



**THE TURKS AND CAICOS ISLANDS
FINANCIAL SERVICES COMMISSION**

**TARGETED FINANCIAL SANCTIONS GUIDANCE FOR
FINANCIAL INSTITUTIONS AND DESIGNATED NON-
FINANCIAL BUSINESSES AND PROFESSIONS**

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TURKS AND CAICOS ISLANDS FINANCIAL SERVICES COMMISSION

TARGETED FINANCIAL SANCTIONS GUIDANCE

1.0 Introduction

- 1.1 In accordance with FATF¹ Recommendations 6 and 7, the Turks and Caicos Islands (TCI) has implemented targeted financial sanctions which are sanctions aimed at specific individuals and entities which have been designated as contributing to terrorism and the financing of the proliferation of weapons of mass destruction (WMD).
- 1.2 Financial Institutions (FIs) and Designated Non-Financial Businesses and Professions (DNFBPs), hereinafter referred to as financial businesses (FBs), play a vital role in applying the TCI's terrorist and proliferation financing framework, which includes the targeted financial sanctions regime. FBs must ensure that they do not conduct business with designated individuals and entities, as well as ensure that it does not provide services to these individuals and entities. As such, FBs are required to screen the names of their customers, including the beneficial owners, against the OFSI Consolidated List. These measures apply to all financial businesses in the TCI, including banks, money service businesses, insurers, professional trustees, real estate FBs, accountants, etc. The TCI's ability to comply with the Prevention of Terrorism Ordinance, UK Orders Sanctions Orders which are applicable to the TCI and adopted through subsidiary legislation in the TCI, and the Financial Sanctions in the Turks and Caicos Islands Guidance along with any other relevant legislation, FATF Recommendations rests on FBs appropriately discharging these functions.
- 1.3 Under section 4(1)(d) of the Financial Services Commission Ordinance Cap 16.01, the Turks and Caicos Islands Financial Services Commission (the "Commission") is required to monitor compliance by licensees with all laws, codes and guidance relating to money laundering or the financing of terrorism.
- 1.4 Section 161(1) of the Proceeds of Crime Ordinance Cap 3.15 also provides that the Commission is the supervisory authority for regulated financial business. Additionally, regulation 23 of the Anti-Money Laundering and Prevention of Terrorist Financing Regulations 2010 ("AML/CFI Regulations"), has prescribed the Commission as the supervisory authority for DNFBPs, which are also financial businesses as defined by Schedule 2 of the AML Regulations. Section 163(1) of the Proceeds of Crime Ordinance Cap 3.15, further provides that the function of the supervisory authority is to monitor compliance by

¹ The Financial Action Task Force (FATF) is an intergovernmental organization that designs and promotes policies and standards to combat financial crime. Recommendations created by the Financial Action Task Force (FATF) target money laundering, terrorist financing, and other threats to the global financial system. The FATF was created in 1989 at the behest of the G7 and is headquartered in Paris.

financial businesses with AML/CFT obligations and take appropriate enforcement action for breaches of AML/CFT obligations.

- 1.5 The Commission published a report on financial sanctions in December 2020 that contained findings and analysis of FBs' responses to a survey that ascertained their level of understanding of the measures required to be taken by them regarding targeted financial sanctions (TFS). The report also highlighted the challenges encountered by FIs and DNFBPs as it concerns TFS. This Guidance builds on the Report on Financial Sanctions by setting out the legal framework regarding TFS and providing guidance to FBs on the application of the application of Sanctions Lists and implementation of appropriate policies, procedures, systems, and controls to screen their customers and their transactions against.
- 1.6 This Guidance should be read in conjunction with the Financial Sanctions in the Turks and Caicos Islands Guidance issued by the Attorney General's Chambers.

2.0 Financial Sanctions

What are targeted financial sanctions (TFS)?

- 3.1 TFS are imposed by the United Nations (UN), or United Kingdom (UK) to target sectors, industries or other interests, entities and individuals including foreign countries and government officials, terrorists, and those involved with the proliferation of weapons of mass destruction, to address threats to international peace and security. TFS are restrictive measures applied to individuals, entities, or countries with the aim of limiting the provision of certain financial services and restricting access to financial markets, funds and economic resources by designated persons or entities, directly or indirectly. TFS come in many forms as they are developed in response to a given situation. The most common types of financial sanctions used in recent years are:

- Targeted asset freezes: these apply to named individuals, entities and bodies, restricting access to funds and economic resources.
- Restrictions on a wide variety of financial markets and services: these can apply to named individuals, entities and bodies, specified groups, or entire sectors. Currently these have taken the form of investment bans; restrictions on access to capital markets; directions to cease banking relationships and activities; requirements to notify or seek authorisation prior to certain payments being made or received; and restrictions on the provision of financial services, insurance, brokering or advisory services, or other financial assistance to listed individuals or entities.
- Directions to cease all business: these will specify the type of business and can apply to a specific person, group, sector, or country.

Who must comply with financial sanctions?

3.2 Everyone in the TCI, including all financial businesses², must comply with TFS. This includes the following broad requirements:

- Not enter into financial transactions or provide financial assistance or services directly, or indirectly, wholly or jointly, unless authorized, in relation to: (i) designated individuals or entities; or (ii) proliferation and nuclear, or other sanctioned activities;
- Immediately freeze funds, other financial assets or economic resources³ of designated individuals and entities; and
- Inform the Governor and the Commission of any fact or information relating to the funds, other financial assets or economic resources owned or controlled, directly or indirectly, by a designated individual or entity.

Who is involved in making sanctions that apply in the TCI

3.3 Sanctions in the TCI flow from those imposed mainly by the UN and the UK. The UN imposes sanctions adopted by the various United Nations Security Council Resolutions. To ensure that its Overseas Territories (OTs) can implement the sanctions agreed in the UN, the UK makes an implementing Order in Council, under the United Nations Act 1946, which is extended to the OTs (Sanctions Orders)³. Sanctions Orders are enacted as subsidiary legislation in the TCI and are published in the TCI Gazette.

3.4 The Policing and Crime Act (Financial Sanctions) (Overseas Territories) Order 2017 allows for UN designations of persons or entities subject to financial sanctions to automatically become effective in the TCI. To avoid delay in the implementation of financial sanctions measures imposed by a UNSCR, the UK Treasury has the power, by regulations to create a temporary sanctions regime. Pursuant to Article 11 of the Order, any regulations which create a temporary

Broad requirements of targeted financial sanctions

2.1 The Terrorist Asset-Freezing etc. Act 2010 (Overseas Territories) Order 2011, in sections 11-15, provides that a person must not deal with or make funds, economic resources, or financial services available to designated persons or for the benefit of designated persons. The Order further provides for the freezing of assets by financial businesses without delay, and for

² Financial businesses include banks, money service businesses, long-term insurers, trust companies, investment dealers, independent legal professionals, real estate businesses, vehicle dealers, boat dealers, pawning businesses, accountants, non-regulated lenders, company managers and agents, etc.

³ Economic resources generally means assets of every kind – tangible or intangible, movable or immovable – which are not funds, but may be used to obtain funds, goods or services. This includes but is not limited to: precious metals or stones, antiques, vehicles, property

restrictions on the provision of financial services to designated persons or for the benefit of designated persons.

- 2.2 Additionally, Regulation 17(2)(c)(iii) of the Anti-Money Laundering and Prevention of Terrorist Financing Regulations (the “AML/CFT Regulations”) imposes an obligation on all FBs to determine whether a business relationship or transaction, or proposed business relationship or transaction, is with a person or entity sanctioned by the EU or UN.
- 2.3 Where a FB discovers that it is engaged in a business relationship or transaction, or proposed business relationship or transaction, with a sanctioned person or entity, the FB is required to comply with the Terrorist Asset-Freezing etc. Act 2010 (Overseas Territories) Order 2011 by
 - i. Freezing such accounts or other funds without delay.
 - ii. Refraining from dealing with or making available, directly or indirectly, such funds or economic resources to the sanctioned individual or entity, unless a licence has been granted.
 - iii. Reporting to the Governor and the Commission that you are in possession or control of, or are otherwise dealing with, the funds or economic resources of a designated person.
- 2.4 Sanctions Orders have been implemented in respect of all the current UN Sanctions Regimes. These are:
 - The Afghanistan (Sanctions) (Overseas Territories) Order 2020
 - The Bosnia and Herzegovina (Sanctions) (Overseas Territories) Order 2020
 - The Burma (Sanctions) (Overseas Territories) Order 2020
 - The Burundi (Sanctions) (Overseas Territories) Order 2020
 - The Central African Republic (Sanctions) (Overseas Territories) Order 2020
 - The Chemical Weapons (Sanctions) (Overseas Territories) Order 2020
 - The Counter-Terrorism (International Sanctions) (Overseas Territories) Order 2020
 - The Counter-Terrorism (Sanctions) (Overseas Territories) Order 2020
 - The Cyber (Sanctions) (Overseas Territories) (No. 2) Order 2020
 - The Democratic People's Republic of Korea (Sanctions) (Overseas Territories) Order 2020
 - The Democratic Republic of the Congo (Sanctions) (Overseas Territories) Order 2020
 - The Guinea (Sanctions) (Overseas Territories) Order 2020
 - The Iran (Sanctions) (Human Rights) (Overseas Territories) Order 2020
 - The Iran (Sanctions) (Nuclear) (Overseas Territories) Order 2020
 - The Iraq (Sanctions) (Overseas Territories) Order 2020
 - The ISIL (Da’esh) and Al-Qaida (United Nations Sanctions) (Overseas Territories) Order 2020
 - The Lebanon (Sanctions) (Assassination of Rafiq Hariri and others) (Overseas Territories) Order 2020

- The Mali (Sanctions) (Overseas Territories) Order 2020
- The Misappropriation (Sanctions) (Overseas Territories) Order 2020
- The Nicaragua (Sanctions) (Overseas Territories) (No. 2) Order 2020
- The Republic of Belarus (Sanctions) (Overseas Territories) Order 2020
- The Republic of Guinea-Bissau (Sanctions) (Overseas Territories) Order 2020
- The Russia (Sanctions) (Overseas Territories) Order 2020
- The Sanctions (Overseas Territories) Order 2020
- The Sanctions (Overseas Territories) (Revocation) Order 2020
- The Somalia (Sanctions) (Overseas Territories) Order 2020
- The Unauthorised Drilling Activities in the Eastern Mediterranean (Sanctions) (Overseas Territories) Order 2020
- The South Sudan (Sanctions) (Overseas Territories) Order 2020
- The Sudan (Sanctions) (Overseas Territories) Order 2020
- The Syria (Sanctions) (Overseas Territories) Order 2020
- The Syria (United Nations Sanctions) (Cultural Property) (Overseas Territories) Order 2020
- The Venezuela (Sanctions) (Overseas Territories) Order 2020
- The Yemen (Sanctions) (Overseas Territories) Order 2020
- The Zimbabwe (Sanctions) (Overseas Territories) Order 2020
- The Libya (Sanctions) (Overseas Territories) Order 2021
- The Russia (Sanctions) (Overseas Territories) (Amendment) Order 2021
- The Global Anti-Corruption(Sanctions) (Overseas Territories) Order 2021
- The Myanmar (Sanctions) (Overseas Territories) Order 2021
- The Russia (Sanctions) (Overseas Territories) (Amendment) Order 2022

3.0 Requirements of financial businesses

Screening overview

- 3.1 TFS screening is not done on a risk-basis and must be carried out regardless of the level of risk a customer poses.
- 3.2 FBs must have an effective and appropriate screening system to check their customers and their financial transactions against the database of the persons and entities subject to TFS maintained by OFSI.
- 3.3 FBs should ensure that they have sufficiently trained staff with the necessary resources to review, examine and process TFS notices promptly and take freezing action where necessary.

When to screen?

- 3.4 FBs should screen customers against relevant sanctions lists prior to the commencement of a business relationship or an occasional transaction and throughout the business relationship,

including real-time screening of customer transactions and the counterparties to those transactions.

- 3.5 Screening should also occur when the Attorney General's Chambers have issued a financial sanctions notice (FSN). The screening should be carried out without delay i.e., within 24 hours from the publication of an FSN. The FB should document each time that screening is conducted.
- 3.6 Screening should also occur at trigger events, e.g. when there are changes to the customer, such as directors, controllers, major shareholders, company name, etc.
- 3.7 Identification information of a customer, a connected party of the customer, a natural person appointed to act on behalf of the customer, and beneficial owners of the customer, should be entered into the FB's customer database for ongoing name screening purposes. This will help the FB to promptly identify any existing customers who become subject to sanctions after the commencement of the business relationship.
- 3.8 The screening system implemented must in all cases allow the application of freezing measures and prohibit any transaction falling within the scope of these measures. There is no requirement to have automated tools for screening customer databases and operations, however, an automated system is highly recommended and such a system is necessary when the size of the organization as well as the nature and volume of its activities do not allow manual detection in real-time.
- 3.9 The use of an automated screening system (automated tool) cannot by itself guarantee the FB the proper implementation of its asset freezing obligations. The effectiveness of a screening system depends on the completeness and quality of customer identification data in customer databases or in transaction messages. The configuration of the tool, the frequency of screening, the alert processing time are also essential elements for the effectiveness of the system.

Screening list to be used

- 3.10 FBs are expected to rely primarily on the OFSI Consolidated List to determine if they are dealing with a designated person or entity, although FBs can also rely on sanctions lists of countries other than the UK to determine if they are dealing with a designated person or entity. Where FBs rely on commercial screening systems provided by service providers, the FB must ensure that the screening system is accurate and current and includes all the designated persons and entities subject to freezing by OFSI.

Internal policies and procedures

- 3.11 FBs are required to have written internal procedures relating to the implementation of freezing measures. The procedures should be approved by the directors (or equivalent) of the FB, relevant to the size, structure, and activity of the FB, disseminated to all the FB's employees concerned, and updated regularly.
- 3.12 FBs should put in place procedures that clearly explain how to implement asset freezing measures and should specifically and clearly set out:
- the legal framework for asset freezing measures, including the risk of criminal or disciplinary sanctions in the event of non-compliance with obligations;
 - the screening system put in place by the FB;
 - the scope of screening and its frequency;
 - the electronic lists used (OFSI Consolidated List, external service providers, UN lists, etc.);
 - The information sources used by the FB for screening individuals and entities (including commercial databases used to identify adverse information on individuals and entities);
 - the roles and responsibilities of the employees involved in the screening, reviewing, and discounting of alerts, maintaining and updating of the various screening databases, and escalating potential matches;
 - The necessary authorisations to access and process the alerts;
 - the process for analyzing the alerts from screening and determining whether a potential match is a false positive or a confirmed match;
 - the steps to be taken by the FB's employees for reporting confirmed matches to the FB's senior management;
 - the measures to be taken for the FB to report any confirmed match to the Governor and the Commission;
 - the steps to be taken to freeze or restrict access to funds by sanctioned persons.
 - the management of the customer or the business relationship impacted by a freezing measure and the information to be provided to the customer whose funds/assets have been frozen;
 - Procedures to request /apply to lift the freezing measure;
 - the implementation of the lifting of the freezing measure.

The procedures should include the time frame to conduct or undertake the needed step or action.

Processing of alerts (potential matches)

- 3.13 When dealing with Alerts (potential matches), FBs must determine whether the match is a false positive or a confirmed match, i.e. does the match relate to the FB's customer or party to a customer transaction or does it relate to a different person or entity, e.g. with the same name or trade name.
- 3.14 In the case of an alert, the FB must suspend any business relationship or transaction until the alert has been processed, without tipping off the customer or counterparty.
- 3.15 The FB must compare the identification elements of the person or entity who is the subject of the alert, with those of the designated person or entity:
- For natural persons: name, first name including previous names or aliases, maiden name, gender, country of usual residence, place of birth, date of birth, occupation, address, nationality, official identification number (example: passport; identity card).
 - For legal persons: the activity, the registration number in the trade register or equivalent in foreign law, the place of the registered office or its activity, the managers / legal representatives, the shareholders.
- 3.16 When the FB does not have enough information at its disposal to process the alert, the FB can collect the elements necessary to carry out this analysis from its customer, if necessary, by applying additional or updated customer due diligence measures and/or by consulting external open source information (e.g. search engines)
- 3.17 Where the FB validates a confirmed match to a designated person or entity, the FB must immediately implement the freezing measures (within a maximum of 24 hours from the date of designation) including:
- refraining from establishing or continuing a business relationship with or for that person or entity;
 - submit a suspicious transaction report (STR) to the Financial Intelligence Agency (FIA);
 - inform the Governor and the Commission by providing a detailed report on the measures taken and the value and type of the funds/assets frozen, or the financial transactions attempted or financial assistance or services requested.
- 3.18 If a FB is unable to verify whether a match is a false positive or a confirmed match, e.g. due to the inability to distinguish between similar names, or to the lack of data, or doubt about the information required to verify identities, the FB must suspend any business relationship or transaction without tipping off the customer or counterparty, and immediately communicate with the AML Supervision Department of the Commission for guidance by email to aml_supervision@tcifsc.tc or telephone 649-946-5314.

Staff Training

- 3.19 It is important for all relevant staff to be trained, and assessed, on how to comply with the established sanctions compliance procedures.

IMPLEMENTATION OF FREEZING MEASURES

Sector specific guidance on the implementation of TFS

- 3.20 FBs must immediately and without delay i.e., no later than twenty-four (24) hours of a designation by OFSI, freeze the funds of the designated person or entity, without prior notification to the concerned person or entity who is the subject of the designation.

FBs that maintain accounts for customers

- 3.21 FBs should not open an account with, or provide financial services to, designated persons or entities.
- 3.22 FBs must suspend all debit transactions from frozen accounts. The FB cannot give cash to the designated person or entity. Payments by cards, checks, and other instruments must also be blocked.

FBs that provide loans

- 3.23 FBs should not enter into loan contracts with a designated person or entity. In all cases, no funds are returned to the designated person or entity. FBs should not accept any guarantee from a designated person or entity.
- 3.24 If the loan contract was concluded before the freezing measure and the borrowed funds have not yet been made available to the designated person or entity, FBs shall refrain from paying the funds to the designated person or entity.
- 3.25 If the contract was concluded before the entry into force of the freezing measure, FBs are required not to reimburse funds borrowed from a designated person or entity, unless a license has been granted by the Governor for this activity.

FBs that issue and manage electronic means of payment (e.g. Prepaid cards)

- 3.26 FBs that issue and manage electronic money are required to implement freezing measures. Prepaid cards, for example, should not be made available to a designated person/entity, even if it is not activated or loaded. In addition, card loading or recharging, payment, cash withdrawal or cash reimbursement, as well as transfers to an account from the card should be prohibited. FBs should inform the Governor and the Commission of any attempted operations.

FBs that offer products for sale

3.27 FBs such as vehicle dealers, boat dealers, art dealers, jewellers, pawn shops, etc. should not sell their products to designated persons/entities.

Long-term Insurance Sector

3.28 Long-term insurers are required to freeze the execution of life insurance contracts when a designated person or entity is the customer, the beneficial owner, the beneficiary of the life insurance contract or the beneficial owner.

Legal Persons (companies/limited partnerships)

3.29 The TCI adopts the position of the UK OFSI which considers that the key criterion for assessing whether a legal person or entity is owned by another legal person or entity in the possession of 50% or more of the proprietary rights of an entity or having a majority interest in it.

3.30 The designated person or entity meets the criterion of control over the legal person or entity in any of the following cases:

- Exercising the power to appoint or remove a majority of the members of the administrative, management, or supervisory body of such a legal person or entity.
- Having appointed, solely as a result of the exercise of one's voting rights a majority of the members of the administrative, management, or supervisory bodies of a legal person or entity during the present and previous financial year.
- Controlling alone, pursuant to an agreement with other shareholders in or members of a legal person or entity, a majority of shareholders or members' voting rights in that legal person or entity.
- Having the right to exercise a dominant influence over a legal person or entity, pursuant to an agreement entered into with that legal person or entity, or to a provision in its Memorandum or Articles of Association, where the law governing that legal person or entity permits it being subject to such agreement or provision
- Having the power to exercise a dominant influence over the legal person or entity in conformity with the foregoing item, without being the holder of that right, including by means of a front company.
- Having the right to use all or part of the assets of a legal person or entity.
- Managing the business of a legal person or entity on a unified basis, through publishing consolidated accounts.
- Sharing jointly and severally the liabilities of a legal person or entity or guaranteeing them.

4.0 Licensing

- 4.1 Freezing measures may be relaxed through the granting of a license by the Governor which would allow access to frozen funds. The Governor, with the consent of the Secretary of State of the United Kingdom, has power to grant, vary or revoke licenses in respect of activities that are otherwise prohibited.
- 4.2 In considering whether to issue a licence, the Governor will assess whether the relevant licensing grounds have been met. Licenses may only be granted in line with the specific grounds specified in respect of each sanctions regime. The activities that may be allowed in respect of funds and economic resources of designated persons include –
- (a) payment of basic expenses of designated persons and their dependent family members, including payments for foodstuffs, rent or mortgage, medicines, medical treatment, taxes, insurance premiums and public utility charges. This does not mean that a designated person is allowed to continue the lifestyle or business activities they had before they were designated.
 - (b) payment of reasonable professional fees and expenses associated with the provision of legal services. The fees must be reasonable, and payments of fees and disbursements must relate specifically to the provision of legal advice or involvement in litigation or dispute resolution.
 - (c) payment of fees or service charges for the routine holding or maintenance of frozen funds or economic resources. Re-design, refurbishment, or redevelopment to improve value is generally not covered.
 - (d) payment of necessary extraordinary expenses. The necessity for the payment will have to be justified. It must be unanticipated, and it cannot be used where other grounds are more suitable or as a way of avoiding the clear limitations of those other grounds.
 - (e) satisfaction of a judicial or administrative or arbitral decision made prior to the date on which the Order comes into force and not for the benefit of a designated person. The judgment/decision must have been given before the date of designation and cannot be for the benefit of a designated person.
 - (f) payment by a designated person of sums due under a contract or agreement entered into prior to the date on which the person was designated, or under an obligation that arose for the designated person prior to that date, provided that the payment is not directly or indirectly received by a designated person.
- 4.3 Applications for licenses should be made in writing to the Governor and supported by evidence which meets the criteria for the relevant licensing ground(s) and provide the basis to grant the licence. Applicants will generally be required to provide:

- the licensing ground(s) being relied upon in the application including supporting arguments;
- full information on the parties involved in the proposed transaction, e.g. the: designated person(s), any financial institution(s) involved (e.g. remitter, correspondent, beneficiary), the ultimate beneficiary of the transaction;
- the complete payment route including account details;
- the amount (or estimated amount) of the proposed transaction.

4.4 Because the US OFAC Search tool, which is focused on the US sanctions regime, would not necessarily include all the sanctioned persons identified under the EU, UK, or UN sanctions regime, FBs are strongly encouraged to refer to the UK OFSI Search tool. FBs are also encouraged to subscribe to the UK OFSI website to receive notifications by email whenever a new TFS notice is published. To subscribe to UK OFSI's e-alerts, click [here](#).

5.0 Delisting

5.1 Entities are required to remove any freezing measure or prohibition on the provision of financial services imposed on those delisted persons and entities which would include the unfreezing of funds or other assets. FBs must immediately on receipt of an FSN advising of the removal of a person and/or entity from the OFSI Consolidated List –

- Check whether it has frozen assets of any person or entity removed from the Consolidated List;
- Verify that the person or entity is no longer subject to an asset freeze;
- Remove the person or entity from your organization's list of person's/entities subject to financial sanction;
- Un-freeze the assets of the person or entity and where necessary re-activate all relevant accounts;
- Send advice to the person or entity that the assets are no longer subject to an asset freeze;
- Advise the Governor and the Commission of the actions taken as soon as practicable.

6.0 Offences & Penalties

6.1 Depending on whether the offending act is against a requirement in the Sanctions Orders or the UK Counter-Terrorism (International Sanctions) (Overseas Territories) Order 2020, you will commit an offence if you -

- deal with funds or economic resources belonging to, or owned, held, or controlled by, a designated person;

- make funds and economic resources available to or for the use or benefit of designated persons;
- fail to comply with reporting obligations;
- intentionally participate in an activity, knowing designed to circumvent the freezing obligations or to enable or facilitate the contravention of any of those obligations;
- without reasonable excuse, refuse or fail within the time and in the manner specified (or, if no time has been specified, within a reasonable time) to comply with any request made for information;
- knowingly or recklessly give any information, or produce any document, which is false in a material particular in response to such a request.

6.2 Breaches of financial sanctions are a serious criminal offence. Offences under the Sanctions Orders carry a maximum of seven years' imprisonment on indictment or a fine may be imposed or both and, on summary conviction, to a maximum of six months' imprisonment or a fine not exceeding the equivalent of £5,000 or both.

6.3 If convicted of an offence under the UK Counter-Terrorism (International Sanctions)(Overseas Territories) Order 2020 a FB will be liable on indictment to a maximum of seven years' imprisonment or to a fine or both and, on summary conviction, to a maximum of twelve months' imprisonment or a fine not exceeding the equivalent of £5,000 or both.