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ANTI-TERRORISM (AMENDMENT) ACT, 2019

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No. 29 of 2019

ANTI-TERRORISM (AMENDMENT) ACT, 2019

AN ACT TO AMEND THE ANTI-TERRORISM ACT TO PROVIDE FOR THE DEFINITION OF DESIGNATED ENTITY AND THE OFFENCE OF PROLIFERATION AND THE FINANCING OF PROLIFERATION IN RESPECT TO REPORTING REQUIREMENTS

[Date of Assent - 2nd August, 2019]

Enacted by the Parliament of The Bahamas

1. Short title.

This Act, which amends the Anti-Terrorism Act, 2018 (*No. 27 of 2018*), may be cited as the Anti-Terrorism (Amendment) Act, 2019.

2. Amendment of section 2 of the principal Act.

Section 2 of the principal Act is amended by the insertion in the appropriate alphabetical order of the following new definitions —

“ **“designated person or entity”** means —

- (a) an entity, individual, group, undertaking or state designated by the Committee of the Security Council established pursuant to resolution 1267 (1999) (the 1267 Committee), as being an entity, individual, group, undertaking or state associated with Al-Qaida;
- (b) an entity, individual, group, undertaking, or state designated by the Committee of the Security Council established pursuant to resolution 1988 (2011) (the 1988 Committee), as being associated with the Taliban in constituting a threat to the peace, stability and security of Afghanistan, or entities and other groups and undertakings;
- (c) an individual, entity or state designated by jurisdictions or a supra-national jurisdiction pursuant to Security Council resolution 1373 (2001);

- (d) an individual, entity or state designated for the application of sanctions pursuant to Security Council Resolution 1718 (2006) and any future successor resolutions by the Security Council in annexes to the relevant resolutions, or by the Security Council Committee established pursuant to resolution 1718 (2006) (the 1718 Sanctions Committee) pursuant to Security Council resolution 1718 (2006); and
- (e) an individual, entity or state designated for the application of sanctions pursuant to Security Council resolution 2231 (2015); and,
- (f) an individual, entity or state designated for the application of sanctions pursuant to any future successor resolutions by the Security Council to resolutions named herein;

“proliferation” means the development, production, spread, distribution, stockpile, retention or transfer of weapons of mass destruction.”.

3. Amendment of section 6 of the principal Act.

Section 6 of the principal Act is amended in the headnote by the deletion of the word “development” and the substitution of the words “the proliferation”.

4. Amendment of section 7 of the principal Act.

Section 7 of the principal Act is amended in the headnote by the deletion of the word “Use” and the substitution of the words “Proliferation and use”.

5. Amendment of section 8 of the principal Act.

Section 8 of the principal Act is amended in the headnote by the deletion of the word “Use” and the substitution of the words “Proliferation and use”.

6. Amendment of section 43 of the principal Act.

Section 43 of the principal Act is amended —

- (a) by the deletion and substitution of subsection (1) as follows —

“(1) In this section, sections 44 and 49, a reference to the term “designated entities” is a reference to the term “designated person or entity” as defined in section 2.”;

- (b) in subsection (2) by the deletion of paragraph (c) and the substitution as follows —

“(c) circulating the list referred to in paragraph (a) immediately to the IRF Steering Committee;”;

- (c) by the insertion immediately after subsection (2), of the following new subsection —

“(2A) Upon receipt of the list circulated by the National Identified Risk Framework Coordinator, all members of the IRF Steering Committee shall —

- (a) take such steps to publish and communicate to the general public and all financial institutions details of sanctions imposed against a designated entity; and
- (b) request from any person or financial institution, information on whether a designated entity has funds within The Bahamas;”.

7. Amendment of section 44 of the principal Act.

Section 44 of the principal is repealed and replaced as follows —

“44. Procedure.

- (1) When a financial institution receives the list of designated entities referred to in section 43(2)(a) or (d), the procedures as set out in this section shall apply.
- (2) The financial institution shall without delay —
 - (a) freeze all the funds held by it in the name of a designated entity;
 - (b) inform the Attorney-General and the Financial Intelligence Unit that a designated entity has funds with the financial institution providing all details of such funds; and
 - (c) inform the designated entity that the funds held at the financial institution have been frozen.
- (3) Upon the publication of the list designated entities referred to in section 43(3), any person identifying funds being held by or behalf of a designated entity shall, without delay —
 - (a) freeze the funds held by that person in the name of the designated entity;
 - (b) inform the Attorney-General of the details of the funds;
 - (c) inform the designated entity that the funds have been frozen.
- (4) Within a period of fourteen days after the date on which the designated entity has been informed that the funds held in the account(s) of the designated entity have been frozen, the designated entity may institute proceedings in the Supreme

Court for an order releasing the funds or assets that have been frozen;

- (5) The Attorney-General may commence proceedings under section 45 leading to the making of an order by the court for the confiscation of the assets held in the account(s) of the designated entity at any time after the passage of fourteen days after the designated entity has been informed that the funds or assets have been frozen.”.

8. Amendment to section 45 of the principal Act.

Section 45 of the principal Act is amended in subsection (10) by the deletion of the words and figures “section 44(c)” and the substitution of the words and figures “section 44(5)”.

9. Amendment of section 49 of the principal Act.

Subsection (1) of section 49 of the principal Act is amended by the deletion of paragraphs (b) and (c) and the substitution as follows —

- “(b) commits acts of proliferation or participates in or facilitates the commission of proliferation acts or the financing of proliferation;
or
- (c) is a designated entity;
- (d) is a listed entity,”.