecting the sharing of information related to a money laundering offence or a terrorist activity financing offence, or an offence that is substantially similar to either offence;</li> <li>(b) a privilege is attached by law to the information or document;</li> <li>(c) the information or document has been placed in a sealed package pursuant to law or an order of a court of competent jurisdiction; or</li> <li>(d) disclosure of the information or document would not, for any other reason, be in the public interest.</li> </ul>
Determination of objection	(8) An objection made under subsection (7) may be determined, on application, in accordance with subsection (9), by the Chief Justice of the Federal Court, or by any other judge of that Court that the Chief Justice may designate to hear those applications.
Judge may examine information	(9) A judge who is to determine an objection may, if the judge considers it necessary to determine the objection, examine the information or document in relation to which the objection is made. The judge shall grant the objection and order that disclosure be refused if the judge is satisfied of any of the grounds mentioned in subsection (7).
Limitation period	(10) An application under subsection (8) shall be made within 10 days after the objection is made or within such greater or lesser period as the Chief Justice of the Federal Court, or any other judge of that Court that the Chief Justice may designate to hear those applications, considers appropriate in the circumstances.
Appeal to Federal Court of Appeal	(11) An appeal lies from a determination under subsection (8) to the Federal Court of Appeal.
Limitation period for appeal	(12) An appeal under subsection (11) shall be brought within 10 days after the date of the determination appealed from or within such further time as the Federal Court of Appeal considers appropriate in the circumstances.
Special rules for hearings	(13) An application under subsection (8) or an appeal brought in respect of that application shall be heard in private and, on the request of the person objecting to the disclosure of the information or documents, be heard and determined in the National Capital Region described in the schedule to the <i>National Capital Act</i> .
<i>Ex parte</i> representations	(14) During the hearing of an application under subsection (8) or an appeal brought in respect of that application, the person who made the objection in respect of which the application was made or the appeal was brought shall, on the request of that person, be given the opportunity to make representations <i>ex parte</i> .
Copies	(15) Where any information or document is examined or provided under subsection (3), the person by whom it is examined or to whom it is provided or any employee of the Centre may make, or cause to be made, one or more copies of it and any copy purporting to be certified by the Director or an authorized person to be a copy made under this subsection is evidence of the nature and content of the original information or document and has the same probative force as the original information or document would have had if it had been proved in the ordinary way.
Definition of "judge"	(16) In this section, "judge" means a judge of the Federal Court designated by the Chief Justice of the Federal Court for the purposes of the <i>Canadian Security Intelligence Service Act</i> . 2001, c. 41, s. 72; 2005, c. 10, s. 34.
Hearing of applications	<b>60.2</b> An application under subsection 60.1(2) to a judge for a production order, or an objection under subsection 60.1(7), shall be heard in private in accordance with regulations made under section 28 of the <i>Canadian Security Intelligence Service Act</i> . 2001, c. 41, s. 72.

Certain provisions not applicable **61.** Section 43 of the *Customs Act*, section 231.2 of the *Income Tax Act* and section 289 of the *Excise Tax Act* do not apply to the Centre or to its employees in their capacity as employees.

## COMPLIANCE MEASURES

- To ensure compliance **62.** (1) An authorized person may, from time to time, examine the records and inquire into the business and affairs of any person or entity referred to in section 5 for the purpose of ensuring compliance with Part 1, and for that purpose may
- (a) at any reasonable time, enter any premises, other than a dwelling-house, in which the authorized person believes, on reasonable grounds, that there are records relevant to ensuring compliance with Part 1;
  - (b) use or cause to be used any computer system or data processing system in the premises to examine any data contained in or available to the system;
  - (c) reproduce any record, or cause it to be reproduced from the data, in the form of a printout or other intelligible output and remove the printout or other output for examination or copying; and
  - (d) use or cause to be used any copying equipment in the premises to make copies of any record.
- Assistance to Centre (2) The owner or person in charge of premises referred to in subsection (1) and every person found there shall give the authorized person all reasonable assistance to enable them to carry out their responsibilities and shall furnish them with any information with respect to the administration of Part 1 or the regulations under it that they may reasonably require.
- Warrant required to enter dwelling-house **63.** (1) If the premises referred to in subsection 62(1) is a dwelling-house, the authorized person may not enter it without the consent of the occupant except under the authority of a warrant issued under subsection (2).
- Authority to issue warrant (2) A justice of the peace may issue a warrant authorizing the authorized person to enter a dwelling-house, subject to any conditions that may be specified in the warrant, if on *ex parte* application the justice is satisfied by information on oath that
- (a) there are reasonable grounds to believe that there are in the premises records relevant to ensuring compliance with Part 1;
  - (b) entry to the dwelling-house is necessary for any purpose that relates to ensuring compliance with Part 1; and
  - (c) entry to the dwelling-house has been refused or there are reasonable grounds for believing that entry will be refused.
- Areas that may be entered (3) For greater certainty, an authorized person who enters a dwelling-house under authority of a warrant may enter only a room or part of a room in which the person believes on reasonable grounds that a person or an entity referred to in section 5 is carrying on its business, profession or activity.
- Definition of "judge" **64.** (1) In this section, "judge" means a judge of a superior court having jurisdiction in the province where the matter arises or a judge of the Federal Court.
- No examination or copying of certain documents when privilege claimed (2) If an authorized person acting under section 62 or 63 is about to examine or copy a document in the possession of a legal counsel who claims that a named client or former client of the legal counsel has a solicitor-client privilege in respect of the document, the authorized person shall not examine or make copies of the document.
- Retention of documents (3) A legal counsel who claims privilege under subsection (2) shall
- (a) place the document, together with any other document in respect of which the legal counsel at the same time makes the same claim on behalf of the same client, in a package and suitably seal and identify the package or, if the authorized person and the legal counsel agree, allow the pages of the document to be initialed and numbered or otherwise suitably identified; and
  - (b) retain it and ensure that it is preserved until it is produced to a judge as required under this section and an order is issued under this section in respect of the document.
- Application to (4) If a document has been retained under subsection (3), the client or the legal counsel on behalf of the

judge	<p>client may</p> <p>(a) within 14 days after the day the document was begun to be so retained, apply, on three days notice of motion to the Deputy Attorney General of Canada, to a judge for an order</p> <p style="padding-left: 20px;">(i) fixing a day, not later than 21 days after the date of the order, and a place for the determination of the question whether the client has solicitor-client privilege in respect of the document, and</p> <p style="padding-left: 20px;">(ii) requiring the production of the document to the judge at that time and place;</p> <p>(b) serve a copy of the order on the Deputy Attorney General of Canada; and</p> <p>(c) if the client or legal counsel has served a copy of the order under paragraph (b), apply at the appointed time and place for an order determining the question.</p>
Disposition of application	<p>(5) An application under paragraph (4)(c) shall be heard in private and, on the application, the judge</p> <p>(a) may, if the judge considers it necessary to determine the question, inspect the document and, if the judge does so, the judge shall ensure that it is repackaged and resealed;</p> <p>(b) shall decide the question summarily and</p> <p style="padding-left: 20px;">(i) if the judge is of the opinion that the client has a solicitor-client privilege in respect of the document, order the release of the document to the legal counsel, or</p> <p style="padding-left: 20px;">(ii) if the judge is of the opinion that the client does not have a solicitor-client privilege in respect of the document, order that the legal counsel make the document available for examination or copying by the authorized person; and</p> <p>(c) at the same time as making an order under paragraph (b), deliver concise reasons that identify the document without divulging the details of it.</p>
Order to deliver	<p>(6) If a document is being retained under subsection (3) and a judge, on the application of the Attorney General of Canada, is satisfied that no application has been made under paragraph (4)(a) or that after having made that application no further application has been made under paragraph (4)(c), the judge shall order that the legal counsel make the document available for examination or copying by the authorized person.</p>
Application to another judge	<p>(7) If the judge to whom an application has been made under paragraph (4)(a) cannot act or continue to act in the application under paragraph (4)(c) for any reason, the application under paragraph (4)(c) may be made to another judge.</p>
Costs	<p>(8) No costs may be awarded on the disposition of an application under this section.</p>
Prohibition	<p>(9) The authorized person shall not examine or make copies of any document without giving a reasonable opportunity for a claim of solicitor-client privilege to be made under subsection (2).</p>
Prohibition	<p>(9.1) The authorized person shall not examine or make copies of a document in the possession of a person, not being a legal counsel, who contends that a claim of solicitor-client privilege may be made in respect of the document by a legal counsel, without giving that person a reasonable opportunity to contact that legal counsel to enable a claim of solicitor-client privilege to be made.</p>
Waiver of claim of privilege	<p>(10) If a legal counsel has made a claim that a named client or former client of the legal counsel has a solicitor-client privilege in respect of a document, the legal counsel shall at the same time communicate to the authorized person the client's latest known address so that the authorized person may endeavour to advise the client of the claim of privilege that has been made on their behalf and may by doing so give the client an opportunity, if it is practicable within the time limited by this section, to waive the privilege before the matter is to be decided by a judge.</p> <p>2000, c. 17, s. 64; 2001, c. 12, s. 4.</p>
Disclosure to law enforcement agencies	<p><b>65.</b> (1) The Centre may disclose to the appropriate law enforcement agencies any information of which it becomes aware under section 62 or 63 and that it suspects on reasonable grounds is evidence of a contravention of Part 1.</p>
Compliance of persons or entities	<p>(2) For the purpose of ensuring compliance with Part 1, the Centre may disclose to or receive from any agency or body that regulates or supervises persons or entities to whom Part 1 applies information relating to the compliance of those persons or entities with that Part.</p>
Limitation	<p>(3) Any information disclosed by the Centre under subsection (2) may be used by an agency or body</p>

referred to in that subsection only for purposes relating to compliance with Part 1.  
2000, c. 17, s. 65; 2004, c. 15, s. 101.

## CONTRACTS AND AGREEMENTS

- Power to enter into** **66.** (1) The Centre may, for the purpose of exercising its powers or performing its duties and functions under this Part, enter into contracts, memoranda of understanding and other agreements with a department or an agency of the Government of Canada or the government of a province and with any other person or organization, whether inside or outside Canada, in its own name or in the name of Her Majesty in right of Canada.
- Agreements re databases** (2) Agreements relating to the Centre's collection of information from databases referred to in paragraph 54(b) must specify the nature of and limits with respect to the information that the Centre may collect from those databases.
- Limitation** (3) Despite subsection (1), only the Minister may enter into an agreement or arrangement referred to in subsection 56(1).
- Choice of service providers** **67.** Despite section 9 of the *Department of Public Works and Government Services Act*, the Centre may, with the approval of the Governor in Council given on the recommendation of the Treasury Board, procure goods and services, including legal services, from outside the federal public administration.  
2000, c. 17, s. 67; 2003, c. 22, s. 224(E).

## LEGAL PROCEEDINGS

- Centre** **68.** Actions, suits or other legal proceedings in respect of any right or obligation acquired or incurred by the Centre, whether in its own name or in the name of Her Majesty in right of Canada, may be brought or taken by or against the Centre in the name of the Centre in any court that would have jurisdiction if the Centre were a corporation that is not an agent of Her Majesty.
- No liability** **69.** No action lies against Her Majesty, the Minister, the Director, any employee of the Centre or any person acting under the direction of the Director for anything done or omitted to be done in good faith in the administration or discharge of any powers, duties or functions that under this Act are intended or authorized to be exercised or performed.

## AUDIT

- Audit** **70.** (1) All receipts and expenditures of the Centre are subject to examination and audit by the Auditor General of Canada.
- Use and disclosure** (2) The Auditor General of Canada and every person acting on behalf of or under the direction of the Auditor General of Canada shall not use or disclose any information referred to in subsection 55(1) that they have obtained, or to which they have had access, in the course of exercising powers or performing duties and functions under this Act or the *Auditor General Act*, except for the purposes of exercising those powers or performing those duties and functions.

## REPORTS

- Annual report** **71.** (1) The Director shall, on or before September 30 of each year following the Centre's first full year of operations, submit an annual report on the operations of the Centre for the preceding year to the Minister, and the Minister shall table a copy of the report in each House of Parliament on any of the first 30 days on which that House is sitting after the Minister receives the report.
- Human rights and freedoms** (2) The report referred to in subsection (1) shall include a description of the management guidelines and policies of the Centre for the protection of human rights and freedoms.
- Review of Act by parliamentary** **\*72.** Within five years after this section comes into force, the administration and operation of this Act shall be reviewed by the committee of Parliament that may be designated or established by Parliament for that purpose and the committee shall submit a report to Parliament that includes a statement of any changes to this Act or

committee its administration that the committee recommends.

\* [Note: Section 72 in force July 5, 2000, see SI/2000-55.]

## PART 4 REGULATIONS

Regulations **73.** (1) The Governor in Council may, on the recommendation of the Minister, make any regulations that the Governor in Council considers necessary for carrying out the purposes and provisions of this Act, including regulations

- (a) describing businesses, professions and activities for the purpose of paragraph 5(i);
- (b) describing businesses and professions for the purpose of paragraph 5(j), and the activities to which that paragraph applies;
- (c) describing the activities to which paragraph 5(l) applies;
- (d) specifying the types of records to be kept and retained under section 6 and the information to be included in them;
- (e) specifying the period for which, and the methods by which, records referred to in paragraph (d) are to be retained;
- (e.1) specifying the information to be contained in a report under section 7 or 7.1 or subsection 9(1);
- (f) specifying measures that persons or entities are to take to identify any person or entity in respect of which a record is required to be kept or a report made;
- (g) defining "casinos", "courier" and "monetary instruments";
- (h) specifying the form and manner of reporting currency and monetary instruments for the purpose of subsection 12(1), and the information to be contained in the form, and specifying the period within which the reporting must be made; and
- (i) prescribing anything else that by this Act is to be prescribed.

(2) and (3) [Repealed, 2001, c. 41, s. 73]  
2000, c. 17, s. 73; 2001, c. 41, s. 73.

## PART 5 OFFENCES AND PUNISHMENT

General offences **74.** Every person or entity that knowingly contravenes section 6, subsection 12(4) or 36(1), section 37, subsection 55(1) or (2), section 57 or subsection 62(2) or 64(3) or the regulations is guilty of an offence and liable

- (a) on summary conviction, to a fine of not more than \$50,000 or to imprisonment for a term of not more than six months, or to both; or
- (b) on conviction on indictment, to a fine of not more than \$500,000 or to imprisonment for a term of not more than five years, or to both.

Reporting — sections 7 and 7.1 **75.** (1) Every person or entity that knowingly contravenes section 7 or 7.1 is guilty of an offence and liable

- (a) on summary conviction,
  - (i) for a first offence, to a fine of not more than \$500,000 or to imprisonment for a term of not more than six months, or to both, and
  - (ii) for a subsequent offence, to a fine of not more than \$1,000,000 or to imprisonment for a term of not more than one year, or to both; or
- (b) on conviction on indictment, to a fine of not more than \$2,000,000 or to imprisonment for a term of not more than five years, or to both.

Defence for employees (2) No employee of a person or an entity shall be convicted of an offence under subsection (1) in respect of a transaction or proposed transaction that they reported to their superior or in respect of property whose



existence they reported to their superior.

2000, c. 17, s. 75; 2001, c. 41, s. 74.

- Disclosure**        **76.** Every person or entity that contravenes section 8  
                           (a) is guilty of an offence punishable on summary conviction; or  
                           (b) is guilty of an indictable offence and liable to imprisonment for a term of not more than two years.
- Reporting —**        **77.** (1) Every person or entity that contravenes subsection 9(1) or (3) is guilty of an offence and liable on  
**section 9**            summary conviction to a fine of not more than \$500,000 for a first offence and of not more than \$1,000,000 for  
                           each subsequent offence.
- Due diligence**        (2) No person or entity shall be convicted of an offence under subsection (1) if they exercised due diligence  
**defence**            to prevent its commission.
- Liability of**        **78.** If a person or an entity commits an offence under this Act, any officer, director or agent of the person or  
**officers and**        entity who directed, authorized, assented to, acquiesced in or participated in its commission is a party to and  
**directors**            guilty of the offence and liable on conviction to the punishment provided for the offence, whether or not the  
                           person or entity has been prosecuted or convicted.
- Offence by**        **79.** In a prosecution for an offence under section 75 or 77,  
**employee or**        (a) it is sufficient proof of the offence to establish that it was committed by an employee or agent of the  
**agent**                accused, whether or not the employee or agent is identified or has been prosecuted for the offence; and  
                           (b) no person shall be found guilty of the offence if they establish that they exercised due diligence to  
                           prevent its commission.
- Exemption**        **80.** A peace officer or a person acting under the direction of a peace officer is not guilty of an offence under  
                           any of sections 74 to 77 if the peace officer or person does any of the things mentioned in those sections for  
                           the purpose of investigating a money laundering offence or a terrorist activity financing offence.  
                           2000, c. 17, s. 80; 2001, c. 41, s. 75.
- Time limitation**    **81.** Proceedings under paragraph 74(a), 75(1)(a) or 76(a) or subsection 77(1) may be instituted within, but  
                           not after, one year after the time when the subject-matter of the proceedings arose.
- Venue**              **82.** A complaint or information in respect of an offence under this Act may be heard, tried or determined by  
                           a court if the accused is resident or carrying on business within the territorial jurisdiction of the court although  
                           the subject-matter of the complaint or information did not arise in that territorial jurisdiction.

## PART 6

### TRANSITIONAL PROVISION, CONSEQUENTIAL AND CONDITIONAL AMENDMENTS, REPEAL AND COMING INTO FORCE

#### TRANSITIONAL PROVISION

- Regulations**        \* **83.** Every regulation made under the *Proceeds of Crime (money laundering) Act*, chapter 26 of the Statutes  
**remain in effect**    of Canada, 1991, that is in force immediately before the coming into force of this Act shall be deemed to have  
                           been made under this Act and shall remain in force until it is repealed or amended pursuant to this Act.

\* [Note: Section 73 in force July 5, 2000, see SI/2000-55.]

#### CONSEQUENTIAL AMENDMENTS

**84. to 96.** [Amendments]

#### CONDITIONAL AMENDMENTS

**97.** [Amendments]

## REPEAL

## 98. [Repeal]

## COMING INTO FORCE

Coming into  
force

\*99. The provisions of this Act, other than section 97, come into force on a day or days to be fixed by order of the Governor in Council.

\* [Note: Section 97 in force on assent June 29, 2000; sections 1 to 4, 38 and 40 to 44, subsection 45(1), sections 46 to 53, paragraphs 54(b) to (d), subsections 55(1), (2) and (6) and sections 56 to 61, 66 to 82, 84, 85, 90 and 91 in force July 5, 2000, see SI/2000-55; sections 5, 7, 8, 10 and 11, the portion of section 54 before paragraph (b), subsections 55(3) to (5.1) and (7) and section 89 in force October 28, 2001, see SI/2001-88; sections 6 and 9, subsection 45(2) and sections 62 to 65, 83 and 98 in force June 12, 2002, see SI/2002-84; sections 12 to 37 and 39 in force January 6, 2003, see SI/2002-153; sections 86 to 88 and 92 to 96 in force March 31, 2004, see SI/2004-39.]

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