

GOVERNMENT OF ZAMBIA

STATUTORY INSTRUMENT NO. 1 of 2024

The Anti-Terrorism and Non Proliferation Act
(Act No. 6 of 2018)

The Anti-Terrorism and Non Proliferation
(Implementation of United Nations Security Council
Resolutions) Regulations, 2024

ARRANGEMENT OF REGULATIONS

PART I

PRELIMINARY PROVISIONS

Regulation

1. Title
2. Interpretation

PART II

LISTING AND DE-LISTING

3. National listing
4. Request for national listing from foreign State
5. Request for listing and freezing to foreign State
6. Notifying nationally listed person, group or entity of national listing
7. Proposing name of person, group or entity for designation to Sanctions Committee
8. Freezing of assets held by nationally listed person, group or entity
9. Duty to report freezing of funds
10. Freezing of funds or other assets held by designated person, group or entity
11. Claim by *bona fide* third party
12. Recommendation to de-list

13. Notice of de-listing
14. Request to office of Ombudsperson or office of Focal Point for de-listing
15. Unfreezing of funds or other assets following de-listing from United Nations Security Council sanctions list
16. Asset freeze after de-listing
17. Application to unfreeze where funds or other assets were frozen in error
18. Request by designated person to utilise frozen funds or other assets

PART III

RESTRICTIVE MEASURES AND SANCTIONS IN RELATION TO DESIGNATION OR NATIONALITY LISTED PERSON, GROUP OR ENTITY

19. Prohibition of dealing with funds or other assets held by designated or nationally listed person, group or entity
20. Prohibition of travel by designated or nationally listed person or entity

PART IV

GENERAL PROVISIONS

21. Notice of amendment of designation or national list
22. Reporting obligations
23. Power to request information
24. Production of documents
25. Failure to comply with request for information
26. Disclosure of information by Centre
27. Appeals
28. Offences by principal officers of body corporate or unincorporate body
29. Application of Part

PART I

PRELIMINARY PROVISIONS

IN EXERCISE of the powers contained in section 71 of the Anti Terrorism and Non Proliferation Act, 2018, and in consultation with the Centre, the following Regulations are made:

1. These Regulations may be cited as the Anti-Terrorism and Non Proliferation (United Nations Security Council Resolutions Implementation) Regulations, 2024.

Title
2. (1) In these Regulations, unless the context otherwise requires—

Interpretation
- “authorised officer” has the meaning assigned to the words in the Act;
- “Centre” has the meaning assigned to the word in the Act;
- “child” has the meaning assigned to the word in the Constitution;

Cap. 1
- “designation” has the meaning assigned to the word in the Act;
- “group” has the meaning assigned to the word in the Act;
- “Financial Intelligence Centre” means the Financial Intelligence Centre established under the Financial Intelligence Centre Act, 2010;

Act No. 46 of 2010
- “legal practitioner” has the meaning assigned to the word “practitioner” in the Legal Practitioner’s Act;

Cap. 30
- “Office of the Focal Point” means the office established within the United Nations Secretariat under the applicable United Nations Security Council Resolution;
- “Office of the Ombudsperson” means the office established by the applicable United Nations Security Council Resolution to review a request from a designated person, group or entity seeking to be removed from the United Nations sanctions list;
- “ national listing” has the meaning assigned to the words in the Act;
- “ nil return report” means a document issued by a reporting entity, supervisory authority, State institution or any other person or entity informing the Centre that no funds or other assets have been identified for purposes of freezing;

- Act No. 46 of 2010 “reporting entity” has the meaning assigned to the words in the Financial Intelligence Centre Act, 2010;
- “Sanctions Committee” means the relevant United Nations Security Council Committee;
- Act No. 46 of 2010 “supervisory authority” has the meaning assigned to the words in the Financial Intelligence Centre Act, 2010;
- Cap. 1 “State institution” has the meaning assigned to the words in the Constitution; and
- “without delay” has the meaning assigned to the words in the Act.

PART II

LISTING AND DE-LISTING

- National listing 3. (1) The Minister shall, on the recommendation of the Centre, nationally list a person, group or entity where—
- (a) that person, group or entity is alleged to have committed or attempted to commit an offence, or has been convicted of an offence under the Act; and
 - (b) the Centre, based on information received has reasonable grounds to believe that—
 - (i) a person, group or entity is engaged in terrorism, terrorism financing, proliferation or proliferation financing;
 - (ii) a group or entity is owned, wholly or jointly, by a nationally listed person, group or entity, or a designated person, group or entity;
 - (iii) a person, group or entity is controlled, directly or indirectly, by a nationally listed person, group or entity, or a designated person, group or entity;
 - (iv) is acting on behalf or at the direction of a nationally listed person, group or entity, or a designated person, group or entity;
 - (v) is participating or has participated in the financing, planning, facilitating, preparation or perpetrating of an act or activity by, in conjunction with, under the name of, on behalf of, or in support of, a designated person, group or entity or nationally listed person, group or entity; or

- (vi) intends to harm the public and national listing is necessary for purposes of protecting the public from terrorism, terrorism financing, proliferation or proliferation financing.

(2) The recommendation referred to under subregulation (1) shall include, where applicable

(a) a person's—

- (i) title, given names, name of group or entity, family name or surname, pseudonym and alias name, alternative name, spelling of the name of the person, group or entity;
- (ii) place and date of birth;
- (iii) original or acquired nationality;
- (iv) identity card or registration number, passport or travel document number and the date and place of issue and expiration date of that identity card, registration number, passport or travel document;
- (v) gender;
- (vi) current and previous physical, postal and electronic mail address;
- (vii) biometric information including a physical description, photograph and fingerprints; and
- (viii) occupation;

(b) a group's information in relation to that group's name, short names or acronyms and other names by which the entity is known or was formerly known, operational area, physical, electronic and postal address, contact number, organisational linkages, nature of activity, state of main activity and name of founders and leaders; and

(c) the entity's information in relation to an entity'—

- (i) company name, short name, acronyms of the company, and other names by which the company is known or was formerly known;
- (ii) address of registered office, contact number, website addresses, headquarters, branches or subsidiaries or organisational linkages, parent company;
- (iii) nature of business or activity, status of business activity and financial status;

(iv) names of directors, shareholders and beneficial owners, the date of registration or incorporation, including the registration number and any other entity identification information; and

(v) name of registered trust or legal arrangement, physical, postal and electronic mail address and contact number;

(vi) names of trustees or persons exercising ultimate control of the trust or legal arrangement, beneficial owners of the trust or legal arrangement; and

(vii) date of registration or incorporation of the trust or legal arrangement, including the registration number and any other entity identification information;

(d) alleged offence or offence attempted to have been committed, or for which a person, group or entity was convicted of; and

(e) any other relevant information that the Centre may consider necessary.

(3) The Minister shall, on receipt of the recommendation under subregulation (1) from the Centre, issue a national listing of a person, group or entity in accordance with section 43 of the Act.

(4) The national listing referred to under subregulation (3) shall contain information accurately identifying a person, group or entity and the reasons for the national listing.

Request for
national
listing from
foreign
State
Cap. 98

4. (1) Subject to the Mutual Legal Assistance in Criminal Matters Act, a foreign State may make a request to the Attorney-General for the national listing of a person, group or entity.

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

(a) relevant information relating to a person, group or entity for national listing including an accurate and positive identification of the person, group or entity;

(b) a detailed statement showing that the request meets the grounds for national listing specified under regulation 3(1); and

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

(3) The Attorney-General shall, on receipt of the request referred to under subregulation (1), without delay, submit the request to the Minister.

(4) The Minister shall, on receipt of the request under subregulation (3), without delay, submit the request to the Centre.

(5) The Centre shall, on receipt of a request under subregulation (4), without delay, assess whether there are reasonable grounds for the national listing of a person, group or entity.

(6) The Centre shall, where the Centre determines that the request made under subregulation (1) has reasonable grounds for the national listing of a person, group or entity, 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 subregulation (6), cause the national listing of person, group or entity, and notify the Attorney-General of the national listing.

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

(9) A national listing made under this regulation shall

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

(b) operate without prior notice to the person, group or entity.

5. (1) Subject to section 66 of the Act and the Mutual Legal Assistance in Criminal Matters Act, the Minister may, through the Attorney-General, request a foreign State to list and freeze funds or other assets of a person, group or entity.

Request for
listing and
freezing to
foreign State

Cap. 98

(2) The request under subregulation (1) shall provide—

(a) relevant information relating to a person, group or entity for national listing including an accurate and positive identification of the person, group or entity; and

(b) any other relevant information relating to a person, group or entity for listing.

(3) For purposes of this regulation, the word “listing” means the listing of a person, group or an entity by the relevant authority in a foreign State, which is identified as being engaged in or involved with acts of terrorism, terrorism financing, proliferation or proliferation financing and is subject to targeted financial sanctions.

6. (1) The Centre shall, within five days of a national listing of a person, group or entity under regulations 3 and 5, notify a person, group or entity on a national listing, in writing of the

Notifying
nationally
listed
person,
group or
entity of
national
listing

(a) national listing;

(b) reasons for the national listing;

(c) implications of the national listing;

(d) procedure for review against the national listing and information on de listing in accordance with section 43A (1) (b) of the Act;

(e) right to make a request to utilise part of the frozen funds or other assets; and

(f) right to make a request for a travel ban exemption.

(2) The implications of a national listing in accordance with the Act may include the imposition of an asset freeze, a travel ban and an arms embargo.

Proposing
name of
person,
group or
entity for
designation
to Sanctions
Committee

7. (1) The proposed names for designation under section 43(2) of the Act shall contain, a person, entity or group's—

(a) accurate and positive identification; and

(b) a detailed statement showing—

(i) the grounds for listing;

(ii) the relevant criteria for designation;

(iii) the details of any connection between the person, entity or group proposed to be designated and the designated person, entity or group; and

(iv) any other relevant information relevant for designation.

(2) The Minister shall, on making a proposal for designation in accordance with the Act—

(a) inform the relevant Sanctions Committee whether the information provided under subregulation 1(b) shall be treated confidentially; and

(b) specify whether the relevant Sanctions Committee may make it known that the Republic is the designating State.

Freezing of
assets held
by
nationally
listed
person,
group or
entity

8. (1) A reporting entity, supervisory authority, State institution, person or entity shall, on receipt of the national listing in accordance with the Act, without delay, and prior notice to a person, group or entity on the national listing, identify and freeze all funds or other assets—

(a) owned or controlled by a person, group or entity;

(b) wholly or jointly owned or controlled, directly or indirectly, by a person, group or entity;

(c) derived from or generated by funds or assets owned or controlled directly or indirectly by a person, group or entity; or

(d) of a person, group or entity acting on behalf of, or at the direction of a person, group or entity.

(2) The funds or assets frozen under subregulation (1) shall remain frozen until a person, group or entity is de listed in accordance with these Regulations.

(3) A reporting entity, supervisory authority, State institution, person or entity shall not, except in accordance with these Regulations, make funds or other assets, financial or other related services available directly or indirectly to a person, group or entity on a national listing or to—

(a) an entity that is wholly or jointly owned by a person, group or entity on a national listing;

(b) a person, group or entity that is controlled directly or indirectly by a person, group or entity on a national listing;

(c) a person, group or entity acting on behalf of a person, group or entity on a national listing; or

(d) a person, group or entity acting at the direction of a person, group or entity on a national listing.

(4) A reporting entity, supervisory authority, State institution, person or entity shall for purposes of proper management of frozen assets, keep a record of funds or other assets frozen in accordance with this regulation.

(5) A reporting entity, supervisory authority, State institution, person or entity that contravenes subregulation (1), (2) or (3) commits an offence and is liable, on conviction, to a fine not exceeding three hundred thousand penalty units.

(6) Where funds or other assets have been frozen, nothing shall prevent any interest which may accrue, or other earnings due, on the frozen funds or other assets of the nationally listed person, group or entity, or payments due under contracts, agreements or obligations that arose prior to the date on which those funds or other assets became subject to being frozen, except where any such interest, earnings and payments continue to be subject to the freezing.

9. (1) A reporting entity, supervisory authority, State institution, person or entity that freezes funds or other assets shall without delay, inform the Centre, in writing, of the

Duty to report freezing of funds

(a) funds or assets seized; and

(b) the particulars of any funds or other assets frozen, including transactions and attempted transactions relating to the funds or other assets.

(2) A reporting entity, supervisory authority, State institution, person or entity shall, where a reporting entity, supervisory authority, State institution, person or entity searches a database and does not identify any funds or other assets to freeze, prepare a nil return report, and without delay submit the report to the Centre.

(3) The particulars required under subregulation (1) (b) shall include in relation to a reporting entity

(a) that is a financial service provider the—

- (i) account number and name of the account holder;
- (ii) time of the freezing of the funds or other assets;
- (iii) balance of the account at the time of freezing of the funds or other assets;
- (iv) related accounts, if any, including the balance of funds or other assets in the accounts at the time of freezing; and
- (v) grounds for the identification of the related accounts; and

(b) that is a supervisory authority, State institution, other person or entity the—

- (i) nature and description of the funds or other assets;
- (ii) name of the owner or holder of the funds or other assets;
- (iii) mode and date of acquisition of the funds or other assets;
- (iv) location of the funds or other assets; and
- (v) transactions relating to the funds or other assets.

(4) A reporting entity, supervisory authority, State institution, person or entity that contravenes subregulation (1) commits an offence and liable to an administrative sanction specified in section 72A of the Act.

Freezing of funds or other assets held by designated person, group or entity

10. (1) A reporting entity, supervisory authority, State institution, person or entity shall, where a sanctions list from the relevant Sanctions Committee has been circulated, without delay and prior notice, identify and freeze funds or other assets of a designated person, group or entity that are

- (a) owned or controlled by a designated person, group or entity;
- (b) wholly or jointly owned or controlled, directly or indirectly, by a designated person, group or entity;

- (c) derived from or generated by funds or other assets owned or controlled directly or indirectly by a designated person, group or entity;
- (d) of a person, group or entity acting on behalf of a designated person, group or entity;
- (e) of a person, group or entity acting at the direction of a designated person, group or entity; or
- (f) held in the name of an associate or relation of a designated person, group or entity.

(2) A reporting entity, supervisory authority, State institution, person or entity shall for purposes of proper management of assets frozen in accordance with this Regulation, keep a record of funds or other assets frozen against the name of an owner of the asset or beneficial owner.

(3) Subject to these Regulations, a reporting entity, supervisory authority, State institution, person or entity shall not make frozen funds, other assets, financial or other related services available, directly or indirectly, to a designated person group or entity, for the benefit of—

- (a) a person, group or entity wholly or jointly owned or controlled, directly or indirectly, by a designated person, group or entity;
- (b) a person, entity or group acting on behalf of a designated person, group or entity; or
- (c) a person, group or entity acting at the direction of a designated person, group or entity.

(4) A reporting entity, supervisory authority, State institution, person or entity that contravenes subregulations (1) or (2) commits an offence and is liable, on conviction, to a fine not exceeding three hundred thousand penalty units.

11. (1) A person, group or entity claiming to have a *bona fide* right, title or interest to funds or other assets frozen in accordance with these Regulations may apply to the Minister for the exclusion of that person, group or entity's right, title or interest from the freezing action.

Claim by
bona fide
third party

(2) The application referred to in subregulation (1) shall be accompanied by a sworn or affirmed statement setting out

- (a) the nature and extent of the right, title or interest of the person, group or entity in the funds or other assets frozen;

(b) the time and circumstances of the person, group or entity's acquisition of the right, title or interest in the funds or other assets; and

(c) any additional facts to support the application.

(3) The Minister shall, on receipt of the application referred to under subregulation (1), without delay, submit the application to the Centre for determination on whether a person, group or entity has a *bona fide* right, title or interest to the frozen funds or other assets.

(4) The Centre shall, within sixty days of receipt of the application referred to under subregulation (3), submit a recommendation to the Minister for the exclusion of a person, group or an entity's right, title or interest from the freezing action where the Centre is satisfied that the person, group or entity

(a) has a right, title or interest in the frozen funds or other assets;

(b) has or had no participation, collusion or involvement in terrorism, terrorism financing, proliferation or proliferation financing;

(c) lacked knowledge and was not intentionally ignorant of the illegal use of the funds or other assets;

(d) had knowledge and did not freely consent to the use of the frozen funds and other assets for an illegal purpose;

(d) did not acquire any right in the funds or other assets from a designated person, group or entity or a person, group or entity on a national listing for the purpose of avoiding the subsequent freezing of the funds or other assets; or

(e) took reasonable steps to prevent the illegal use of the funds or other assets.

(5) The Minister shall, on the recommendation of the Centre, within seven days, grant or reject the application referred to under subregulation (1).

(6) The Centre shall, where the Minister grants an application under subregulation (5), inform a person, group, entity, the relevant reporting entity, supervisory authority, State institution, person or entity, in writing, of a person, group or entity's exclusion due to a right, title or interest in the frozen funds or other assets.

(7) The Centre shall, where the Minister rejects an application under subregulation (5), inform a person, group, entity, the relevant reporting entity, supervisory authority, State institution or any other person or entity, in writing and give reasons for the rejection.

12. (1) The Centre shall make a recommendation to the Minister for the de-listing of a person, group or entity where that person, group or entity—

Recommendation to de list

- (a) ceases to meet the grounds for national listing in accordance with regulation 3;
- (b) in the case of an individual, is deceased; or
- (c) has ceased to operate.

(2) The Minister may, on receipt of a recommendation from the Centre under subregulation (1), de list the person, group or entity.

13. (1) The Centre shall, on de listing by the Minister under regulation 12, circulate a de listing notice to the—

Notice of de listing

- (a) reporting entity, supervisory authority, State institution, person or entity, where a national listing was circulated under these Regulations; and
- (b) de listed person, group or entity.

(2) A reporting entity, supervisory authority, State institution, person or entity shall, on receipt of a notice of de listing under subregulation (1), without delay

- (a) unfreeze the funds or other assets of the de listed person, group or entity; and
- (b) submit an unfreezing return report, in writing, to the Centre.

(3) The Minister shall, where a person, group or entity who is nationally listed in accordance with regulation (4) is de-listed in a foreign State, without delay

- (a) through the Attorney-General, submit a copy of the de-listing notice to a foreign State; and
- (b) request for the funds or other assets of a de-listed person, group or entity to be unfrozen.

(4) The Minister shall, where a person, group or entity appears on the designation list of the relevant Sanctions Committee in accordance with Regulation 6, submit a copy of the de listing notice and any additional information to the relevant Sanctions Committee for the purposes of facilitating the removal of a person, group or entity from the designation list.

14. (1) A designated person, group or entity or a designated person, group or entity's legal representative may submit a petition for de listing to the Office of the Ombudsperson or the Office of the Focal Point.

Request to office of Ombudsperson or office of Focal Point for de listing

(2) A petition for de listing shall contain information that may assist in the identification of a person, group or entity.

(3) The Minister shall, where the office of the Ombudsperson refers a petition for de listing from the designation list of the United Nations Security Council to the Minister for comments, respond to the request stating reasons for the retention or removal of a person, group or entity from the relevant United Nations Security Council sanctions list.

Unfreezing
of funds or
other assets
following
delisting
from United
Nations
Security
Council
sanctions
list

15. (1) The Centre shall, where the relevant Sanctions Committee issues a notice of de listing, without delay, circulate the notice of de listing to a reporting entity, supervisory authority, State institution, person or entity to whom the sanctions list was circulated in accordance with section 43 of the Act .

(2) A reporting entity, supervisory authority,

State institution, person or entity to whom a notice of de listing has been circulated under subregulation (1) shall, without delay

(a) unfreeze the funds or other assets; and

(b) submit a report to the Centre, in writing, on the funds or other assets unfrozen.

Asset freeze
after de
listing

16. Despite regulation 14, the funds or other assets of a person, group or entity on a national listing shall remain frozen, until the Centre is satisfied that the unfreezing of the funds or other assets is undesirable in the public interest or a threat to national security.

Application
to unfreeze
where funds
or other
assets were
frozen in
error

17. (1) A designated person, group or entity may, where funds or other assets are frozen in error as a result of same or similar names or wrong entries on the United Nations Security Council sanctions list, apply to the Office of the Ombudsperson or the Office of the Focal Point for consideration by the applicable Sanctions Committee to unfreeze the funds or other assets.

(2) A person, group or entity on a national listing may, where a person, group or entity's funds or other assets were frozen in error as a result of a same or similar name or wrong entry on a national listing, apply to the Minister to unfreeze the funds or other assets.

(3) The application referred to under subregulations (1) and (2) shall be accompanied by identification documents, which show the applicant's true identity and any other relevant documents.

(4) The Minister shall, on receipt of the application under subregulation (2), refer the application to the Centre for verification.

(5) The Centre shall, on verification of the application referred to under subregulation (2), establish whether that person, group or entity is not the person, group or entity intended to be on the national listing.

(6) The Minister shall, on receipt of the Centre's findings under regulation (5), direct the Centre, in writing, to inform the person, group or entity or relevant reporting entity, supervisory authority, State institution, person or entity of the exclusion of the person, group or entity's right, title or interest from the frozen funds or other assets.

(7) There shall not lie or be instituted any criminal or civil proceedings against a reporting entity, supervisory authority, State institution and any other person or entity for any action relating to the freezing of funds or other assets that is

(a) based on

(i) same or similar names; or

(ii) wrong entries on the national list; or

(b) as a result of an error, in the absence of bad faith, gross negligence or malice.

18. (1) The Minister shall, within seven days of receipt of a request to release frozen property or a portion of the frozen property under section 52 of the Act from a designated person, group or entity, forward that request to the office of the Ombudsperson or the office of the Focal Point of the relevant Sanctions Committee.

Request by designated person to utilise frozen funds or other assets

(2) The Minister shall, on receipt of the response relating to the request under subregulation (1) inform the Centre of the decision of the Sanctions Committee on the request.

(3) The Centre shall, on receipt of the information under subregulation (2) inform the designated person, group or entity or the designated person, group or entity's representative, in writing, of the decision of the Sanctions Committee on the request.

(4) The Centre shall, where a request under subregulation (1) is approved, direct a reporting entity, supervisory authority, State institution, person or entity in custody of the frozen funds or other assets, in writing, to release the funds or other assets to the designated person, group or entity.

(5) A reporting entity, supervisory authority, State institution, person or entity referred to under subregulation (4) shall furnish a report to the Centre of the action taken in respect of the direction under subregulation (4).

PART III

RESTRICTIVE MEASURES AND SANCTIONS IN RELATION TO
DESIGNATION OR NATIONALITY LISTED PERSON, GROUP OR
ENTITY

Prohibition
of dealing
with funds
or other
assets held
by
designated
or nationally
listed
person,
group or
entity

19. (1) A reporting entity, supervisory authority, State institution, person or entity shall not deal with funds or other assets held or controlled directly or indirectly, or owned wholly or jointly, by a designated person, group or entity or a nationally listed person, group or entity except in accordance with these Regulations.

(2) Despite subregulation (1), a reporting entity, supervisory authority, State institution, person or entity may credit a frozen account of a designated person, group or entity or nationally listed person, group or entity with transferred funds, interest or other earnings due on the account on condition that any such transferred funds, interest or other earnings are frozen in accordance with these Regulations.

(3) A reporting entity, supervisory authority, State institution or any other person, group or entity that credits a frozen account in accordance with subregulation (2) shall, without delay, make a credit return report, in writing, to the Centre.

(4) Where a person, group or entity is designated pursuant to the United Nations Security Council Resolution 1718 of 2006 or United Nations Security Council Resolution 2231 of 2015 and any successor resolutions, the relevant Sanctions Committee shall—

- (a) authorise the addition to the frozen accounts of interest or other earnings due on those accounts or payments due under a contract, agreement or any obligation that arose prior to the date of the designation on condition that any such interest, other earnings and payments continue to be subject to these provisions and are frozen; and
- (b) authorise access to frozen funds or other assets where the Centre is satisfied that the authorisation is in accordance with the procedure set out in United Nations Security Council Resolution 1718 or United Nations Security Council Resolution 2231 and any successor resolutions.

(5) The Centre shall, where a person, group or entity was designated pursuant to the United Nations Security Council Resolution 1737 of 2006 and whose designation has

continued pursuant to the United Nations Security Council Resolution 2231 of 2015, authorise a reporting entity, supervisory authority, State institution, person or entity holding frozen funds or other assets of that designated person, group or entity to make a payment due under a contract, agreement or obligation that arose prior to the date of the designation.

(6) The Centre shall only provide the authorisation under subregulation (5) where the Centre—

- (a) is satisfied that the contract, agreement or obligation is not related to any of the prohibited items, materials, equipment, goods, technologies, assistance, training, financial assistance, investment brokering or services referred to in the United Nations Security Council Resolution 2231 and any successor resolution;
- (b) is satisfied that the payment is not received, directly or indirectly by a person, group or entity subject to the measures in the United Nations Security Council Resolution 2231 and any successor resolution; and
- (c) has submitted to the relevant Sanctions Committee, a notification at least ten days prior to the authorisation, of the Centre's intention to authorise a payment or to unfreeze funds or other assets.

(7) A reporting entity, supervisory authority, State institution, person, group or entity that knowingly or having reasonable cause to suspect, that the funds or other assets that the reporting entity, supervisory authority, State institution, person, group or entity is dealing with are held or controlled directly or indirectly, wholly or jointly owned by a nationally listed person, group or entity or a designated person, group or entity commits an offence and is liable, on conviction to the penalty specified in section 42 of the Act.

20. (1) A designated person, group or entity or a nationally listed person, group or entity that is not a citizen of the Republic and that is outside the Republic, shall not enter into or transit through the Republic except where—

- (a) the entry is necessary for compliance with judicial process;
- (b) the Centre determines that the entry is justified; or
- (c) in the case of the a designated person, group or entity, the travel of such person, group or entity is exempted by the decision of the United Nations Security Council and notified to the Centre.

Prohibition
of travel by
designated or
nationally
listed person
or entity

(2) A designated person, group or entity or a

nationally listed person, group or entity that is in the Republic shall not be allowed to leave the Republic until

investigations into the activities that led to the designation of nationally listing of that person, group or entity have been concluded.

(3) A designated person, group or entity or a nationally listed person, group or entity that contravenes subregulation (1) commits an offence and is liable, on conviction, to the penalty specified in section 50 of the Act.

(4) For purposes of this regulation, “judicial process” includes, the need for the presence of a designated person, group or entity or a nationally listed person, group or entity’s presence for purposes of identification, testimony or other assistance relevant to the investigation or prosecution of an offence committed by a person other than that listed person, group or entity or in relation to civil proceedings, and extradition.

PART VI

GENERAL PROVISIONS

Notice of
amendment
of
designation
or national
list

21. Where an amendment is made to the

United Nations Security Council designation list or the national list, the Centre shall, on receipt of the amended list, circulate the amended list electronically or through other means available to a reporting entity, supervisory authority, State institution, person or entity.

Reporting
obligations

22. (1) A reporting entity, supervisory authority, State institution, person or entity shall report to the Centre, without delay, any reporting requirements under these Regulations.

(2) The report under subregulation (1) shall be simultaneously made to the Financial Intelligence Centre for purposes of reviewing financial flows associated with the designated or nationally listed person, group or entity.

(3) A reporting entity, supervisory authority, State institution, person or entity that contravenes subregulation (1) is liable to an administrative sanction specified under section 72A of the Act.

Power to
request
information

23. (1) The Centre may, where the Centre believes that information is necessary for the purpose of monitoring compliance with these Regulations, directly or through a reporting entity, supervisory authority, State institution, person or entity, request a designated person, group or entity or nationally listed person, group or entity to provide information

(a) relating to—

(i) funds or other assets owned, held or controlled by or on behalf of a designated person, group or entity or nationally listed person, group or entity; or

(ii) disposal of such funds or other assets; or

(b) that the Centre may require relating to expenditure—

(i) by or on behalf of the designated person, group or entity or nationally listed person, group or entity; or

(ii) for the benefit of the designated person or entity or nationally listed person, group or entity.

(2) The Centre may request a person in the Republic to provide information that the Centre may require for the purpose of —

(a) establishing the nature—

(i) and amount or quantity of any funds or other assets owned, held or controlled by or on behalf of a designated person, group or entity or nationally listed person, group or entity;

(ii) and amount or quantity of funds or other assets or financial services made available directly or indirectly to, or for the benefit of, a designated person, group or entity or nationally listed person, group or entity; or

(iii) of financial transactions entered into by a designated person, group or entity or nationally listed person, group or entity;

(b) monitoring compliance with or detecting contravention of these Regulations; or

(c) obtaining evidence of the commission of an offence under these Regulations.

(3) A request made under subregulation (1) and (2) may include a continuing obligation to keep the Centre informed—

(a) where there is a change in the information submitted; or

(b) at regular intervals that the Centre may specify.

(4) Information requested under this regulation may relate to a period of time, before, during or after a person, group or entity is, or was, a designated or nationally listed person, group or entity.

Production
of
documents

24. (1) A request made under regulation 23 may include a request to produce specified documents.

(2) Where the Centre requests for the production of documents under subregulation (1), the Centre may—

- (a) make copies of or take extracts from the document;
- (b) request a person, group or entity producing the document to explain the contents of that document; and
- (c) where the person, group or entity under paragraph (b) is a body corporate, unincorporated or a partnership request the following persons to give an explanation:
 - (i) in the case of a partnership, a present or past partner or employee of the partnership; and
 - (ii) in any other case, a present or past director or manager or employee of the body concerned.

(3) Where the Centre requests a designated person or entity or nationally listed person, group or entity to produce documents, that person shall

- (a) take reasonable steps to obtain the documents; and
- (b) keep the documents under the person's possession or control, except for the purpose of providing the document to the Centre or as the Centre may otherwise permit.

Failure to
comply with
request for
information

25. (1) A reporting entity, supervisory authority, State institution, person or entity shall not—

- (a) without reasonable excuse, refuse or fail within the time and in the manner specified, or if no time has been specified, as soon as practicable to comply with any request made under these Regulations;
- (b) knowingly or recklessly give information, or produce a document, which is false in a material particular in response to that request;
- (c) with intent to contravene the provisions of these Regulations destroy, mutilate, deface, conceal or remove a document; or
- (d) otherwise intentionally obstruct the Centre, a supervisory authority or an authorised officer in the exercise of their powers under these Regulations or any other law.

(2) A reporting entity, supervisory authority or any other person or entity that contravenes subregulation (1) commits an offence.

26. (1) The Centre may disclose information to a reporting entity, supervisory authority, State institution, person or entity, obtained during the exercise of its powers under this Part, including a document, copy or an extract of a document. Disclosure of information by Centre
- (2) The Centre shall take steps as the Centre may consider appropriate to cooperate with an investigation in the Republic or elsewhere relating to the funds or other assets or financial transactions of a designated or nationally listed person, group or entity.
27. A nationally listed person, group or entity that is aggrieved with the decision of the Minister, may appeal to the High Court. Appeals
28. Where an offence under this Act is committed by a body corporate or unincorporate body, with the knowledge, consent or connivance of a director, manager or shareholder of that body corporate or unincorporate body that director, manager or shareholder is liable, on conviction, to the penalty specified for the offence. Offences by principal officers of body corporate or unincorporate body
29. (1) Anything done in compliance with this Part shall not be treated as a breach of any restriction imposed by any law. Application of Part
- (2) Despite subsection (1) a disclosure shall not be made where that disclosure—
- (a) contravenes the provisions of the Data Protection Act 2021; Act No. 3 of 2021
- (b) is prohibited under the Financial Intelligence Centre Act, 2010; or Act No. 46 of 2010
- (c) is prohibited under the State Security Act. Cap. 111
- (3) A legal practitioner who has acted on behalf of a person shall not be compelled to disclose privileged information relating to that person for purposes of these Regulations.
- (4) This Part does not limit the powers of the Centre to impose conditions in the discharge of the Centre's functions under these Regulations.
31. The Anti-Terrorism (United Nations Resolutions Implementation) Regulations, 2017, are revoked. Revocation of S.I. No. 66 of 2017

LUSAKA

4th January, 2024

[MHAIS.64/9/15]

J. J. MWIIMBU,
*Minister of Home Affairs
 and Internal Security*

