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2023

The Prevention of Terrorism (General) (Amendments) Regulations, 2023

The United Republic of Tanzania

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THE PREVENTION OF TERRORISM ACT,
(CAP. 19)

REGULATIONS

(Made under sections 12(5), 12A (2) and 48(2))

THE PREVENTION OF TERRORISM (GENERAL) (AMENDMENTS)
REGULATIONS, 2023

Citation

GN. No.
379 of 2022

Amendment
of regulation 3

1. These Regulations may be cited as the Prevention of Terrorism (General) (Amendments) Regulations, 2023 and shall be read as one with the Prevention of Terrorism (General) Regulations, 2022 hereinafter referred to as “principal Regulations”.

2. The principal Regulations are amended in regulation 3 by-

(a) deleting the definition of the term “without delay” and substituting for it the following definition:

““without delay” means within a matter of hours after designation or within such a time to prevent flight or dissipation of funds or other assets of the designated party or within such time before the designated party or any other relevant or concerned person becomes aware of the

designation or within such time to allow concerted action to swiftly interdict and disrupt their flow in any case, and the term “within a matters of hours” or “within such time” referred to herein shall be not more than twenty four hours.”; and

- (b) adding in its appropriate alphabetical order the following new definition:

““domestic terrorist” means any terrorist act as defined in the Act occurring primarily within the United Republic;”.

Amendment
of regulation 4

4. The principal Regulations are amended in regulation 4-

- (a) in subregulation (1), by deleting the words “as suspected international terrorist”;
- (b) by deleting subregulations (3) and (4) and substituting for them the following:

“(3) The Financial Intelligence Unit shall, without delay, circulate all designations made by the Security Council and any sanctions list or other similar list issued in connection therewith to-

- (a) competent authorities;
- (b) the national security organs specified in the Constitution of the United Republic;
- (c) any other person who has the responsibility under these Regulations to-
- (i) detect, freeze or seize the funds or the property of a designated entity under any written law; or
- (ii) take such action as may be necessary to give effect to Resolution 1267, 1373, 1718, 1988 or such other relevant United

Nations Security Council
Resolution.

(4) Subject to subregulation 3(c), in compliance with the requirements made under this regulation, reporting persons shall notify the Minister and copy the same to the Police Force and FIU within forty-eight hours.”;

(c) by deleting subregulations (5) and (6);

(d) by renumbering subregulation (7) as subregulation (4); and

(e) in subregulation (4) as renumbered, by deleting figure “6” and substituting for it figure “3”.

Amendment
of regulation
12

5. The principal Regulations are amended in regulation 12(2) by deleting the words “of the designated party” and substituting for them the words “including attempted transactions of the designated party or action taken in compliance with the prohibition requirements of the relevant United Nations Security Council Resolution”.

Amendment
of regulation
15

6. The principal Regulations are amended in regulation 15(3) by deleting figure “1988” appearing at the beginning of paragraph (b) and substituting for it figures “1988 and 1730”.

Amendment
of regulation
19

7. The principal Regulations are amended in regulation 19(1)-

(a) in paragraph (b), by inserting the words “wholly or jointly” between the words “assets” and “owned”; and

(b) in paragraph (c), by deleting the word “wholly” and substituting for it the words “wholly, jointly or partly”.

Amendment
of regulation
20

8. The principal Regulations are amended in regulation 20(3)-

(a) by adding the words “wholly or jointly” immediately before the word “owned” appearing in paragraphs (a) and (c); and

- (b) in paragraph (d), by deleting the word “of” appearing between the words “assets” and “persons” and substituting for it the words “wholly or jointly owned by”.

Amendment
of regulation
21

9. The principal Regulations are amended in regulation 21 by adding immediately after subregulation (2) the following:

“(3) An application under this regulation shall-

- (a) if designated by the Minister, be made by the listed party to the Minister who shall forward the application to the Committee for appropriate recommendation; and
- (b) if designated by the Security Council, be made through the Focal Point and serve a copy of the request to the Minister.

(4) The application shall include the following information:

- (a) the listed party’s name and address;
- (b) the listed party’s permanent reference number on the relevant United Nations Sanctions List;
- (c) the listed party’s bank information, including, name and address of bank and account number;
- (d) purpose of payment, the expenses and justification for the determination of the expenses falling under ordinary or extraordinary expenses;
- (e) amount of instalment;
- (f) number of instalments;
- (g) payment starting and ending date;
- (h) bank transfer or direct debit;
- (i) interests;
- (j) specific funds or other assets proposed to be unfrozen; and
- (k) such other information as may be determined by the Minister.

(5) Where the Minister determines that the funds or other assets are to be used for the purposes

specified in this regulation, the Minister shall notify the relevant United Nations Sanctions Committee of his intention not to object to the application.

(6) The Minister shall notify the listed party and provide guidance to reporting persons and any other person in possession of funds or assets of designated party, of the decision of the United Nations Sanctions Committee upon being made, provided that for ordinary expenses, in the absence of a decision within the five working days of the notification under subregulation (5), it shall be deemed that the relevant United Nations Sanctions Committee has not objected to the use of the funds or other assets, or any part thereof.”.

Dodoma,
13th February, 2023

HAMAD Y. MASAUNI,
Minister for Home Affairs