



**PREVENTION OF TERRORISM (SECOND AMENDMENT)
ACT, 2021**

(Act 64 of 2021)



I assent

A handwritten signature in black ink, appearing to read "Wavel".

Wavel Ramkalawan
President

17th December, 2021

AN ACT TO AMEND THE PREVENTION OF TERRORISM ACT (CAP. 179).

ENACTED by the President and the National Assembly.

Short title

1. This Act may be cited as the Prevention of Terrorism (Second Amendment) Act, 2021.

Amendments to Cap. 179

2. The Prevention of Terrorism Act (hereinafter referred to as the principal Act) is amended as follows —

- (a) in section 2 —
 - (i) in the definition of “terrorist” after paragraph (d) by adding the following paragraph —

“(e) has been designated as a designated or listed person under the regulations made under this Act.”;
 - (ii) in the definition of “terrorist act” —
 - (a) in the longline, by repealing the words “and is intended, or”;
 - (b) after paragraph (i) by adding the following paragraph —

“(j) any other act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a Government or an international organisation to do or to abstain from doing any act”; and
 - (c) by repealing the proviso at the end of the definition.
 - (iii) in the definition of 'terrorist group' after paragraph (b) by inserting the following paragraph —

“(c) any designated or listed person or entity under the regulations made under this Act”;

- (iv) by repealing the definition of property and therefor substituting the following definition —

‘ “property” shall have the meaning assigned to it in the Anti-Money Laundering and Countering the Financing of Terrorism Act, 2020 (Act 5 of 2020) and includes any assets, including, but not limited to financial assets, economic resources, which includes oil and other natural resources, property of every kind, whether tangible or intangible, movable or immovable, however acquired, and legal documents or instruments in any form, including electronic or digital, evidencing title to, or interest in, such funds or other assets, including, but not limited to bank credits, travellers cheques, bank cheques, money orders, shares, securities, bonds, drafts, or letters of credit, and any interest, dividends or other income on or value accruing from or generated by such funds or other assets, and any other assets which potentially may be used to obtain funds, goods or services;’.

3. By repealing section 5 of the principal Act and therefor substituting the following section —

Provision or collection of funds to support a terrorist or terrorist group or a terrorist act

“5.(1) Any person who willfully provides or collects funds or any assets, by any means, directly or indirectly, with the intention that they shall be used, or knowing that the funds or assets shall be used in full or in part, —

- (a) by a terrorist;
- (b) by a terrorist group;
- (c) to carry out a terrorist act,

commits an offence and shall, on conviction, be liable to imprisonment for a term not less than 7 years and not more than 20 years.

(2) An offence under subsection (1) shall be regarded as terrorist financing, even in the absence of a link to a specific terrorist act or acts, and the punishment applicable under subsection (1) shall be applied *mutatis mutandis*.

(3) Terrorism Financing offences under this Act shall include financing the travel of individuals who travel to a State other than their States of residence or nationality for the purpose of perpetration, planning, or preparation of, or participation in, terrorist acts, or the providing or receiving of terrorist training, and the punishment applicable under subsection (1) shall be applied *mutatis mutandis*.”.

4. In section 20D of the principal Act —

(i) by repealing subsection (2) and therefor substituting the following subsection —

“(2) All natural and non-natural persons within Seychelles shall within 24 hours and without prior notice freeze the property of a terrorist or a terrorist group or a designated individual or entity;

(ii) in subsection (3), by substituting for the word 'designated entity', wherever it occurs, the words 'a terrorist or a terrorist group or a designated individual or entity';

(iii) after subsection (3), by adding the following subsections —

“(3A) All natural and non-natural persons within Seychelles are prohibited from making funds or other assets available to a terrorist or a terrorist group or a designated individual or entity.

(3B) Subject to the provisions of this Act, no person shall make any funds or other assets or financial or other related services available, directly or indirectly, wholly or jointly, to or for the benefit of —

- (a) a terrorist or a terrorist group or a designated individual or entity;
- (b) a party acting on behalf, or at the direction, of a terrorist or a terrorist group or a designated individual or entity; or
- (c) an entity owned or controlled, directly or indirectly, by a terrorist or a terrorist group or a designated individual or entity.

(3C) Subject to the provisions of this Act, no person shall deal with the funds or other assets of a terrorist or a terrorist group or a designated individual or entity, including the funds or other assets that are owned or controlled by a terrorist or a terrorist group or a designated individual or entity.

(3D) Without prejudice to the generality of subsections (3A), (3B) and (3C), the prohibition shall extend to —

- (a) all the properties that are owned by a terrorist group or designated individual or entity and not just those which can be connected to a particular terrorist act, plot or threat or to a particular act, plot or threat of proliferation;
- (b) property that is wholly or jointly owned or controlled directly or indirectly by a terrorist or a terrorist group or a designated individual or entity;
- (c) property derived or generated from property owned or controlled directly by a terrorist or a terrorist group or a designated individual or entity; and

- (d) property of a person or entity acting on behalf, or at the direction, of a terrorist or a terrorist group or a designated individual or entity.

(3E) Where a prohibition under subsections (3A), (3B), (3C) or (3D) is in force, nothing shall prevent any interest which may accrue, or other earnings due, on the accounts held by a terrorist or a terrorist group or a designated individual or entity, or payments due under contracts, agreements or obligations that arose prior to the date on which those accounts became subject to the prohibition, provided that any such interest, earnings and payments shall continue to be subject to the prohibition.”;

- (iv) in subsection (4), by repealing the words “without delay as provided in subsection (2)” and substituting therefor the words “within 24 hours as provided in subsection (2) or fails or refuses to comply with the prohibition provided under subsections (3A), (3B), (3C) or (3D).”.

(5) In section 20E of the principal Act, in subsection (3), by repealing the words “with the guidance, in taking” and substituting therefor the words “, within 24 hours, with the guidance to take”.

I certify that this is a correct copy of the Bill which was passed by the National Assembly on 15th December, 2021.



Mrs. Tania Isaac
Clerk to the National Assembly