

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

*(Bill No. 66 of 2021)*

**OBJECTS AND REASONS**

The Prevention of Terrorism Act, 2004 (Cap 179) (hereinafter referred to as P T Act) was enacted to provide for measures to prevent and suppress terrorism and for connected matters.

The Financial Action Task Force (FATF), an inter-governmental body established in 1989 by the Ministers of the member jurisdictions has set out the standards to promote effective implementation of the measures for combating money laundering activities. Recommendation Numbers 5, 6 and 7 of the said recommendations relates to Terrorist Financing and Financing of Proliferation. The Eastern and Southern Africa Anti-Money Laundering Group (ESAAMLG), a regional body has been, *inter alia*, tasked by the FATF to oversee the implementation of FATF Recommendations in the Region. The said ESAAMLG evaluated the steps taken for implementation of FATF recommendations and submitted its Mutual Evaluation Report (MER) in September, 2018. In the said MER, the ESAAMLG, *inter alia*, observed that criterion Nos. 5.2, 5.10, 6.1, 6.2 and 6.5 were party met with and criterion Nos. 5.7, 6.3, 7.1 to 7.5 have not been met with the recommendations of the FATF. In so far as Criterion 6.1, 6.2, 6.5 and 7.5 of the recommendations, regulations have been amended.

In order to meet with the other criterion, it is proposed to amend sections 2, 5, insertion of new section 15A, amendment to section 20D, 20E and 20H of the Prevention of Terrorism Act (Cap.179). The salient features of the proposed Bill are as follows —

- (A) Amendment of section 2 (Definitions):** To sync the definition of “terrorist acts” in line with FATF requirement;
- (B) Amendment of section 5:** To substitute section 5 to cover funding of individual terrorist or a terrorist group or a terrorist act as offence under the P T Act.

- (C) **Insertion of new section 15A:** It is proposed to insert a new section 20A in the P T Act to provide for punishment for funding or financing foreign terrorist fighters.
- (D) **Amendments to section 20D, 20E and 20H:** It is proposed to amend section 20D, 20E and 20H to provide time frame of 24 hours for certain actions under the PT Act and for insertion of new subsections (3A) to (3E) in section 20D so as to prohibit provisioning of funds to designated entities by any person in Seychelles.

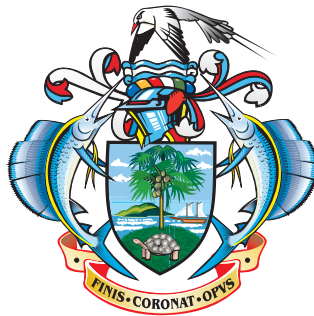
**Dated this 9<sup>th</sup> day of December, 2021.**

**FRANK D.R. ALLY  
ATTORNEY-GENERAL**

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**A BILL  
FOR**

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

**ENACTED** by the President and the National Assembly.

**Short title**

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

**Amendments to Cap. 179**

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

- (a) in section 2 of the principal Act, in the definition of “terrorist acts”, in the longline, repeal the words “and is intended, or”;
- (b) by repealing section 5 of the principal Act and therefor substitute the following section —

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

5. Any person who willfully provides or collects funds or any assets, by any means, directly or indirectly, with the intention that they shall be used or of the knowledge that the said funds or assets shall be used in full or in part, even in the absence of a link to a specific terrorist act or acts to support —

- (a) a terrorist;
- (b) a terrorist group;
- (c) terrorist act,

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

- (c) after section 15 of the principal Act, the following section shall be added —

**Punishment for funding or financing foreign terrorist fighters**

15A. Every person who in Seychelles, provides or collects funds by any means, directly or indirectly, for the

promotion or facilitation of terrorism in a foreign state, for the purposes of any of the objectives provided in section 15, commits an offence and shall, on conviction, be liable to imprisonment for a term not less than 7 years and not more than 20 years.

(d) in section 20D of the principal Act —

- (i) in subsection (2), by repealing the words “without delay” and substituting therefor the words “within 24 hours”;
- (ii) after subsection(3), the following subsections shall be added —

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

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

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

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

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

- (a) all the properties that are owned or controlled by the designated entity and not just that which can be connected to a particular terrorist act, plot or threat or to a particular act, plot or threat of proliferation;
- (b) property that is wholly or jointly owned or controlled directly or indirectly by a designated entity;
- (c) property derived or generated from property owned or controlled directly or indirectly by a designated entity; and
- (d) property of a person or entity acting on behalf of or at the direction of a designated entity.

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

- (iii) in subsection (4), by repealing the words “without delay as provided in subsection (2)” and substituting therefor the words “within 24 hours as provided in

subsection (2) or fails or refuses to comply with the prohibition provided under subsections (3A), (3B), (3C) or (3D),”;

- (e) in section 20E of the principal Act, in subsection (3), by repealing the words “with the guidance, in taking” and substituting therefor the words “, within 24 hours, with the guidance to take”;
- (f) in section 20H (1) of the principal Act, by repealing the words “the Minister has reasonable grounds to believe that”.