

GOVERNMENT OF ZAMBIA

ACT

No. 6 of 2023

Date of Assent: 14th April, 2023

**An Act to amend the Anti-Terrorism and Non-Proliferation
Act, 2018**

[18th April, 2023

ENACTED by the Parliament of Zambia.

Enactment

1. This Act may be cited as the Anti-Terrorism and Non-Proliferation (Amendment) Act, 2022, and shall be read as one with the Anti-Terrorism and Non-Proliferation Act, 2018, in this Act referred to as the principal Act.

Short title

Act No. 6 of
2018

2. Section 2 (1) of the principal Act is amended by—

Amendment
of
section 2

(a) the deletion of the definitions of “article”, “authorised officer”, “Counter Terrorism Convention”, “national listing” and “vessel” and the substitution therefor of the following in the appropriate places in alphabetical order:

“article” means any utensil, equipment, instrument, tool or any other implement used to commit or attempt to commit an act of terrorism or proliferation;

“authorised officer” means—

- (a) a police officer;
- (b) officer of the Zambia Revenue Authority;
- (c) an immigration officer;
- (d) officer of the Defence Force;

- (e) an intelligence officer;
- (f) an officer of the Drug Enforcement Commission;
- (g) an officer of the Zambia Correctional Service;
- (h) an officer of the Anti-Corruption Commission;
- (i) an officer of the Financial Intelligence Centre; or
- (j) any other person appointed, in writing, as an authorised officer by the Committee;

Act No. 34
of 2016

“Counter Terrorism Convention” means any convention listed in the Second Schedule and any other subsequent convention ratified and domesticated in accordance with the Ratification of International Agreements Act, 2016;

“national listing” means the listing of a person or entity by the Minister, on the recommendation of the Centre, that is identified as being engaged in, or concerned with, acts of terrorism, terrorism financing, proliferation or proliferation financing and are subject to targeted financial sanctions, and the words “nationally list” and “nationally listed” shall be construed accordingly; and

Cap. 466

“vessel” includes a ship, fishing vessel and any water craft used or capable of being used as a means of transportation on water as defined by the Inland Waters and Shipping Act; and

(b) insertion of the following new definitions in the appropriate places in alphabetical order:

“designation” means the identification or listing of a person or entity that is subject to targeted financial sanctions pursuant to the applicable United Nations Security Council Resolutions;

“designated person or entity” means a person or entity designated by the relevant United Nations Security Council Committee;

Cap.1

“Emoluments Commission” means the Emoluments Commission established under the Constitution;

“entity” means trust partnership, fund or an incorporated association or organisation;

“financial service” has the meaning assigned to the words in the Banking and Financial Services Act, 2017;

Act No. 7 of 2017

“funds or other assets” includes—

- (a) financial assets;
- (b) economic resources, oil and other natural resources;
- (c) property, whether tangible or intangible, or movable or immovable, however acquired;
- (d) legal documents or instruments in any form or manner evidencing title to, or interest in, the funds or other assets;
- (e) bank credits travelers cheques, bank cheques or money orders;
- (f) shares, securities or bonds;
- (g) drafts or letters of credit;
- (h) any interest, dividends or other income accruing from, or generated by, the funds or other assets; and
- (i) any other assets which may potentially be used to obtain funds, goods or services;

“freeze” means the prohibition of the transfer, conversion, disposition or movement of funds or other assets that are owned or controlled by a designated person or entity on the basis of, and for the duration of the validity of, an action initiated by the United Nations Security Council or in accordance with applicable United Nations Security Council Resolutions by a competent authority or court;

“group” means a structured group of two or more persons existing for a period of time and acting in concert with the aim of committing a terrorist act or serious offence;

“State institution” has the meaning assigned to the words in the constitution;

Cap.1

“supervisory authority” has the meaning assigned to the words in the Financial Intelligence Centre Act, 2010;

Act No. 46 of 2010

“terrorist act” means—

(a) any criminal act that may endanger the life, physical integrity or freedom of, or cause serious injury or death to, any person, group of persons, or causes or may cause damage to public or private property, natural resources, environmental or cultural heritage and is calculated or intended to—

(i) intimidate, put in fear, force, coerce or induce the Government, a body, an institution, the general public or any segment thereof, to do or abstain from doing any act, or to adopt or abandon a particular view, or to act according to certain principles;

(ii) disrupt any public service, the delivery of an essential service to the public, or to create a public emergency; or

(iii) create general insurrection in the Republic; and

(b) any promotion, sponsoring, contribution to, command, aid, incitement, encouragement, attempt, threat, conspiracy, organising, or procurement of any person, with the intent to commit any act referred to in paragraph (a) (i) to (iii);

“training for terrorism or proliferation” means to receive instruction, including obtaining knowledge or practical skills, from another person in the making or use of explosives, firearms, noxious or hazardous substances or any other specific methods or techniques, for the purposes of carrying out or contributing to the commission of terrorism, terrorism financing, proliferation or proliferation financing, knowing

that the skills provided are intended to be used
for the commission of terrorism, terrorism
financing, proliferation or proliferation financing;
and

“without delay” means within twenty-four hours.

- 3.** The principal Act is amended by the repeal of section 5
and the substitution therefor of the following:
- Repeal and
replacement
of
section 5

5. (1) There is continued the National Anti-Terrorism
Centre which is responsible for the enforcement of this
Act.

(2) The Centre is a department in the Ministry
responsible for internal security.

Continuation
of National
Anti-
Terrorism
Centre

- 4.** Section 6 (2) of the principal Act is amended by deletion
of paragraph (b) and the substitution therefor of the following:
- Amendment
of
section 6

(b) collect, solicit, integrate and analyse intelligence pertaining
to terrorism, proliferation and proliferation financing;.

- 5.** Section 7 of the principal Act is amended—
- (a) in subsection (1), by the deletion of paragraph (c) and the
substitution therefor of the following paragraphs:
- Amendment
of
section 7

(c) a representative each, responsible for operations,
from the—

- (i) Zambia Army;
- (ii) Zambia Air Force;
- (iii) Zambia National Service;
- (iv) Zambia Correctional Service; and
- (v) Department of Immigration; and
- (vi) Drug Enforcement Commission

(d) a representative of the—

- (i) Attorney-General; and
- (ii) Financial Intelligence Centre;

(e) a representative from any other relevant institution
that the Minister may consider necessary for
purposes of this Act; and

(b) by the deletion of subsection (2) and the substitution therefor of the following:

(2) The institutions or organisations referred to in subsection (1) shall nominate their representatives for appointment by the Minister.

Insertion of section 9A **6.** The principal Act is amended by the insertion of the following new section immediately after section 9:

Allowances

9A. A member of the Committee or any sub-committee of the Committee shall be paid allowances that may be determined by the Emoluments Commission on the recommendation of the Minister.

Amendment of section 11

7. Section 11 of the principal Act is amended —

(a) in subsection (2), by the deletion of paragraph (c) and the substitution therefor of the following:

(c) notify a reporting entity, supervisory authority, State institution and any other person or entity of an organisation declared to be a terrorist organisation and proliferation related entity;; and

(b) in subsection (6), by the deletion of the words “ and proliferation”.

Repeal and replacement of section 12

8. The principal Act is amended by the repeal of section 12 and the substitution therefor of the following:

Anti-terrorism officer

12. (1) The Director shall, in order to ensure compliance with the provisions of this Act, appoint anti-terrorism officers that may be necessary for that purpose.

(2) An anti-terrorism officer shall be provided with a certificate of appointment and identity card which shall be *prima facie* evidence of the anti-terrorism officer's appointment.

(3) An anti-terrorism officer shall, in performing a function under this Act —

(a) be in possession of an identity card or a certificate of appointment under subsection (2); and

(b) show the identification card or certificate of appointment to any person who requests to see it, or is subject to an investigation under this Act.

(4) An anti-terrorism officer may, on production of the identity card or a certificate of appointment issued under subsection (2), demand the production of, and inspect or make copies of any documents or accounts kept by a person, pursuant to the provisions of this Act.

9. Section 14 (2) of the principal Act is amended by the deletion of the words “and proliferation” immediately after the word “anti-terrorism”.

Amendment of section 14

10. The principal Act is amended by the repeal of section 18 and the substitution therefor of the following:

Repeal and replacement of section 18 Reporting

18. (1) A reporting entity, supervisory authority, State institution and any other person or entity that has been notified of an entity declared as a terrorist or terrorist organisation under section 40 (1) shall freeze any funds held by that reporting entity, supervisory authority, State institution and any other person or entity.

(2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding three hundred thousand penalty units.

11. The principal Act is amended by the repeal of section 20 and the substitution therefor of the following:

Repeal and replacement of section 20

20. (1) A person shall not commit an act of terrorism financing or proliferation financing.

(2) A person shall not carry out an act which is an offence within the scope of the United Nations Security Council Resolution 1540 of 2004, or any other applicable United Nations Security Council Resolutions on proliferation financing.

(3) A person shall not deal with, enter into or facilitate, any transaction or enable the acquisition of a business interest, or perform any other act in connection with funds, which that person knows or ought reasonably to have known or suspected that the funds were acquired, owned, collected, or used, to commit terrorism, terrorism financing, proliferation or proliferation financing.

(4) A person is considered to have committed an offence of terrorism financing or proliferation financing whether or not the funds or other assets, belonging to that person, were used to commit a terrorist act or proliferation or, were linked to a specific terrorist act.

Prohibition of terrorism financing or proliferation financing

(5) A person who contravenes subsection (1), (2) and (3) commits an offence and is liable on conviction to imprisonment for life.

Repeal and of
section 22

12. The principal Act is amended by the repeal of section 22.

Repeal and
replacement
of
section 23

13. The principal Act is amended by the repeal of section 23 and the substitution therefor of the following:

Prohibition
of training
terrorism
financing or
proliferation

23. (1) A person commits an offence if that person provides instruction or training for terrorism or proliferation and at the time that the person provides the instruction or training knows or ought to have known that a person receiving the instruction or training intends to use the skills in which that person is being instructed or trained—

(a) for, or in connection with, the commission or preparation of an act of terrorism or proliferation;
or

(b) for assisting the commission or preparation of an act of terrorism or proliferation.

(2) A person commits an offence if that person receives instruction or training for terrorism or proliferation and uses the instruction or training—

(a) for, or in connection with, the commission or preparation of an act of terrorism or proliferation;
or

(b) to assist in the commission, or preparation, of an act of terrorism or proliferation.

(3) It is irrelevant for the purposes of subsections (1) and (2)—

(a) whether any instruction or training is provided generally or to one or more specific persons; and

(b) whether the acts in relation to which a person intends to use the training for terrorism or proliferation consists of one or more acts of terrorism or proliferation.

(4) A person convicted of an offence under this section is liable to imprisonment for life.

(5) For the purposes of this section—

(a) a reference to the provision of instruction includes a reference to making the instruction available either generally or to one or more specific persons; and

(b) an invitation to receive instruction or training for terrorism or proliferation may be general or targeted specifically to one or more persons.

14. Section 30 of the principal Act is amended by the insertion of the following new subsection immediately after subsection (2):

Amendment
of
section 30

(3) It shall be a defence for a person charged with an offence under subsection (1) if that person satisfies the court that the person did not know and had no reasonable cause to believe that the person was harbouring, concealing or providing a safe haven to a—

(a) terrorist, terrorist organisation or a person who finances or supports a terrorist or terrorist organisation, or the commission of a terrorist act; or

(b) person or organisation involved in proliferation or proliferation financing.

15. Section 32(1) of the principal Act is amended by the deletion of paragraph (a) and the substitution therefor of the following:

Amendment
of
section 32

(a) participates in terrorism financing or proliferation financing, irrespective of an occurrence of a terrorist act or proliferation whether or not the funds have been used to commit that act;

16. Section 36 of the principal Act is amended by the—

Amendment
of
section 36

(a) deletion of subsection (3); and

(b) renumbering of subsection (4) as subsection (3).

17. Section 41 of the principal Act is amended by the—

Amendment
of
section 41

(a) deletion of figure “(1)” immediately after figure “41”; and

(b) deletion of subsection (2).

18. The principal Act is amended by the repeal of section 42 and the substitution therefor of the following:

Repeal and
replacement
of
section 42
Support and
meetings

42. (1) A person who provides support to a person or an entity declared as a terrorist or terrorist organisation or proliferation related entity commits an offence.

(2) A person commits an offence if that person knowingly—

(a) arranges, manages or assists in arranging or managing or participates in a meeting or an activity, which that person knows is connected with an act of terrorism, terrorism financing, proliferation and proliferation financing;

(b) provides logistics, equipment or facilities for a meeting, or an activity which that person knows is connected with an act of terrorism, terrorism financing, proliferation and proliferation financing;

(c) attends a meeting, which that person knows supports a designated or nationally listed person or entity, or seeks to further the objectives of a designated or nationally listed person or entity; or

(d) addresses a meeting for the purpose of encouraging support for a declared terrorist organisation or proliferation related entity to further its activities.

(3) A person convicted of an offence under this section is liable to imprisonment for life.

Repeal and
replacement
of
section 43

19. The principal Act is amended by the repeal of section 43 and the substitution therefor of the following:

National list
and United
Nations
Sanctions
List

43. (1) The Minister shall, on the recommendation of the Centre, nationally list persons or entities who are involved in the commission of acts of terrorism, terrorism financing, proliferation or proliferation financing.

(2) Subject to subsection (1), the Minister shall propose persons or entities to the relevant United Nations Security Council Committee for designation.

(3) The Centre shall—

(a) without delay circulate the national list to a reporting entity, supervisory authority, state institution and any other person or entity for implementation;

(b) on receipt of the relevant United Nations Security Council Committee Sanctions List without delay, circulate to a reporting entity, supervisory authority, state institution and any other person or entity for implementation; and

(c) without delay, share with the Department of Immigration a list of designated or nationally listed persons for purposes of regulating the entry and exit of persons in the Republic under the Immigration and Deportation Act, 2010.

Act No. 18
of 2010

20. The principal Act is amended by the insertion of the following new sections immediately after section 43:

Insertion of
sections 43A
and 43B

43A. (1) The Centre shall, on receipt of the relevant United Nations sanctions list or the national list from the Minister—

Freezing of
funds or
other assets
of designated
or nationally
listed person
or entity

(a) direct all persons, groups or entities, without delay and without prior notice, to—

(i) freeze all funds or other assets suspected or belonging to a nationally listed person, group or entity, or designated person or entity including funds derived from property owned or controlled directly or indirectly—

(a) by that nationally listed person, group or entity, or designated person or entity;

(b) by a person acting on that nationally listed person, group or entity's behalf, or designated person or entity's behalf; or

(c) at the direction of a nationally listed person, group or entity, or designated person or entity; and

(ii) ensure that these funds or other assets are not made available, directly or indirectly for the nationally listed person, group or entity or designated person or entity's benefit, by their nationals or by persons within their territory;

(b) give written notice to the nationally listed person, group or entity, specifying the implications of being listed and the procedure for review and information on the delisting process after the national listing or designation has taken effect; and

(c) publicise the national list without delay in a national news paper of general circulation and on its website.

(2) Subject to subsection (1), a person, group or entity shall report to the Centre and the relevant competent authority on any assets frozen or actions taken in compliance with the implementation of targeted financial sanctions related to terrorism, terrorism financing, proliferation and proliferation financing.

De-listing,
unfreezing
and
providing
access to
frozen funds
or other
assets

43B. (1) The Minister may, on the recommendation of the Centre, de-list a person, group or entity if that person or entity meets the conditions for de-listing as prescribed.

(2) Where a person, group or entity meets the conditions for de listing referred to under subsection (1), the Centre shall direct a reporting entity to unfreeze the frozen funds or other assets of the person or entity.

(3) The Centre shall, where a person, group or entity is inadvertently affected by an asset freeze, direct a relevant reporting entity to unfreeze the frozen funds or other assets on verification that the person, group or entity involved is not a designated or listed person, group or entity.

Amendment
of section
44

21. Section 44 of the principal Act is amended by the deletion of subsection (1) and the substitution therefor of the following:

(1) Subject to section 52, a person, group or entity shall not deal with funds or economic resources which that person, group or entity knows or reasonably suspects are owned, held or controlled by a designated person or entity, nationally listed person, group or entity terrorist, terrorist organisation or proliferation related entity.

Amendment
of
section 47

22. Section 47 of the principal Act is amended by the deletion of subsection (1) and the substitution therefor of the following:

(1) Subject to section 52, a person, group or entity shall not make economic resources available directly or indirectly, without express authority from the Centre as prescribed, to a designated or nationally listed person, terrorist organisation or proliferation related entity if that person or entity knows, or reasonably suspects that the—

(a) person, group or entity is making the economic resources available to the designated or nationally listed person, terrorist organisation or proliferation related entity; and

(b) designated or nationally listed person, terrorist organisation or proliferation related entity would be likely to exchange the economic resources, or use the economic resources in exchange, for funds, goods, services or arms.

Amendment
of
section 48

23. Section 48 of the principal Act is amended in—

(a) in subsection (7)—

(i) by the deletion of paragraph (a) and the substitution therefor of the following:

(a) search and inspect all cargo to and from a designated country, including cargo on an aircraft or a vessel, where reasonable grounds exist to suspect a

violation of applicable United Nations Security Council Resolutions and sanctions related to terrorism, terrorism financing, proliferation or proliferation financing;; and

(ii) by the deletion of paragraph (c) and the substitution therefor of the following:

(c) subject to the Forfeiture of Proceeds of Crime Act, 2010, cause the disposal of any items subject to sanctions, arms and related material of all types including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and their spare parts, where reasonable grounds exist to suspect a violation of applicable United Nations Security Council Resolutions and Sanctions relating to terrorism, terrorism financing, proliferation or proliferation financing.; and

Act No. 19
of 2010

(b) in subsection (9), by the deletion of the words “Minister of the action taken within fourteen” and the substitution therefor of the words “Centre of the action taken within seven”.

24. The principal Act is amended by the repeal of section 49 and the substitution therefor of the following:

Repeal and
replacement
of
section 49

49. (1) A road, water or air transportation provider or any transportation agent operating within the Republic or whose transportation carries persons or goods within or outside the Republic shall not permit or facilitate the transportation of a designated or nationally listed person or restricted goods specified by the Minister, on the recommendation of the Centre, by *Gazette* notice.

Prohibition
of travel by
designated or
nationally
listed person
or terrorist
organisation
or
proliferation
related entity

(2) A person shall not carry a designated or nationally listed person or transport restricted goods specified in the *Gazette* notice referred to under subsection (1) by road, water or air transportation within or outside the Republic.

(3) A person who contravenes subsection (1) or (2) commits an offence and is liable, on conviction, to imprisonment for life.

(4) It is a defence for a person charged with an offence under this section to satisfy the court that the person did not know and had no reasonable cause to believe that the person they were carrying is a designated or nationally listed person.

Amendment
of
section 50

25. Section 50 of the principal Act is amended by the deletion of subsection (1) and the substitution therefor of the following:

(1) A designated or nationally listed person shall not enter or transit through the Republic if the entry or transit would be contrary to a determination of the United Nations Security Council.

Amendment
of
section 52

26. Section 52 of the principal Act is amended—

(a) by the deletion of the words “reporting entity”, wherever the words appear, and the substitution therefor of the words “reporting entity, supervisory authority, State institution and any other person or entity”;

(b) by the deletion of subsection (5) and the substitution therefor of the following:

(5) In this section “frozen account” means an account with a reporting entity, supervisory authority, State institution and any other person or entity which has been restricted from transfer, conversion, disposition or movement of any funds or other assets by a reporting entity, supervisory authority, State institution and any other person or entity;

(c) in subsection (6), by the—

(i) deletion of paragraph (b); and

(ii) renumbering of paragraphs (c), (d) and (e) as paragraphs (b), (c) and (d), respectively;

(d) in subsection (7), by the deletion of the words “subsection (6)(a), (b), (c) and (e)” and the substitution therefor of the words “subsection (6) (a), (b) and (d)”;

(e) by the deletion of subsection (8); and

(f) by the renumbering of subsection (9) as subsection (8).

27. The principal Act is amended by the repeal of sections 54, 55, 56, 57 and 58 and the substitution therefor of the following:

Repeal and
replacement
of sections
54, 55, 56,
57 and 58
Power to
arrest

54. An anti-terrorism officer or an authorised officer may arrest a person, without a warrant, where that officer has reasonable grounds to believe that the person has committed or is about to commit an offence under this Act.

55. (1) An anti-terrorism officer or an authorised officer may detain a person for a period not exceeding forty-eight hours, where that officer has reasonable grounds to believe that the person has committed, or is about to commit, an offence under this Act.

Power to
detain

(2) An anti-terrorism officer or authorised officer who detains a person under subsection (1) shall, on the expiry of the forty eight hours—

(a) produce the person before a judge unless the forty-eight hours ends outside ordinary court hours or on a day that is not an ordinary court day; and

(b) apply, in writing, to the judge or magistrate for an extension of time to detain that person in custody.

(3) An anti-terrorism officer or an authorised officer shall, in making an application under subsection (2), specify the—

(a) nature of the offence for which the person has been detained;

(b) general nature of the evidence on which the person has been detained; and

(c) reasons necessitating the continued holding of that person in custody.

(4) A judge or magistrate shall, in determining an application under subsection (2)(b), consider any objection that the person who has been detained may have in relation to the application and may—

(a) release that person unconditionally;

(b) release that person subject to conditions that the judge or magistrate may impose to ensure that the person—

(i) does not, while on release, commit an offence, interfere with witnesses or the investigations in relation to the offence for which the person has been detained; and

(ii) avails oneself for the purpose of facilitating the conduct of investigations; or

(c) make an order for the remand of the person in custody.

(5) Where a judge or magistrate makes an order for the remand of a person under subsection (4)(c), the period of remand shall not exceed fourteen days.

(6) An anti-terrorism officer or an authorised officer who detains a suspect in respect of whom an order has been issued under subsection (4)(c) may, at any time before the expiry of the period of remand specified by a judge or magistrate, apply to the judge or magistrate for an extension of that period.

(7) A judge or magistrate shall not make an order for the extension of the time for remand under subsection (6) unless the judge or magistrate is satisfied, having regard to the circumstances for which an order was issued under subsection (4)(c), it is necessary to grant the extension.

(8) Where a judge or magistrate grants an extension under subsection (7), the period shall not, together with the period for which the person was first remanded in custody, exceed forty-five days.

Powers of
investigation

56. (1) A judge or magistrate may issue a warrant authorising an anti-terrorism officer or an authorised officer to—

(a) enter any premises specified in the warrant;

(b) search any premises, any person and inspect any document, record or thing, found in the premises; and

(c) seize and retain any relevant material, including any relevant document, record or thing found in the premises.

(2) A judge or magistrate shall not issue a warrant under subsection (1) unless the judge or magistrate is satisfied that—

- (a) the warrant is sought for the purpose of a terrorism or proliferation investigation; and
- (b) there are reasonable grounds to believe that there is material on the premises which may be relevant to the terrorism or proliferation investigation.

57. (1) Despite any other Act, an anti-terrorism officer or an authorised officer may, where, in a case of urgency, an application before a judge or magistrate for a warrant would cause delay that may be prejudicial to the maintenance of public safety or public order—

Powers of investigation in cases of urgency

- (a) enter and search any premises or place, if the anti-terrorism officer or an authorised officer has reason to suspect that, within those premises or at that place—
 - (i) an offence under this Act is being committed or is likely to be committed; or
 - (ii) there is evidence of the commission of an offence under this Act;
- (b) search any person or vehicle found on any premises or place which the anti-terrorism officer or an authorised officer is empowered to enter and search under paragraph (a);
- (c) stop, board and search any vessel, aircraft or vehicle if the anti-terrorism officer or an authorised officer has reason to suspect that there is in it evidence of the commission or likelihood of the commission of an offence under this Act; or
- (d) seize, remove and detain anything which is, contains or appears to contain, evidence of the commission of an offence under this Act.

(2) An anti-terrorism officer or an authorised officer who has exercised any power under this section shall bring the matter before a judge or magistrate within forty eight hours of doing so and the judge or magistrate shall make orders that judge or magistrate considers necessary in respect of the matter.

(3) Where a seizure is effected under this section, a list of all the articles seized shall be prepared and signed by the anti-terrorism officer or an authorised officer who effected the seizure and shall immediately be delivered—

(a) to the person on whom the search is made; or

(b) to the owner of the premises, place, vessel, aircraft or vehicle searched.

Power to intercept communication and admissibility of intercepted communications

Act No. 2 of 2021

Amendment of section 62

58. An anti-terrorism officer or an authorised officer may, for the purpose of obtaining evidence of the commission of an offence under this Act, apply to a judge to intercept communication in accordance with Part VI of the Cyber Security and Cyber Crimes Act, 2021.

28. Section 62 of the principal Act is amended—

(a) in subsection (1), by the insertion of the words “in consultation with the Centre,” immediately after the word “may”;

(b) by the deletion of subsection (5); and

(c) by the renumbering of subsection (6) as subsection (5).

Amendment of section 66

29. Section 66 (1) of the principal Act is amended by the insertion of the following new paragraph immediately after paragraph (b):

(c) without delay, to freeze all property, funds or other assets belonging to, or suspected to belong to, a nationally listed a person, group or entity or a designated person or entity including funds derived from property owned or controlled directly or indirectly by listed or designated persons.

Insertion of section 69A

30. The principal Act is amended by the insertion of the following new section immediately after section 69:

Offence

69A A court shall not grant bail in respect of an offence under this Act for which the penalty is life imprisonment

Amendment of section 70

31. Section 70 of the principal Act is amended by the deletion of the word “Agency” and the substitution therefor of the word “Centre”.

Insertion of section 72A

32. The principal Act is amended by the insertion of the following new section immediately after section 72:

72A. (1) The Centre may, where a person, group or entity is in breach of a provision of this Act which is not a criminal offence, impose one or more of the following administrative sanctions:

Administrative
sanctions

- (a) a caution not to repeat the conduct which led to the non-compliance with a provision of this Act;
- (b) a reprimand;
- (c) a directive to take remedial action or to make specific arrangements to redress the identified non-compliance;
- (d) the restriction or suspension of certain specified business activities; and
- (e) a penalty not exceeding thirty million penalty units.

(2) The Centre shall consider the following factors when determining an appropriate administrative sanction:

- (a) the nature, duration, seriousness and extent of the relevant non-compliance;
- (b) whether the reporting entity has previously failed to comply with any relevant law;
- (c) any remedial steps taken by the reporting entity to prevent a recurrence of the non-compliance;
- (d) any steps taken or to be taken against the reporting entity by—
 - (i) another supervisory authority; or
 - (ii) a professional association which the reporting entity is a member; and
- (e) any other relevant factor, including mitigating factors.

(3) The Centre shall, before imposing an administrative sanction, give the person, group or entity fourteen days notice in writing specifying—

- (a) the nature of the alleged non-compliance;
- (b) the intention to impose an administrative sanction;
- (c) an amount or particulars of the intended administrative sanction; and

(d) that the person, group or entity may, in writing, within a period specified in the notice, make representations as to the reasons the administrative sanction should not be imposed.

(4) A person, group or entity may, within thirty days of receipt of an administrative sanction, appeal to the High Court against an administrative sanction imposed by the Centre.

(5) The Centre may issue a public notice of any sanctions imposed against a reporting entity.

Repeal and
replacement
of First and
Second
Schedules

33. The principal Act is amended by the repeal of the First and Second Schedules and the substitution therefor of the Schedules set out in the Appendix.

General
Amendment

34. The principal Act is amended by the deletion of the words “financing of terrorism” wherever the words appear, except in the Second Schedule, and the substitution therefor of words “terrorism financing”.

APPENDIX

(Section 33)

FIRST SCHEDULE

(Section 62(4))

EXCLUSION ORDERS

1. (1) An exclusion order may be revoked at any time by a further order made by the Minister.

Duration

(2) The revocation of an exclusion order against a person shall not prevent the making of a further exclusion order against the person.

2. (1) A notice of the making of an exclusion order shall be served on the person against whom it has been made within fourteen days of the making of the order.

Notice of
order

(2) Nothing in this paragraph imposes an obligation to take any steps to serve a notice on a person at a time when the person is outside the Republic.

(3) Where the person against whom an exclusion order is made is not for the time being detained by virtue of this Act, notice of the making of the order may be served on the person by posting it to the person's last known address or by the publication of a notice in the *Gazette* or newspaper of general circulation in the area.

3. (1) The Minister may, in consultation with the Centre, give directions for the removal from the Republic any person who is the subject of an exclusion order.

Directions
for removal

(2) Any person who without reasonable excuse fails to comply with the directions given to that person under this paragraph commits an offence and is liable, on conviction, to a fine not exceeding two hundred thousand penalty units or to imprisonment for a term not exceeding two years, or to both.

4. (1) A person in respect of whom directions for removal may be given under paragraph 3 may be detained pending the giving of directions and pending removal in pursuance of the directions.

Detention
pending
removal

(2) An anti-terrorism officer or an authorised officer may arrest, without warrant, a person liable to be detained under this paragraph.

(3) A captain of a ship or aircraft, if so required by an anti-terrorism or an authorised officer shall prevent any person on board the ship or aircraft from disembarking in the Republic.

(4) Where a captain of a ship or aircraft is required to prevent a person from disembarking, the captain may for that purpose detain the person in custody on board the ship or aircraft.

(5) A captain of a ship or aircraft who fails to take reasonable steps to comply with a requirement imposed under this Act commits an offence and is liable, on conviction, to imprisonment for a term not exceeding two years or to a fine not exceeding two hundred thousand penalty units, or to both.

(6) An anti-terrorism officer or an authorised officer may remove a person from a vessel, aircraft or vehicle, for detention under this Act.

Provisions
supplementary
to detention

5. (1) If a judge or magistrate is satisfied that there are reasonable grounds for suspecting that a person who is the subject of an exclusion order is to be found on any premises, the judge or magistrate may grant a search warrant authorising an anti-terrorism officer or an authorised officer to enter the premises for the purpose of searching for and arresting that person.

(2) A person detained under this Schedule shall be deemed to be in legal custody at any time when the person is detained in police custody in the Republic otherwise than on board a ship, vehicle or aircraft.

(3) Where a person is detained under this Schedule, any anti-terrorism officer or other authorised officer may take all steps that may be reasonably necessary for identifying the person.

SECOND SCHEDULE

(Section 2 (1))

COUNTER TERRORISM CONVENTIONS

1. The Tokyo Convention on Offences and Certain Other Acts Committed on Board Aircraft of 1963;
 2. The Convention for the Suppression of Unlawful Seizure of Aircraft of 1970;
 3. The Montreal Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation of 1971 and the Protocol thereto of 1984;
 4. The New York Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, including Diplomatic Agents of 1973;
 5. The International Convention Against the Taking of Hostages of 1979;
 6. The Convention on the Physical Protection of Nuclear Material of 1980;
 7. The United Nations Convention on the Law of the Sea of 1982;
 8. The Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation of 1988;
 9. The Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf of 1988;
 10. The Convention for the Suppression of Unlawful Acts against Maritime Navigation of 1988;
 11. The Convention on the Marking of Plastic Explosives of 1991;
 12. The International Convention for the Suppression of Terrorist Bombings of 1997;
 13. The Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction of 1977;
 14. The Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation of 1971;
 15. The Organisation of African Unity Convention on the Prevention and Combating of Terrorism, 1999; and
 16. The International Convention for the Suppression of the Financing of Terrorism, 19
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