

GOVERNMENT OF ZAMBIA

**ACT**

**No. 30 of 2024**

Date of Assent: 20th December, 2024

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

[26th December, 2024

ENACTED by the Parliament of Zambia.

Enactment

**1.** This Act may be cited as the Anti-Terrorism and Non-Proliferation (Amendment) Act, 2024, 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

**2.** Section 2 of the principal Act is amended—

Amendment  
of section 2

(a) in subsection (1) by the—

- (i) deletion of the definitions of “applicable or relevant United Nations Security Council Resolutions”, “funds”, “funds or other assets”, “group”, “proliferation”, “proliferation financing”, “terrorism”, “terrorism financing”, “terrorist act”, “terrorist organisation” and “without delay” and the substitution therefor of the following in the appropriate places in alphabetical order:

“funds” means assets of every kind, whether corporeal or incorporeal, 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 assets;

“funds or other assets” means any assets, including virtual assets, financial assets, economic

resources, including oil and other natural resources, property of any 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 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;

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

“proliferation” means—

(a) intentionally and without lawful authority, altering, manufacturing, producing, possessing, acquiring, stockpiling, storing, developing, brokering, transporting, selling, supplying, transferring, exporting, transiting, transshipping, disposing, or dispersing or using of a chemical, biological, radiological or nuclear material or device and their means of delivery or related materials, including both technologies or dual use goods—

- (i) for non-legitimate purposes; or
- (ii) which causes or is likely to cause death or serious injury to any person or substantial damage to property or to the environment;

(b) an attempt to engage or participate as an accomplice in activities referred to under paragraph (a);

(c) the provision of technical training, advice, service, brokering or assistance related to any of the activities referred to in paragraphs (a) or (b);

(d) intentionally and without lawful authority dealing with materials as may be prescribed, which are related to a chemical, biological, radiological or nuclear weapon; or

(e) intentionally and without lawful authority releasing a dangerous, hazardous, toxic or radioactive substance, microbial or other biological agent or toxin into the environment;

“proliferation financing” means, an act by any person who by any means, directly or indirectly, wilfully provides, gathers, collects, holds or manages funds or other assets, products or rights that can be transformed into funds or other assets, or provides financial services, with the intention that those funds or other assets be used or with knowledge that those funds or other assets may be used in full or in part to finance proliferation;

“relevant United Nations Security Council Resolutions” means—

(a) United Nations Security Council Resolution 1267 of 1999;

(b) United Nations Security Council Resolution 1373 of 2001;

(c) United Nations Security Council Resolution 1390 of 2002;

(d) United Nations Security Council Resolution 1452 of 2002;

(e) United Nations Security Council Resolution 1718 of 2006;

(f) United Nations Security Council Resolution 1737 of 2006;

- (g) United Nations Security Council Resolution 1735 of 2006;
- (h) United Nations Security Council Resolution 1822 of 2008;
- (i) United Nations Security Council Resolution 1904 of 2009;
- (j) United Nations Security Council Resolution 1988 of 2011;
- (k) United Nations Security Council Resolution 1989 of 2011;
- (l) United Nations Security Council Resolution 1540 of 2004;
- (m) United Nations Security Council Resolution 2231 of 2015; or
- (n) any other United Nations Security Council Resolution that may be issued concerning the designation, asset freezing, arms embargo and travel ban in respect of a designated person, entity or country in relation to the implementation of measures for the combatting of terrorism, proliferation or their financing;

“terrorism” means—

- (a) an act which constitutes an offence within the scope of, and as defined in one of the applicable treaties specified in the Second Schedule;
- (b) an 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;

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- (c) a 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;
  - (iii) create general insurrection in the Republic; or
  - (iv) to threaten diplomatic agents or other internationally protected persons;
- (d) hijacking or unlawfully seizing of an aircraft or public transport or any vessel or the taking of a hostage or group of hostages for ransom;
- (e) unlawful importation, sale, making, manufacture or distribution of any firearms, explosive, ammunition or bomb or generally providing weapons to a terrorist or terrorist organisations;
- (f) an act or omission in or outside the Republic that interferes with an electronic system to harm and cause fear or disrupt the provision of

communication, financial, transport or other essential or emergency services to the public for purposes that may include advancing a political, ideological or religious cause;

(g) arranging for the retention or control of property belonging to a terrorist or terrorist organisation;

(h) knowingly dealing in property owned or controlled by a terrorist or terrorist organisation;

(i) soliciting or giving support to a terrorist or terrorist organisation; or

(j) intentional or unlawful manufacture, delivery, placement, discharge or detonation of any explosive or other lethal device whether attempted or actual, in, into or against a place of public use, a State or government or an organisation, international facility, a public transportation system, or an infrastructure facility with the intent to cause death or serious bodily injury, or extensive destruction likely to or actually resulting in major economic loss;

(k) traveling outside the Republic for the purpose of perpetrating, planning, or preparation of, or participation in, acts of terrorism, or providing or receiving terrorist training whether against the Republic or any other State;

(l) seizure, or detention of, or threat to kill, injure or continue to detain a hostage, whether actual or attempted in order to compel a State, an international inter-governmental organisation, a person or group of persons, to do or abstain from doing any act as an explicit or implicit condition for the release of the hostage;

(m) intentional or unlawful provision or collection of funds or services, or providing or receiving training whether attempted or actual, with the intention or knowledge that any part of the funds or services or training may be used to carry out any of the activities under paragraphs (a) to (l);

(n) unlawful possession of explosives, ammunition, bomb or any materials for making of explosives, ammunition or bomb for purposes of carrying out any of the activities under paragraphs (a) to (l);

(o) unlawful possession of materials for promoting an activity under paragraphs (a) to (l) that may include audio or video tapes, written or electronic literature; or

(p) 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) to (o);

“terrorism financing” means an act by any person who wilfully provides or collects funds or other assets, by any means, directly or indirectly, with the intention that those funds or other assets be used, or in the knowledge that they are to be used, in full or in part—

(a) to carry out an act which constitutes an offence within the scope of and as defined in one of the applicable treaties listed in the Second Schedule;

(b) to carry out 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;

(c) to carry out terrorism;

(d) by a terrorist or by a terrorist organisation, even in the absence of a link to a specific act or acts of terrorism; or

(e) for the travel of a person to a State other than the person's State of residence or nationality for the purpose of perpetration, planning or preparation of, or participation in, terrorism or the providing or receiving of terrorist training;

“terrorist” means a person who—

(a) has committed terrorism or proliferation in or outside the Republic; or

(b) is, or has been, involved in the commission, preparation or instigation of terrorism or proliferation;

“terrorist organisation” means a group of terrorists that—

(a) commits, or attempts to commit, terrorism by any means, directly or indirectly, unlawfully and willfully;

(b) participates as an accomplice in terrorism;

(c) organises or directs others to commit terrorism; or

(d) contributes to the commission of terrorism by a group of persons acting with a common purpose where the contribution is made intentionally and



with the aim of furthering terrorism or  
with the knowledge of the intention of  
the group to commit terrorism; and

“without delay” means the implementation of targeted  
financial sanctions within twenty-four hours, in  
the case of—

(a) designation by the United Nations  
Security Council or its relevant  
Sanctions Committee, on designation of  
the person or entity; or

(b) national listing, after listing by the Minister  
or at the request of another State, as  
soon as there are reasonable grounds  
or a reasonable basis to suspect or  
believe that a person, group or entity  
meets the criteria for inclusion in the  
national list; and

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

“basic expenses” includes payment of—

(a) certain types of fees, costs and  
remuneration for services in  
accordance with the procedures  
established in the United Nations  
Security Council Resolutions; and

(b) food, rent or mortgages, medicines and  
medical treatments, taxes, premiums  
insurance, water or electricity charges,  
or solely for the payment of reasonable  
professional fees and for the  
reimbursement of expenses associated  
with the provision of legal services, fees  
or charges for maintenance services for  
frozen funds or other financial assets  
or economic resources;

“extraordinary expenses” means expenses other than  
basic expenses;

“frozen account” means an account with a reporting entity, supervisory authority, State institution or 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 or any other person or entity;

“nuclear facility” means—

(a) a nuclear reactor, including a reactor installed on a vessel, vehicle, aircraft or space object for use as an energy source in order to propel such a vessel, vehicle, aircraft or space object or any other purpose; or

(b) a plant or conveyance being used for the production, storage, processing or transport of a radioactive material;

“radicalise” means a gradual or phased process that exploits the psychological, political, social, religious, or ideological conditioning of individuals to believe that they are part of a threatened or combative collective identity, in order to socialise them to violent extremism which includes terrorism and “radicalise” and “radicalisation” shall be construed accordingly; and

“virtual assets” has the meaning assigned to the words in the Financial Intelligence Center Act, 2010;

Act No. 46  
of 2010

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

(2) In this Act, a reference to action taken for the purposes of terrorism includes a reference to action taken for the benefit of a declared terrorist organisation, a terrorist or in contemplation of terrorism whether that act occurs or not; and

(c) by the insertion of the following new subsection immediately after subsection (5):

- (6) In this Act, a reference to without delay shall be interpreted in the context of the need to prevent the flight or dissipation of funds or other assets, linked to designated persons, groups or entities and the need for coordinated global action to prevent, suppress, interdict and disrupt terrorism, terrorism financing, or the proliferation of weapons of mass destruction and its financing.

3. The principal Act is amended by the repeal of section 6 and the substitution therefor of the following:

Repeal and  
replacement  
of section 6

6. (1) The Centre shall coordinate the prevention of, detection of, response to, mitigation and investigation of, terrorism, terrorism financing, proliferation, proliferation financing and threats to internal security.

Functions  
of Centre

(2) Without prejudice to the generality of subsection (1), the functions of the Centre are to—

- (a) draw up plans and coordinate actions for counter terrorism, terrorism financing, proliferation and proliferation financing;
- (b) collect or solicit information to identify a person, group or entity that, based on reasonable grounds, or a reasonable basis to suspect or believe, meet the criteria for designation or national listing;
- (c) collect, solicit, integrate and analyse intelligence pertaining to terrorism, proliferation and proliferation financing;
- (d) maintain a database of known and suspected terrorists and terrorist organisations, their networks, goals, strategies, capabilities, support and other relevant information;
- (e) provide law enforcement agencies access to the intelligence support necessary to execute counter terrorism and proliferation plans and accomplish their assigned tasks;
- (f) coordinate with investigation and intelligence agencies to ensure effective detection and prosecution of terrorism, terrorism financing, proliferation and proliferation financing;

- (g) prepare regular threat assessment reviews and disseminate them to the appropriate levels in the Government;
- (h) develop and promote the adoption of best practices for coordination of law enforcement agencies, government institutions and the general public in combating of terrorism; and
- (i) enhance the State's capacity to—
  - (i) prevent the creation of safe havens for terrorists;
  - (ii) detect chemical, biological, radioactive or nuclear materials;
  - (iii) search, confiscate and establish safe control of chemical, biological, radioactive or nuclear materials;
  - (iv) account for, control and provide physical protection of chemical, biological, radioactive or nuclear threats;
  - (v) provide security of civilian and non-civilian institutions from chemical, biological, radioactive or nuclear threats;
  - (vi) respond to, mitigate and investigate chemical, biological, radioactive or nuclear incidents;
  - (vii) conduct inspections of chemical, biological, radioactive and nuclear facilities, institutions or any person or entity that may be holding such materials;
  - (viii) facilitate national, regional and global sharing of information for countering terrorism, terrorism financing, proliferation and proliferation financing;
  - (ix) ensure ratification and implementation of international conventions on terrorism and proliferation;
  - (x) coordinate the implementation of the relevant United Nations Security Council Resolutions and other international conventions on terrorism and proliferation;

(xi) provide centralised services to law enforcement agencies, Government institutions and the general public in matters of national security or public interest in the following:

(A) forensic criminal investigations;

(B) scene of crime investigations;

(C) forensic accounting investigations;

(D) visual technical surveillance of public places to help in investigations of crime;

(E) laboratory analysis of chemical, biological, radioactive and nuclear materials, whether connected to a crime or not; or

(F) maintenance of a general national database of suspected terrorists or terrorist organisations; or

(xii) provide, facilitate or recommend appropriate training of security and defense personnel in countering terrorism.

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

Repeal and  
replacement  
of section  
19

**19.** (1) A person shall not commit terrorism.

Prohibition  
of terrorism

(2) A person shall not—

(a) attempt to carry out terrorism;

(b) participate as an accomplice in terrorism or attempted terrorism;

(c) organise or direct others to commit terrorism or attempted terrorism; or

(d) contribute to the commission of terrorism or attempted terrorism by a group of persons acting with a common purpose.

(3) A person who contravenes subsection (1) or (2) commits an offence and is liable, on conviction—

(a) in the case of a natural person, to imprisonment for life; or

(b) in the case of a legal person, to the penalties specified under sections 72B and 72C.

Repeal and  
replacement  
of section 20

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

Prohibition  
of terrorism  
financing

20. (1) A person shall not commit terrorism financing.

(2) A person shall not—

(a) attempt to carry out terrorism financing;

(b) participate as an accomplice in terrorism financing or attempted terrorism financing;

(c) organise or direct others to commit terrorism financing or attempted terrorism financing; or

(d) contribute to the commission of terrorism financing or attempted terrorism financing by a group of persons acting with a common purpose.

(3) A person who contravenes subsection (1) or (2) commits an offence and is liable, on conviction—

(a) in the case of a natural person, to imprisonment for life; or

(b) in the case of a legal person, to the penalties specified under sections 72B and 72C.

(4) Terrorism financing—

(a) is a predicate offence to money laundering;

(b) extends to any funds or other assets, whether from a legitimate or illegitimate source;

(c) does not require that the funds or other assets were actually used to carry out, or attempt to carry out, terrorism or be linked to a specific case of terrorism; or

(d) applies, regardless of whether the person alleged to have committed the offence is in the Republic

or a different country from where the terrorist or terrorist organisation is located, or the offence occurred or shall occur.

6. The principal Act is amended by the repeal of section 21 and the substitution therefor of the following:

Repeal and replacement of section 21  
Prohibition of proliferation

**21.** (1) A person shall not commit proliferation.

(2) A person shall not—

(a) attempt, or participate, or organise or direct others, to commit proliferation; or

(b) contribute to the commission of proliferation by a group of persons acting with a common purpose.

(3) A person who contravenes subsection (1) or (2) commits an offence and is liable, on conviction—

(a) in the case of a natural person—

(i) for a first offence, to imprisonment for a term of not less than twenty years but not exceeding twenty-five years; or

(ii) for a second or subsequent offence, to imprisonment for life; or

(b) in the case of a legal person, to the penalties specified under sections 72B and 72C.

7. The principal Act is amended by the insertion of the following new sections immediately after section 21:

Insertion of sections 21A, 21B, 21C, 21D, 21E, 21F, and 21G

**21A.** (1) A person commits an offence if that person, without claim of right, fraudulently takes or converts a chemical, biological, radiological or nuclear material.

Theft of chemical, biological, radiological or nuclear materials

(2) A person who commits an offence under subsection (1) is liable, on conviction—

(a) in the case of a natural person—

(i) for a first offence, to imprisonment for a term of not less than seven years but not exceeding ten years; or

(ii) for a second or subsequent offence, to imprisonment for a term of not less than thirty-five years; or

(b) in the case of a legal person, to the penalties specified under sections 72B and 72C.

Robbery of  
chemical,  
biological,  
radiological  
or nuclear  
materials

**21B.** (1) A person who steals a chemical, biological, radiological or nuclear material, and, at or immediately before or immediately after the time of stealing that chemical, biological, radiological or nuclear material, uses or threatens to use actual violence to any person or property to obtain or retain the chemical, biological, radiological or nuclear material stolen or to prevent or overcome resistance to the chemical, biological, radiological or nuclear material being stolen or retained, commits an offence.

(2) A person who commits an offence under subsection (1) is liable, on conviction—

(a) in the case of a natural person—

(i) for a first offence, to imprisonment for a term of not less than fifteen years but not exceeding twenty-five years; or

(ii) for a second or subsequent offence, to imprisonment for life; or

(b) in the case of a legal person, to the penalties specified under sections 72B and 72C.

Aggravated  
robbery of  
chemical,  
biological,  
radiological  
or nuclear  
materials

**21C.** (1) A person who steals, or being armed with any offensive weapon or instrument, or being together with one person or more, steals a chemical, biological, radiological or nuclear material, and, at or immediately before or immediately after the time of stealing a chemical, biological, radiological or nuclear material, uses or threatens to use actual violence to any person or property to obtain or retain the chemical, biological, radiological or nuclear material stolen or to prevent or overcome resistance to the chemical, biological, radiological or nuclear material being stolen or retained, commits an offence.

(2) A person who commits an offence under subsection (1) is liable, on conviction—



(a) in the case of a natural person—

- (i) for a first offence, to imprisonment for a term of not less than fifteen years but not exceeding twenty-five years; or
- (ii) in the case of a second or subsequent offence, to imprisonment for life; or

(b) in the case of a legal person, to the penalties specified under sections 72B and 72C.

**21D.** (1) A person who embezzles or pilfers a chemical, biological, radiological or nuclear material commits an offence.

Embezzlement  
of a chemical,  
biological,  
radiological  
or nuclear  
material

(2) A person who commits an offence under subsection (1) is liable, on conviction—

(a) in the case of a natural person—

- (i) for a first offence, to imprisonment for a term of not less than ten years but not exceeding fifteen years; or
- (ii) for a second or subsequent offence, to imprisonment for a term of not less than twenty-five years; or

(b) in the case of a legal person, to the penalties specified under sections 72B and 72C.

**21E.** (1) A person commits an offence if that person performs any action directed against a chemical, biological, radiological or nuclear facility, or interferes with the operation of a chemical, biological, radiological or nuclear facility, or uses or damages a chemical, biological, radiological or nuclear facility, where the person—

Acts against  
chemical,  
biological,  
radiological  
or nuclear  
facilities

- (a) causes or knows that the act is likely to cause death or serious bodily injury to any person or substantial damage to property or to the environment;
- (b) causes the release or risks the release of a radioactive material with the intent to cause death or serious bodily injury to any person, or substantial damage to property, or to the environment; or

(c) intends to compel a person, an international organisation or a State to do or refrain from doing any act.

(2) A person who commits an offence under subsection (1) is liable, on conviction—

(a) in the case of a natural person—

- (i) for a first offence, to imprisonment for a term of not less than twenty years but not exceeding twenty-five years; or
- (ii) for a second or subsequent offence, to imprisonment for a term of not less than thirty-five years; or

(b) in the case of a legal person, to the penalties specified under sections 72B and 72C.

Unlawful demand for Chemical, biological, radiological or nuclear material or device

**21F.** (1) A person shall not intentionally and without lawful authority, by threat, under circumstances which indicate the credibility of the threat, or by use of force or by any other form of intimidation, demand for a chemical, biological, radiological or nuclear material or device.

(2) A person who contravenes subsection (1) commits an offence and is liable, on conviction—

(a) in the case of a natural person—

- (i) for a first offence, to imprisonment for a term of not less than fifteen years but not exceeding twenty-five years; or
- (ii) for a second or subsequent offence, to imprisonment for a term of not less than thirty-five years; or

(b) in the case of a legal person, to the penalties specified under sections 72B and 72C.

Threats concerning chemical, biological, radiological or nuclear materials

**21G.** (1) A person shall not threaten—

- (a) to use a chemical, biological, radiological or nuclear material to cause death or serious injury, to any person, or substantial damage to property or to the environment; or

(b) to commit any offence under sections 21 to 21F in order to compel a person, international organisation or State to do or to refrain from doing any act.

(2) A person who contravenes subsection (1) commits an offence and is liable, on conviction—

(a) in the case of a natural person—

- (i) for a first offence, to imprisonment for a term of not less than five years and not exceeding fifteen years; or
- (ii) for a second or subsequent offence, to imprisonment for a term of not less than thirty-five years; or

(b) in the case of a legal person, to the penalties specified under sections 72B and 72C.

8. The principal Act is amended by the insertion of the following new section 22:

Insertion of  
section 22

**22.** (1) A person shall not commit proliferation financing.

Prohibition  
of  
proliferation  
financing

(2) A person shall not—

- (a) collect or avail funds to nationals or foreigners who are in the Republic with the intention or knowledge that the funds should be used or may be used to finance the travel of an individual to another State other than their State of residence or nationality with the purpose of perpetrating, planning, preparing or participating in proliferation or providing or receiving proliferation training;
- (b) knowingly plan or incite proliferation financing;  
or
- (c) participate as an accomplice, organise, or instruct another person, to carry out proliferation financing, or contribute to the commission of proliferation financing or attempted proliferation financing, by a group of persons acting with a common purpose.

- (3) For purposes of this Act, proliferation financing—
  - (a) is a predicate offence to money laundering;
  - (b) extends to any funds or other assets, whether from a legitimate or illegitimate source;
  - (c) does not require that the funds or other assets, were actually used to carry out or attempt to carry out proliferation financing or be linked to a specific case of proliferation financing; or
  - (d) applies, regardless of whether the person alleged to have committed the offence is in the Republic or a different country from where a person is located, or the offence occurred or shall occur.

(4) A person who contravenes subsection (1) or (2) commits an offence and is liable, on conviction—

- (a) in the case of a natural person—
  - (i) for a first offence, to imprisonment for a term of not less than twenty years but not exceeding twenty-five years; or
  - (ii) for a second or subsequent offence, to imprisonment for life; or
- (b) in the case of a legal person, to the penalties specified under sections 72B and 72C.

Amendment  
of section  
23

**9. Section 23 of the principal Act is amended—**

- (a) by the deletion of the marginal note and the substitution therefor of the following:

Prohibition of training for terrorism or proliferation;

- (b) in subsection (3), by the deletion of paragraphs (a) and (b) and the substitution therefor of the following:

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

- (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.

- (c) by the deletion of subsection (4) and the substitution therefor of the following:

(4) A person convicted of an offence under this section is liable—

- (a) in the case of a natural person, to imprisonment for life; or
- (b) in the case of a legal person, to the penalties specified under sections 72B and 72C.

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| <p><b>10.</b> Section 26 of the principal Act is amended—</p> <p>(a) by the deletion of the marginal note and the substitution therefor of the following:</p> <p style="padding-left: 40px;">Collection of information for terrorism or proliferation purposes; and</p> <p>(b) in paragraph (1)(b) by the deletion of the words “a terrorist act” and the substitution therefor of the word “terrorism”.</p> <p><b>11.</b> The principal Act is amended by the insertion of the following new section immediately after section 26:</p> <p style="padding-left: 40px;"><b>26A.</b> A person commits an offence if that person radicalises a person, or promotes the radicalisation of a person, group or entity and is liable, on conviction—</p> <p style="padding-left: 80px;">(a) in the case of a natural person—</p> <p style="padding-left: 120px;">(i) for a first offence, to imprisonment for a term of not less than twenty years but not exceeding twenty-five years; or</p> <p style="padding-left: 120px;">(ii) for a second or subsequent offence, to imprisonment for a term of not less than thirty-five years; or</p> <p style="padding-left: 80px;">(b) in the case of a legal person, to penalties specified under sections 72B and 72C.</p> <p><b>12.</b> The principal Act is amended by the repeal of section 28 and the substitution therefor of the following:</p> <p style="padding-left: 40px;"><b>28.</b> (1) A person who aids, abets, counsels, procures, incites or solicits the commission of terrorism or proliferation commits an offence and is liable on conviction—</p> <p style="padding-left: 80px;">(a) in the case of a natural person, to imprisonment for life; or</p> <p style="padding-left: 80px;">(b) in the case of a legal person, to the penalties specified under sections 72B and 72C.</p> <p style="padding-left: 40px;">(2) A person who intentionally aids, abets or counsels a terrorist, a designated or nationally listed person, group or entity commits an offence and is liable, on conviction—</p> <p style="padding-left: 80px;">(a) in the case of a natural person, to imprisonment for a term of not less than five years; or</p> <p style="padding-left: 80px;">(b) in the case of a legal person, to the penalties specified under sections 72B and 72C.</p> | <p>Amendment<br/>of section<br/>26</p> <p>Insertion of<br/>section 26A</p> <p>Repeal and<br/>replacement<br/>of section<br/>28</p> <p>Aiding,<br/>abetting,<br/>conspiracy,<br/>etc of<br/>terrorism or<br/>proliferation</p> |
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Amendment of section 29	<b>13.</b> Section 29 of the principal Act is amended by the deletion of the words “a terrorist act” and the substitution therefor of the word “terrorism”.
Amendment of section 30	<b>14.</b> Section 30 of the principal Act is amended— <ul style="list-style-type: none"> <li>(a) by the deletion of the marginal note and the substitution therefor of the following:               <p style="margin-left: 40px;">Habouring, concealing, etc of terrorism, terrorism financing, proliferation or proliferation financing;</p> </li> <li>(b) in subsection (1)(a), by the deletion of the words “a terrorist act” and the substitution therefor of the word “terrorism”; and</li> <li>(c) in subsection (3)(a), by the deletion of the words “a terrorist act” and the substitution therefor of the word “terrorism”.</li> </ul>
Amendment of section 31	<b>15.</b> Section 31 of the principal Act is amended by the deletion of— <ul style="list-style-type: none"> <li>(a) the marginal note and the substitution therefor of the following:               <p style="margin-left: 40px;">Conspiring to commit terrorism, terrorism financing, proliferation or proliferation financing</p> </li> <li>(b) subsection (1) and the substitution thereof of the following:               <ul style="list-style-type: none"> <li>(1) A person who conspires to commit an act of terrorism, financing, proliferation or proliferation financing commits an offence and is liable, on conviction, to the penalties specified under section 19, 20, 21 or 22.</li> </ul> </li> </ul>
Repeal and replacement of Section 32	<b>16.</b> The principal Act is amended by the repeal of section 32 and the substitution therefor of the following:
Fundraising and other support	<b>32.</b> (1) A person commits an offence if that person— <ul style="list-style-type: none"> <li>(a) invites another person to provide or make available funds or other assets for the purpose of terrorism, terrorism financing, proliferation or proliferation financing; or</li> <li>(b) knowingly provides or make available funds or other assets, where an invitation is made under paragraph (a).</li> </ul> <p>(2) A person who commits an offence under subsection (1) is liable, on conviction, to the penalties specified under sections 19, 20, 21 or 22.</p>

(3) A reference in this section to the provision of funds or other assets is a reference to the funds or other assets being given, lent or otherwise made available, whether or not for consideration.

17. The principal Act is amended by the repeal of Part V and the substitution therefor of the following new Part:

Repeal and  
replacement  
Part V

## PART V

### IMPLEMENTATION OF TARGETED FINANCIAL SANCTIONS

43. (1) The Minister shall, on the recommendation of the Centre, nationally list a person, group or entity as prescribed in accordance with the United Nations Security Council Resolution 1373.

(2) The determination by the Minister to nationally list a person, group or entity in accordance with subsection (1) shall be done *ex-parte* and shall not be conditional on the existence of a criminal proceeding.

(3) The Centre shall, on national listing by the Minister under subsection (1)—

(a) without delay, communicate the national list to a reporting entity, supervisory authority, State institution or any other person or entity or a virtual asset service provider, for implementation as prescribed; and

(b) follow the prescribed procedures and standard forms for listing, as adopted by the relevant United Nations Security Council Sanctions Committee.

44. (1) Subject to the Mutual Legal Assistance in Criminal Matters Act, a foreign State may, pursuant to United Nations Security Council Resolutions 1373 or any other international obligation, make a request to the Attorney General for the national listing of a person, group or entity.

Request  
from  
foreign State  
Cap. 98

(2) The request referred to under subsection (1) shall provide—

(a) as much relevant information as possible on the person, group or entity proposed to be nationally listed, including sufficient identifying information to allow for the accurate and positive identification of the person, group or entity;

(b) a statement containing as much detail as possible, the basis for the proposed national listing, including specific information to support a determination that the person, group or entity meets the relevant designation criteria as prescribed; and

(c) any other relevant information or documents that may be necessary to support the request for national listing.

(3) The Attorney-General shall, within three days of receipt of the request referred to under subsection (1), submit the request to the Minister.

(4) The Minister shall, within three days of receipt of the request referred to under subsection (3), submit the request to the Centre.

(5) The Centre shall, within seven days of receipt of a request referred to under subsection (4), assess whether there are reasonable grounds, or a reasonable basis, to suspect or believe that the proposed person, group or entity meets the criteria for designation under United Nations Security Council Resolution 1373.

(6) The Centre shall, where the Centre determines that the request made under this section meets the criteria under subsection (5), without delay, submit a recommendation for national listing of that person, group or entity to the Minister.

(7) The Minister shall, on receipt of the recommendation under subsection (6), cause the national listing of a person, group or entity, and notify the Attorney-General of the national listing.

(8) The Attorney-General shall, on receipt of the notification under subsection (7), notify the foreign State of the national listing.

(9) A national listing made under this section shall—

(a) be done *ex-parte*; and

(b) not be made conditional on the existence of criminal proceedings relating to that person, group or entity.



**45.** (1) The United Nations sanctions list shall take effect in the Republic on designation by a relevant United Nations Sanctions Committee.

United  
Nations  
sanctions  
list

(2) The Minister shall, on the recommendation of the Centre, propose a person, group or entity to a relevant United Nations Sanctions Committee for designation as prescribed.

(3) A proposal for designation under subsection (2), shall be made *ex-parte* and shall not be conditional on the existence of criminal proceedings.

(4) The Centre shall—

- (a) on a daily basis, monitor the United Nations sanctions list;
- (b) on receipt of the relevant United Nations sanctions list, without delay, communicate the sanctions list to a reporting entity, supervisory authority, State institution or any other person or entity or a virtual asset service provider, for implementation as prescribed; and
- (c) follow the prescribed procedures and standard forms for listing, as adopted by the relevant United Nations Sanctions Committee.

**46.** The Centre shall—

Obligation  
of Centre on  
national  
listing or  
designation

- (a) communicate the national listing or designation made by the Minister or a relevant United Nations Sanctions Committee under sections 43, 44 and 45, without delay, to a reporting entity, supervisory body, State institution, any other person or entity, or a virtual asset service provider, that may be holding targeted funds or other assets in a national newspaper of general circulation or on its website or through electronic mail or any other means;
- (b) notify 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 has taken effect; and

(c) inform the designated person or entity of the availability of the United Nations Office of the Ombudsperson or Focal Point for delisting after the designation has taken effect.

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

**47. (1)** A reporting entity, supervisory body, State institution, any other person or entity or a virtual asset service provider shall, on receipt of the relevant United Nations sanctions list or the national list from the Centre—

(a) without delay and without prior notice, in line with the guidelines issued by the Centre, freeze all funds or other assets, of a nationally listed person, group or entity, or a designated person or entity including—

- (i) all funds or other assets, that are owned or controlled by the nationally listed person, group or entity, or designated person or entity, and which are not necessarily tied to a particular act, plot or threat of terrorism or proliferation;
- (ii) funds or other assets, that are wholly or jointly owned or controlled, directly or indirectly, by a nationally listed person, group or entity, or designated person or entity;
- (iii) the funds or other assets, derived or generated from funds or other assets, owned or controlled directly or indirectly by a nationally listed person, group or entity, or designated person or entity; or
- (iv) funds or other assets, of a person, group or entity acting on behalf of, or at the direction of, a nationally listed person, group or entity, or designated person or entity; and

(b) Subject to paragraph (a), report to the Centre and the relevant competent authority on any assets frozen, attempted transactions, or actions taken in compliance with the implementation of targeted financial sanctions related to terrorism, terrorism financing, proliferation and proliferation financing.

(2) The funds or other assets, frozen under this section shall remain frozen until a nationally listed person, group or entity or a designated person or entity is removed from the national or United Nations sanctions list unless access to funds or other assets is authorised.

(3) A reporting entity, supervisory body, State institution and any other person or entity, or a virtual asset service provider, that contravenes subsection(1) shall be liable to an administrative penalty specified under section 72A.

**48.** There shall not lie or be instituted any criminal, civil or administrative proceedings against a bona fide third party acting in good faith when implementing the obligations under targeted financial sanctions under this Act.

Bona fide  
third party

**49.** (1) A person who appears on the United Nations sanctions list or the national list may submit a request for delisting from the—

Delisting

(a) United Nations sanctions list—

- (i) to the Office of the United Nations Ombudsperson, or to the Focal Point in accordance with the procedures set out in Resolution 1730 (2006) of the United Nations Security Council or any other subsequent or future Resolution; or
- (ii) to the Minister accompanied by supporting information and documents; or

(b) national list, to the Minister.

(2) The request for delisting referred to under subsection (1) shall be made on the following grounds:

- (a) mistaken identity or false positive;
- (b) material and significant changes in facts or circumstances relating to the national listing or designation;

(c) the death, dissolution or liquidation of a designated person or entity, or nationally listed person, group, or entity; or

(d) any other circumstances that demonstrate that the basis for designation or national listing ceases to exist.

(3) Where a request under subsection (1)(a) is submitted to the Minister, the Minister shall, in consultation with the Centre, submit the request to the Office of the United Nations Ombudsperson or to the Focal Point, within ten working days.

(4) The Minister shall, where the Minister receives a request under subsection (1)(b), submit the request to the Centre for determination on whether a person, group or entity meets the grounds for de-listing under subsection (2).

(5) The Centre shall, within sixty days of receipt of the request under subsection (4), submit a recommendation to the Minister for the de-listing of the person, group or entity where the Centre is satisfied that the person, group or entity meets the grounds for de-listing under subsection (2).

(6) The Minister shall, within seven days of receipt of the recommendation under section (5) de-list a nationally listed person, group or entity.

(7) The Minister may, in consultation with the Centre, submit a request for delisting from the United Nations sanctions list spontaneously where the Minister believes that the applicable criteria that led to the designation has ceased to exist.

(8) The Centre shall, where a designated or nationally listed person, group or entity is delisted, communicate the delisting to a reporting entity, supervisory body, State institution, any other person or entity or a virtual asset service provider in a newspaper of general circulation in the Republic or on its website or through electronic mail or any other means available.

**50.** (1) A reporting entity, supervisory body, State institution, any other person or entity or a virtual asset service provider that receives a notice of de-listing under section 49, shall unfreeze the frozen funds or other assets.

Unfreezing  
of funds or  
other assets

(2) A reporting entity, supervisory body, State institution, any other person or entity or a virtual asset service provider that unfreezes frozen funds or other assets under subsection (1) shall, without delay, submit a report to the Centre, in writing, on the funds or other assets unfrozen.

(3) The Centre shall, where a person, group or entity with the same or similar name as the designated or nationally listed person group or entity is inadvertently affected by a freezing mechanism, without delay, direct a relevant reporting entity, supervisory body, State institution, any other person or entity or a virtual asset service provider, to unfreeze the frozen funds or other assets—

(a) on verification that the person, group or entity involved is not a nationally listed person, group or entity; or

(b) on receipt of such an instruction from the relevant United Nations Sanctions Committee in respect of a designated person or entity.

**51.** (1) A person, group or entity shall not deal with funds, other assets, economic resources, or other related resources owned, held or controlled directly or indirectly, wholly or jointly, by or for the benefit of a nationally listed person, group, or entity, or a designated person or entity, an entity owned or controlled, directly or indirectly, by a nationally listed person, group, or entity or a designated person or entity, or a person or entity acting on behalf of, or at the direction of, a nationally listed person, group, or entity, or a designated person or entity, unless licensed, authorised or otherwise notified in accordance with the relevant United Nations Security Council Resolution or by the Centre.

Prohibition  
on dealing  
with funds  
or other  
assets,  
economic  
resources or  
other  
related  
resources

(2) A person who contravenes subsection (1) commits an offence and is liable, on conviction—

(a) in the case of a natural person, to imprisonment for life; or

(b) in the case of a legal person, to the penalties specified under sections 72B and 72C.

(3) In this section, “deal with” means—

(a) in relation to funds—

- (i) use, alter, move, allow access to or transfer;
- (ii) treat the funds or other assets in a way that would result in any change in volume, amount, location, ownership, possession, character or destination; or
- (iii) make any other change that would enable use, including portfolio management; and

(b) in relation to economic resources, exchange or use the resources in exchange for funds, goods or services.

Prohibition  
of making  
funds or  
other assets,  
financial  
services or  
other related  
services  
available to  
designated  
or  
nationally  
listed  
person,  
group or  
entity

**52.** (1) A person, group or entity shall not make any funds or other assets, economic resources, or financial or other related services, available, directly or indirectly, wholly or jointly, to or for the benefit of a nationally listed person, group, or entity, or a designated person or entity, an entity owned or controlled, directly or indirectly, by a nationally listed person, group, or entity or a designated person or entity, or a person or entity acting on behalf of, or at the direction of, a nationally listed person, group, or entity, or a designated person or entity, unless licensed, authorised or otherwise notified in accordance with the relevant United Nations Security Council Resolution or by the Centre.

(2) A person who contravenes subsection (1) commits an offence and is liable, on conviction—

- (a) in the case of a natural person, to imprisonment for life; or
- (b) in the case of a legal person, to the penalties specified under sections 72B and 72C.

53. (1) A person or entity shall not facilitate the acquisition, transportation or other transactions relating to firearms, explosives, chemical, biological, radiological or nuclear weapons or their components within or through the Republic on behalf of a designated person or entity or nationally listed person, group, entity, terrorist organisation or proliferation related entity or for the benefit of that designated or nationally listed person or entity.

(2) A person who knows or reasonably suspects that a transaction under subsection (1) is about to take place shall notify an authorised officer immediately that person becomes aware of that transaction or as soon as practicable after that person becomes aware of the transaction.

(3) An authorised officer who receives information under subsection (2) shall take immediate steps to prevent the performance or conclusion of the transaction.

(4) A person within or outside the Republic commits an offence if that person, directly or indirectly—

- (a) procures, supplies, delivers, sells, brokers, or transfers, imports or exports;
- (b) agrees to procure, supply, deliver, sell, broker, transfer, import or export; or
- (c) does any act calculated to promote the procurement, supply, delivery, brokering, sale, transfer, import or export, of items which are subject to sanctions, firearms, explosives, chemical, biological, radiological or nuclear weapons or their components and related material of all types including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and their spare parts, inclusive of technical advice, services, assistance, or training related to military acts or terrorism to or from—
  - (i) a designated person or entity or nationally listed person, group or entity;
  - (ii) a person or entity controlled or owned directly or indirectly by a designated person or entity or nationally listed person, group, entity, terrorist organisation or proliferation related entity referred to in paragraph (a); or

Prohibition of procuring, supplying, provision, import or export of weapons, arms and related materials, sanctioned items and technical advice, services, assistance and training

- (iii) a person or entity acting on behalf of, or at the direction, of a designated person or entity or nationally listed person, group or entity mentioned in paragraph (a), using a Zambian or non-Zambian flagged vessel or aircraft or aircraft registered in the Republic.

(5) A person who commits an offence under subsection (4) is liable, on conviction, to imprisonment for life.

(6) A person commits an offence if that person directly or indirectly—

(a) procures, supplies, delivers, sells, brokers, transfers, imports or exports;

(b) agrees to procure, supply, deliver, sell, broker, transfer, import or export; or

(c) does any act calculated to promote the procurement, supply, delivery, sale, brokering, transfer, import or export, of items which are not subject to sanctions, to or from, or brokered by—

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

(ii) a person or entity controlled or owned directly or indirectly by a designated person or entity or nationally listed person, group or entity referred to in paragraph (a); or

(iii) a person or entity acting on behalf of, or at the direction of a designated person or entity or nationally listed person, group or entity referred to in paragraph (a) using a Zambian or non-Zambian flagged vessel or aircraft registered in the Republic, shall—

(A) follow the requirements of the applicable United Nations Sanctions Committee;



(B) verify the end use and end use location of such items; and

(C) notify the relevant Security Council Sanctions Committee and where applicable, the International Atomic Energy Agency, within ten days of the supply, sale or transfer of those items.

(7) An officer of customs or an authorised officer may—

(a) search and inspect all cargo to and from a designated country, including cargo on an aircraft or a vessel, where reasonable grounds, or a reasonable basis, exist to suspect or believe a violation of applicable United Nations Security Council Resolutions and sanctions related to terrorism, terrorism financing, proliferation or proliferation financing;

(b) seize 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 and proliferation financing; or

(c) cause the disposal of any items subject to sanctions, arms and related materials 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.

(8) Where a search and inspection is refused by a flagged vessel of another State, the officer of customs or an authorised officer shall—

- (a) through the Ministry responsible for foreign affairs, request the flag State permission to carry out a cargo search and inspection; and
- (b) where a requested flag State refuses a search and inspection under paragraph (a), request the flag State, through the Ministry responsible for foreign affairs, to instruct the vessel to proceed to an appropriate and convenient port for the required search and inspection.

(9) Where a search is still refused under subsection (8), an officer of customs or an authorised officer shall impound the vessel and conduct the search in accordance with this section or deny the flagged vessel entry into the territory of the Republic.

(10) An officer of customs or an authorised officer shall inform the Centre of the action taken within seven days after—

- (a) conducting a search and inspection of cargo under subsection (7)(a);
- (b) seizure of an item subject to sanctions under subsection (7)(b); or
- (c) disposal of an item subject to sanctions under subsection (7)(c).

(11) A person, entity and any officer of customs or an authorised officer, shall cause the refusal of any bunkering service to be provided to a vessel or aircraft, where—

- (a) reasonable grounds exist to suspect a United Nations Security Council resolution or sanctions violation; or
- (b) a search or inspection is refused under this section, except where those services are necessary for humanitarian purposes or until such time as the cargo has been inspected, or seized and disposed of, if necessary.

(12) A person shall not—

- (a) directly or indirectly interfere with an officer of customs or an authorised officer in the exercise of their functions under this section; or

(b) provide bunkering services in contravention of this Act.

(13) A person who contravenes this section, commits an offence and is liable, on conviction—

(a) in the case of a natural person—

- (i) for a first offence, to imprisonment for a term of not less than twenty years but not exceeding twenty-five years; or
- (ii) for a second or subsequent offence, to imprisonment for life; or

(b) in the case of a legal person, to the penalties specified under sections 72B and 72C.

**53A.** (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 person or entity or nationally listed person, group or entity or restricted goods specified by the Minister, on the recommendation of the Centre, by *Gazette* notice.

Prohibition  
of  
transporting  
designated or  
nationally  
listed person  
etc or goods

(2) A person shall not carry a designated or nationally listed person or group 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—

(a) in the case of a natural person, to imprisonment for life; or

(b) in the case of a legal person, to the penalties specified under sections 72B and 72C.

**53B.** (1) A designated person or entity or nationally listed person, group or entity 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.

Prohibition  
of transit by  
designated  
or nationally  
listed  
person or  
group

(2) Despite the provisions of any other law, the Director-General of Immigration shall not knowingly grant a visa to a designated or nationally listed person unless the Director-General has obtained the advice of the Centre that the issuance of the visa is consistent with a determination of the United Nations Security Council referred to in subsection (1).

(3) A person who contravenes this section commits an offence and is liable, on conviction, to a fine not exceeding one million penalty units or to imprisonment for a term not exceeding ten years, or to both.

(4) The provisions of this section shall not be construed as varying or waiving the requirements imposed by the Immigration and Deportation Act, 2010.

Act No. 18  
of 2010  
Permitted  
Transit

**53C.** Despite the provisions of sections 53A and 53B, a designated person or entity or nationally listed person, group or entity shall not be prevented from entering or transiting through the Republic where the—

- (a) designated or nationally listed person is a citizen;
- (b) entry or transit is necessary for compliance with a judicial process; or
- (c) appropriate United Nations Sanctions Committee determines, on a case by case basis, that the entry or transit is justified.

Access to  
frozen  
funds

**53D.** (1) A reporting entity, supervisory authority, State institution or any other person or entity, or a virtual asset service provider, that holds funds or other assets, frozen under this Act, shall allow—

- (a) addition of interest or other earnings due on the frozen account; or
- (b) payments due under contract, agreements or obligations that arose before the account was frozen.

(2) The interest, other earning or payments referred to under subsection (1) shall be frozen on being credited.

(3) Despite subsection (1) a freezing action taken pursuant to United Nations Security Council Resolution 1737 and continued by United Nations Security Council Resolution 2231, or taken pursuant to United Nations Security Council Resolution 2231 or any other successor Resolutions shall not prevent a designated person or entity from making any payment due under a contract entered into prior to the designation or listing of that person or entity, provided that the Centre has—

- (a) determined that the contract is not related to any of the prohibited items, materials, equipment, goods, technologies, assistance, training, financial assistance, investment, brokering or services referred to in United Nations Security Council Resolution 2231 and any future successor resolutions;
- (b) determined that the payment is not directly or indirectly received by a person or entity subject to the measures in paragraph 6 of Annex B to United Nations Security Council Resolution 2231; and
- (c) submitted prior notification to the United Nations Security Council of the intention to make or receive such payments or to authorise, where appropriate, the unfreezing of funds, other financial assets or economic resources for this purpose, within ten working days prior to such authorisation.

(4) A person, group, or entity whose funds or other assets have been frozen under this Act may submit a request, to the Minister, for authorisation to access the frozen funds or other assets to settle basic expenses or extraordinary expenses.

(5) The request to the Minister under subsection (4) shall be accompanied by the necessary supporting documents and specification of the amount to which access is requested.

(6) The Minister shall on receipt of the request under subsection (4), submit the request to the Centre for examination.

(7) The Centre shall, when examining a request received under subsection(6) where a person, group or entity is nationally listed, analyse the request and make a recommendation to the Minister within five working days from the date of receipt of the request from the Minister.

(8) The Minister may, within five working days of receipt of the recommendation from the Centre under subsection (7)—

- (a) authorise the access to frozen funds or other assets and state the amount to be unfrozen, and notify the Centre to direct a reporting entity, supervisory authority, State institution, any other person or entity or a virtual asset service provider, holding the frozen funds or other assets, to take necessary measures to implement the decision; or
- (b) reject the request and notify the nationally listed person, group or entity of the rejection, stating the reasons for the decision.

(9) The Minister shall, where the request under subsection (4) relates to a designated person or entity, submit the request to the United Nations Ombudsperson or Focal Point Person under the relevant United Nations Sanctions Committee for determination and notify the Centre.

(10) The Minister shall, on receipt of the decision to the request under subsection (9), within three working days, inform the Centre of the decision.

(11) The Centre shall, on receipt of the decision under subsection (10)—

- (a) where the request is granted to access frozen funds or other assets—
  - (i) direct a relevant reporting entity, supervisory authority, State institution or any other person or entity, or a virtual asset service providers, holding the frozen funds or other assets to take necessary measures to unfreeze the funds or other assets; and
  - (ii) inform the designated person or entity of the decision, in writing; or

(b) where the request is rejected, inform the designated person or entity of the rejection.

(12) A relevant reporting entity, supervisory authority, State institution or any other person or entity, or a virtual asset service provider that unfreezes funds or other assets under this section shall, within five working days, submit a report in writing, to the Centre of the action taken including any relevant information and how funds or other assets used to pay for extraordinary expenses are managed.

(13) The Centre shall, where the report submitted under subsection (12) relates to a designated person or entity submit the report to the relevant United Nations Sanctions Committee in accordance with any procedures or standard forms provided by the United Nations.

**53E.** A person who participates in activities knowing that the object or effect of those activities is to directly or indirectly circumvent, enable or formulate the contravention of provisions of this Part, commits an offence and is liable, on conviction, to a fine of one million penalty units or to imprisonment for a term of ten years, or to both.

Circumventing prohibitions

**18.** Section 55 (1) of the principal Act is amended by the insertion of the words “or a reasonable basis to suspect or” immediately after the words “reasonable grounds”.

Amendment of section 55

**19.** The principal Act is amended by the repeal of section 56 and the substitution therefor of the following:

Repeal and replacement of section 56

**56.** (1) The Director-General may, where the Director-General has reasonable grounds to suspect that in, or on, any premises there is commission of a crime under this Act or an offence is reasonably suspected to have been committed an offence under this Act, by order, in writing, authorise an anti-terrorism officer or authorised officer to—

Power of entry, search and seizure

(a) enter the premises and search for, seize and detain any property, book or document;

(b) search any person who is in, or on, the premises, and detain that person or remove the person to any place in order to facilitate the search;

(c) detain any person who is in, or on, the premises in whose possession or control any article or chemical, biological, radiological or nuclear material or any property is found, whom the anti-terrorism officer or authorised officer reasonably suspects or believes to have concealed or deposited the article or material;

(d) break open, examine and search any article, container or receptacle; and

(e) stop, search and detain any conveyance.

(2) An anti-terrorism officer or authorised officer under subsection (1) may, if it is necessary to do so—

(a) break open any outer or inner door or window of any premises;

(b) forcibly enter the premises or any part of it;

(c) remove by force any obstruction to entry, search, seizure and removal; or

(d) detain any person found in, or on, the premises until the premises is searched.

(3) An article or chemical, biological radiological or nuclear material seized under this section shall be presented to a specialised analyst at the Centre or any other relevant institution in or outside the Republic for analytical and scientific examination where need arises.

Repeal and  
replacement  
of section  
57

**20.** The principal Act is amended by the repeal of section 57 and the substitution therefor of the following:

Search,  
seizure and  
inspection

**57.** (1) An anti-terrorism officer or authorised officer may, with a warrant, at any time—

(a) enter and search any premises including a private dwelling, where information or documents which may be relevant to an investigation or inspection may be kept;

(b) search any person on the premises if there are reasonable grounds to suspect or believe that the person has personal possession of any



document or article that has a bearing on the investigation or inspection, except that a person shall only be searched by a person of the same sex;

(c) examine any document or article found on the premises that has a bearing on the investigation or inspection;

(d) require information to be given about any document or article by—

(i) the owner of the premises;

(ii) the person in control of the premises;

(iii) any person who has control of the document or article; or

(iv) any other person who may have the information;

(e) take extracts from, or make copies of, any book or document found on the premises that has a bearing on the investigation or inspection;

(f) use any computer system on the premises, or require assistance of any person on the premises to use that computer system to—

(i) search any data contained in, or available from, the computer system;

(ii) reproduce any record from the data; or

(iii) seize any output from the computer for examination and copying; or

(g) attach and, if necessary, remove from the premises for examination and safeguarding any document or article that appears to have a bearing on the investigation or inspection.

(2) An anti-terrorism officer or authorised officer who removes any document or article from any premises in accordance with subsection (1)(g) shall—

(a) issue a notice of seizure for the document or article to the owner of, or person in control of, the premises; and

(b) return the document or article as soon as practicable after achieving the purpose for which it was removed.

(3) A person shall not—

(a) unreasonably delay or obstruct an anti-terrorism officer or authorised officer, in the performance of the anti-terrorism officer's or authorised officer's functions;

(b) refuse to give an anti-terrorism officer or authorised officer any reasonable assistance that the anti-terrorism officer or authorised officer may require for the purpose of exercising that anti-terrorism officer's or authorised officer's powers; or

(c) give an anti-terrorism officer or authorised officer false or misleading information in answer to an inquiry made by the anti-terrorism officer or authorised officer.

(4) A person who contravenes subsection (3) commits an offence and is liable, on conviction, to a fine not exceeding seven hundred thousand penalty units or to imprisonment for a term not exceeding seven years, or to both.

(5) An anti-terrorism officer or authorised officer shall furnish the Director-General with a written report and any other information relating to an inspection or investigation that the Director-General may require.

Amendment  
of Section  
66

**21.** Section 66 of the principal Act is amended by the deletion of subsection(1) and the substitution therefor of the following:

Request to  
foreign  
States

(1) The Attorney-General may make a request to a foreign State to either—

(a) designate a person or entity by providing as much identifying information as possible, and specific information supporting the designation; or

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

directly or indirectly by the nationally listed person, group or entity or designated person or entity.

**22.** Section 72A of the principal Act is amended by the deletion of subsection (1) and the substitution therefor of the following: Amendment of section 72A

(1) A legal person who commits any offence under this Act shall be liable to one or more of the following civil or administrative sanctions and the civil or administrative proceedings shall not preclude parallel criminal proceedings:

(a) dissolution of the legal person;

(b) subject to the Forfeiture of Proceeds Crime Act, 2010, forfeiture of funds or other assets; Act No. 19 of 2010

(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.

**23.** The principal Act is amended by the insertion of the following new sections immediately after section 72A: Insertion of sections 72B, 72C, 72D and 72E

**72B.(1)** A legal person that commits an offence under this Act for which a penalty has not been provided is liable, on conviction, to— Applicable penalties for legal persons

(a) a fine of not less than twenty million penalty units but not exceeding one hundred million penalty units; or

(b) dissolution subject to the Companies Act, 2017, where the legal person was created with the exclusive or predominant purpose of intention of committing the crime or when the repeated criminal practice shows that it is being used for that purpose by those in a managerial position within the legal person. Act No. 10 of 2017

(2) A legal person that is dissolved in accordance with subsection 1(b) shall cease all activities and the funds or other assets of that legal person shall be forfeited to the State.

(3) A legal person, may, where a fine imposed under subsection (1) is greater than the earnings and the economic and financial situation of that legal person, apply to the High Court to pay the fine in instalments.

(4) The High Court shall, where the High Court grants an application under subsection (1), authorise the payment of the fine in instalments for a period not exceeding one year.

(5) Where a legal person authorised to pay a fine in instalments under subsection (4)—

(a) omits to pay an instalment, the whole fine imposed under subsection (1)(a) shall become due and payable; and

(b) fails to pay the amount due under paragraph(a), the funds or other assets of the legal person shall, subject to the Forfeiture of Proceeds Crimes Act, 2010, be forfeited to the State.

(6) The fine referred to under subsection 1(a) shall be doubled where—

(a) the offence was committed for profit; or

(b) the defendant has the capacity to pay taking into consideration the defendant's economic and financial situation.

**72C.** (1) In addition to the penalties imposed under section 72B, the High Court may order any of the following penalties:

(a) temporary prohibition to exercise an activity that led to the commission of the crime;

(b) temporary suspension from entering into a contract with a public or private body;

(c) deprivation of entitlement to public grants, subsidies or incentives; or

(d) temporary closure of the legal person.

(2) The penalties referred to under subsection (1) shall be for a minimum of three months but not exceeding two years.

Act No. 19  
of 2010

Additional  
penalties for  
legal  
persons

**72D.** (1) The Centre may issue guidelines as are necessary for the better carrying out of the provisions of this Act. Guidelines

(2) Without prejudice to the generality of subsection (1), the Centre shall issue guidelines relating to—

- (a) the obligations of a reporting entity, supervisory authority, State institution and any other person or entity, or a virtual asset service provider that may be holding targeted funds or other assets in taking action under a freezing mechanism; or
- (b) procedures to de-list and unfreeze funds or other assets of a person, group or entity that no longer meets the criteria for designation or national listing.

(3) The guidelines issued by the Centre under subsections (1) and (2) shall bind all persons specified under this Act.

(4) The Centre shall publish the guidelines on its website, or in a daily newspaper of general circulation in the Republic or the *Gazette*.

**72E.** A nationally listed person, group or entity that is aggrieved with the decision of the Minister may appeal to the High Court. Appeals

**24.** The principal Act is amended by the deletion of the words— General amendment

- (a) “Director” wherever the word appears, and the substitution therefor of the word “Director-General”; and
- (b) “applicable United Nations Security Council Resolutions” and the substitution therefore of the words “relevant United Nations Security Council Resolutions”.

**25.** The principal Act is amended by the repeal of the Second Schedule and the substitution therefor of the Schedule set out in the appendix. Amendment of Second Schedule

**APPENDIX***(Section 25)***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 Combatting of Terrorism, 1999;
  16. The International Convention for the Suppression of the Financing of Terrorism, 1999;
  17. The International Convention for the Suppression of Acts of Nuclear Terrorism, 2005;
  18. The Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 2005; and
  19. The Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, 2005.
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