

S.I. 22 of 2021**PREVENTION OF TERRORISM ACT***(Act 7 of 2004)***Prevention of Terrorism (Implementation of United Nations Security Council Resolutions on Suppression of Terrorism) (Amendment) Regulations, 2021**

In exercise of the powers conferred by section 42(2) of the Prevention of Terrorism Act, 2004 (Cap. 179), the Minister responsible for Internal Affairs makes the following regulations —

Citation

1. These regulations may be cited as the Prevention of Terrorism (Implementation of United Nations Security Council Resolutions on Suppression of Terrorism) (Amendment) Regulations, 2021.

Amendments to S.I. 39 of 2015

2. The Prevention of Terrorism (Implementation of United Nations Security Council Resolutions on Suppression of Terrorism) Regulations (hereinafter referred to as the principal regulations) are amended as follows —

- (a) in regulation 2 of the principal regulations —
 - (i) by repealing paragraph (2) and therefor substituting the following paragraph —

‘(2) “AML Act” means the Anti-Money Laundering and Countering the Financing of Terrorism Act, 2020 (Act 5 of 2020);’;
 - (ii) in paragraph (3), by repealing the words “Financing of”;
 - (iii) by repealing paragraph (16) and therefor substituting the following paragraph —

'(16) "property" shall have the same meaning assigned to it in the Anti-Money Laundering and Countering the Financing of Terrorism Act, 2020 (Act 5 of 2020);

- (b) in regulation 4(1) of the principal regulations, repeal the words "Financing of";
- (c) in regulation 5 (1) of the principal regulations —
 - (i) in paragraph (a) insert the figures ",1540" after the figures "1373";
 - (ii) in paragraph (b), repeal the words "Financing of";
 - (iii) in paragraph (d), repeal the words "advise the National Anti-Money Laundering Committee and the Financial Intelligence Unit" and substitute therefor the words "coordinate and advise the National Anti-Money Laundering and Countering the Financing of Terrorism Committee established under section 6 of the AML Act and the Financial Intelligence Unit on financing of terrorism matters";
 - (iv) paragraph (e) shall be re-numbered as paragraph (g) and before the paragraph (g) so renumbered, the following paragraphs shall be inserted —
 - "(e) to identify the persons or entities for designation as a competent authority, based on the designation procedures and standard forms of listing as adopted in UNSCR 1267/1989 (Al Qaida) and 1988 United Nations Sanctions Regimes; to identify the persons and entities for designation that meet the criteria for designation as set forth in UNSCR 1373 as put forth by the Committee or after examining and giving effect to, if appropriate, the request of another country;"

- (d) regulation 6 of the principal regulations is amended by inserting sub-regulations (3) to (5) after subregulation (2) —
- “(3) The Committee shall meet at least once in a quarter.
- (4) While identifying a person or entity for designation under sub-regulation 5 (1) (e), the Committee shall consider all the evidence available to the Committee, or solicit any information from the competent authorities which may be necessary to identify the persons and entities, based on a standard of proof of reasonable grounds to arrive at the conclusion that a person or entity shall be designated and the proposal for designations shall not require the existence of any criminal proceeding and the Committee shall not be required to consider any other standard of proof in arriving to a decision for designation.
- (5) Every competent authority shall provide all the relevant information as much as possible on a proposed name for identification and necessary information sought for by the Committee under sub-regulation (4) without any delay.
- (6) Notwithstanding anything in sub-regulation (4), the Committee shall have the power to operate *ex parte* in respect of a person or an entity, who has been identified and the proposal for designation of such person or the entity is under consideration of the Committee.”;
- (e) in regulation 10 of the principal regulations —
- (i) in subregulation (4) by repealing the words “to advise the Attorney General to recommend” and substitute therefor the words “to advise the Attorney General to promptly recommend”;
- (ii) by inserting subregulation (5) after subregulation (4)—
- “(5) While requesting any other country to give effect to the freezing mechanisms against the persons

designated under section 3 of the Act, all necessary information relating to the identification and supporting information for designation of the person or the entity shall be provided to the requesting country.”;

(f) regulation 13 of the principal regulations is amended —

(i) by inserting after subregulation (1), the following subregulations —

“(1A) Every person and legal person with in the Republic shall freeze the funds or other assets of the designated persons or entities, without any delay and prior notice.

(1B) Freezing funds or other assets of the designated persons or entities under subregulations (1A) shall extend to —

- (a) all funds or other assets that are owned or controlled by the designated person or entity and shall not be limited to the funds or other assets related to a particular terrorist act or plot or threat;
- (b) funds or other assets that are wholly or jointly owned or controlled, directly or indirectly by the designated persons or entities;
- (c) funds or other assets derived or generated from funds or other assets owned or controlled directly or indirectly by the designated persons or entities; and
- (d) funds or other assets of the persons and entities acting on behalf of, or at the

direction of, designated persons or entities.

- (ii) by inserting subregulation (3), after subregulations (2) —

“(3) Any person, who is a citizen of Seychelles or any other person or entity within the jurisdiction of the Republic shall not make available any funds or other assets, economic resources or financial or other related services directly or indirectly, wholly or jointly, for the benefit of designated persons and entities; entities owned or controlled directly or indirectly by the designated persons or entities and persons and entities acting on behalf of, or at the direction of, designated persons or entities, unless licensed, authorised or otherwise notified in accordance with the United Nations Security Council Resolutions.

- (g) in regulation 14 of the principal regulations —

(i) in subregulation (3), by repealing the words “section 10(1) or section 11” and substitute therefore the words “section 48”;

(ii) in subregulation (4), after the words “Financial Intelligence Unit”, insert the words “ and to the Chairperson of the Committee”;

- (h) after regulation 21 of the principal regulations, the following regulation shall be inserted —

Protection of bonafide third parties for the action taken in good faith.

21A. No bona fide third party shall be prosecuted for any action taken in good faith for discharging his obligations and duties under the provisions of these regulations.

- (i) after regulation 23 of the principal regulations, the following regulation shall be inserted —

Administrative sanctions

24. If any reporting entity or any other entity under the AML Act fails to comply with the provisions of the Act or these regulations, the supervisory authorities of the respective reporting entity or other entity may impose administrative sanctions provided under the AML Act.

MADE this 5th day of March, 2021.

**ERROL FONSEKA
MINISTER OF INTERNAL AFFAIRS**
