LEGAL NOTICE NO. 188

THE PREVENTION OF TERRORISM ACT

*(Cap.* 59B*)*

IN EXERCISE of powers conferred by section 50 of the Prevention of Terrorism Act, the Cabinet Secretary for Interior and National Administration makes the following Regulations—

## THE PREVENTION OF TERRORISM (IMPLEMENTATION OF THE UNITED NATIONS SECURITY COUNCIL RESOLUTIONS ON PREVENTION, SUPPRESSION AND DISRUPTION OF PROLIFERATION FINANCING) (AMENDMENT) REGULATIONS, 2024

Citation.

1. These Regulations may be cited as the Prevention of Terrorism (Implementation of the United Nations Security Council Resolutions on Prevention, Suppression and Disruption of Proliferation Financing) (Amendment) Regulations, 2024.

L.N. No. 189 of 2023.

2. The Prevention of Terrorism (Implementation of the United Nations Security Council Resolutions on Prevention, Suppression and Disruption of Proliferation Financing) Regulations, 2023, in these Regulations referred to as the "principal Regulations" are amended in regulation 2, by inserting the following new definition in proper alphabetical sequence—

"delisting" means deleting the name and other identification information of a designated person on a UNSC Sanction list;

"UNSCR" means the United Nations Security Council Resolution;

3. Regulation 5 of the principal Regulations is amended—

(a) in sub-regulation (3), by adding the following new paragraph immediately after paragraph (e)—

(f) any other person.

(b) in sub-regulation (4), by deleting the word freezing" and substituting therefor the words "on the obligation to freeze"

4. Regulation 7 of the principal Regulations is amended by inserting the word "cumulatively" immediately after the word "undertaken".

5. Regulation 11 of the principal Regulations is amended in sub-regulation (1) by deleting the word "freezing order" and substituting therefor the words "freezing action".

6. Regulation 13 of the principal Regulations is amended by deleting sub-regulation (6) and substituting therefor the following new sub-regulation—

(6) The petition filed under this regulation shall be determined in accordance with the procedures of the relevant Sanction Committee.

7. Regulation 14 of the principal Regulations is amended —

(a) by renumbering the existing regulation as sub-regulation (1);

(b) in sub-regulation (1), by deleting the words "upon confirmation" and substituting therefore the words "upon delisting";

(c) by adding the following new sub-regulation immediately after sub-regulation (1)—

(2) Upon receipt of the notice under sub-regulation (1), the persons or entities, including designated non-financial business and professions holding targeted funds or other assets shall respect the delisting and unfreeze the funds or other assets.

8. Regulation 15 of the principal Regulations is amended by deleting the words "reporting institution" and substituting therefor the word "entity".

9. The principal Regulations are amended deleting regulation 25 and substituting therefor the following new regulation —

Penalties.

25. (1) A person or entity that contravenes the provisions of these Regulations commits an offence and shall be liable, on conviction, to a fine not exceeding three million shillings or to imprisonment for a term not exceeding seven years.

(2) Notwithstanding the penalty provided under sub-regulation (1), the Financial Reporting Centre, a supervisory body or self-regulatory body, as the case may be, may impose administrative sanctions on the financial institutions, designated nonfinancial businesses and professions for breach of the provisions of these Regulations, including—

(a) warning;

(b) administrative penalties of at least 100,000 shillings and not more than 3 million shillings for each violation;

(c) banning the violator from working in the sector related to the violation for the period determined by the supervisory authority;

(d) constraining the powers of the board of directors, supervisory or executive management members, managers or owners who are proven to be responsible of the violation including the appointment of temporary inspector;

(e) suspending managers, board of directors, and supervisory and executive management members who are proven to be responsible of the violation for a period to be determined by the supervisory authority or request their removal;

(f) suspend or restrict the activity or the profession for a period to be determined by the supervisory authority; or

(g) cancel the licence.

Made on the 20th November, 2024.

KITHURE KINDIKI,
*Cabinet Secretary for Interior and National Administration.*

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