

Suppression of Foreign and International Terrorism (Application of UNSCR 1540 (2004)1673, 1810, 1887, 1977 (on Non-State Actor Proliferation), UNSCRs 1965, 1718, 1874 (on Democratic People’s Republic of Korea and UNSCRs 1696, 1747, 1803 and 1929, UNSCR 2094 (2013), 2231 (2015) UNSCR 2270 (2016), UNSCR 2321 (2016), UNSCR 2371 (2017), UNSCR 2375 (2017), UNSCR 2397 (2017) and Successor UNSCRs) (Amendment) Regulations, 2023 (No. 1)

IT is hereby notified that the Minister of Home Affairs and Cultural Heritage has, in terms of section 17 of the Suppression of Foreign and International Terrorism Act [*Chapter 11:21*] and with the consent of the President as required under subsection (2) of that section, made the following regulations:—

1. These regulations may be cited as the Suppression of Foreign and International Terrorism (Application of UNSCR 1540 (2004)1673, 1810, 1887, 1977 (on Non-State Actor Proliferation), UNSCRs 1965, 1718, 1874 (on Democratic People’s Republic of Korea, UNSCRs 1696, 1747, 1803 and 1929, UNSCR 2094 (2013), 2231 (2015), UNSCR 2270 (2016), UNSCR 2321 (2016), UNSCR 2371(2017), UNSCR 2375 (2017), UNSCR 2397 (2017) and successor UNSCRs) (Amendment) Regulations, 2023 (No. 1).

2. Section 6 of the Suppression of Foreign and International Terrorism (Application of UNSCR 1540 (2004)1673, 1810, 1887, 1977 (on Non-State Actor Proliferation), UNSCRs 1965, 1718, 1874 (on Democratic People’s Republic of Korea, UNSCRs 1696, 1747, 1803 and 1929, UNSCR 2094 (2013), 2231 (2015), UNSCR 2270 (2016), UNSCR 2321 (2016), UNSCR 2371(2017), UNSCR 2375 (2017), UNSCR 2397 (2017) and successor UNSCRs) Regulations 2021 (hereinafter called the “principal regulations”), published in Statutory Instrument 110 of 2021, is repealed and the following is substituted—

“Procedure for implementation of certain United Nations Security Council Resolutions bearing on prevention of proliferation

6. (1) This section sets out the procedure for the implementation of the following United Nations Security Council resolutions:

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UNSCR 1540 (2004) 1673, 1810, 1887, 1977 (On non-state actor proliferation), 1695,1718, 1874 on Democratic People's Republic of Korea abs 1696,1737, 1747,1803 and 1929, UNSCR 2094 (2013), 2231 (2015) UNSCR 2270 (2016), UNSCR 2321 (2016), UNSCR 2371 (2017), of UNSCR 2375 (2017) UNSCR 2397 (2017) and other relevant successor UNSCRs

(2) Where the Ministry of Foreign Affairs receives Notice of United Nations list of any addition, removal or other amendment made to the current United Nations Consolidated List of designated persons, it shall forward the updated list to the Unit without delay.

(3) Upon receipt of the list from the Minister of Foreign Affairs in terms of subsection (1) the Director-General shall, without delay—

- (a) and without giving prior notice to any named individual or entity, make an order, freezing the funds and other assets that are—
 - (i) owned or controlled by the designated person or entity, and not just those that can be tied to a particular act, plot or threat of proliferation;
 - (ii) wholly or jointly owned or controlled, directly or indirectly, by designated persons or entities;
 - (iii) derived or generated from funds or other assets owned or controlled directly or indirectly by designated persons or entities;
 - (iv) for persons and entities acting on behalf of, or at the direction of a designated person or entity;
- and
- (b) make public notice (for the notification of all persons) as the Director-General may determine and disseminate or cause to be disseminated to every

competent supervisory authority, financial institution, designated non-financial business or profession, the name of the designated person or any entity known to be owned or controlled directly or indirectly by any person or entity designated by the UN with the order to freeze, accompanied by a directive to—

- (i) implement preventive measures to counter the flow of funds or other assets to proliferators or those who are responsible for weapons proliferation;
- (ii) report back to the Director-General any funds or other assets frozen and any other action taken in implementing the order and directive.

(4) On receipt of an order or public notice of an order in terms of subsection (3) by the Director-General every person, financial institution or designated non-financial business or profession must freeze any funds or other assets known to be owned or controlled directly or indirectly by any person or entity designated by the UN without delay, and without prior notice to any designated person or entity.

(5) An order to freeze funds or other assets shall remain in force and not lapse until such entity or person has been removed from list of designated persons by the UN.

(6) For the avoidance of doubt the process from receipt of list from the UN by the Minister of Foreign affairs to issuing an order to freeze by the Director-General and to freezing of funds and other assets by financial institutions or designated non-financial businesses or professions must happen in not more than twenty-four (24) hours.”.

3. The principal regulations are amended in section 9 (“Procedure for freezing of assets”) by the—

- (a) deletion of subsection (3) and the substitution of the following—

“(3) The Unit shall circulate the lists of designated persons to the financial institutions,

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designated non-financial businesses or professions or other persons via electronic or surface mail directing them to identify targeted funds or other assets of the listed individuals or entities.”;

- (b) insertion after subsection (7) of the following subsection—

“(8) The Director-General shall through electronic or surface mail issue guidance to financial institutions, designated non-financial businesses or professions or other persons to facilitate the effective implementation of these regulations.”.

4. The principal regulations are amended by the insertion after section 11 of the following section—

“Monitoring and ensuring compliance by financial institutions and designated non-financial businesses or professions

11A. (1) The Unit, in cooperation with competent supervisory authorities, shall monitor and ensure compliance by financial institutions and DNFBPs with the relevant provisions of these regulations and any other relevant laws by adopting the following measures—

- (a) issuing clear communication and procedures for—
 - (i) designation or listing;
 - (ii) freezing or unfreezing;
 - (iii) delisting;
 - (iv) granting exemptions for individuals and entities subject to targeted financial sanctions relating to proliferation of weapons of mass destruction;
- (b) outreach and training;
- (c) issuing guidance, directives and circulars.

(2) Any competent supervisory authority may, after consultation with the Unit, develop such rules and guidance and disseminate such information to all its members for the purpose of achieving the objectives of the Act.”

5. The principal regulations are amended in section 12 by the insertion of “without delay” between “shall” and “report”.

