

Prevention of Terrorism (Special Measures) Regulations 2003

GN 14/2003

THE PREVENTION OF TERRORISM ACT 2002

Regulations made by the Minister under section 6(2), 10(6) and 33 of the Prevention of Terrorism Act 2002

1. These regulations may be cited as the **Prevention of Terrorism (Special Measures) Regulations 2003**.

2. In these regulations-

"Act" means the Prevention of Terrorism Act 2002;

"central bank" means the Bank of Mauritius established under the Bank of Mauritius Act;

"Commission" means the Financial Services Commission established under the Financial Services Development Act 2001;

"Committee" means the Committee established pursuant to United Nations Security Council resolution 1267 (1999);

Amended by [\[GN No. 36 of 2003\]](#)

"financial or other related services" means the services specified in the Schedule;

"funds"

(a) means assets of every kind, whether tangible or intangible, movable or immovable, however acquired, and legal documents or instruments in any form including electronic or digital, including title to, or interest in, such assets, including, but not limited to, bank credit, travellers cheques, bank cheques, money orders, shares, securities, bonds, drafts, letters of credit;

(b) does not include funds and other financial assets or economic resources that have been determined by the Minister to be -

(i) necessary for basic expenses, including payments for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges or exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services, or fees or service charges for routine holding or maintenance of frozen funds, other financial assets or economic resources, after notification to the Committee of the intention to authorize, where appropriate,

access to such funds, assets or resources and, in the absence of a negative decision by the Committee within 48 hours of such notification;

(ii) necessary for extraordinary expenses, provided that such determination has been notified to, and approved by, the Committee;

Amended by [\[GN No. 36 of 2003\]](#)

"international terrorist group" means any group that has been declared to be an international terrorist group under section 10(4) of the Act;

"listed terrorist" means an international terrorist group or a suspected international terrorist;

"Mauritius ship" means a ship registered in Mauritius under the Merchant Shipping Act;

"Minister" means the Minister to whom responsibility for the subject of national security is assigned.

Amended by [\[GN No. 36 of 2003\]](#)

"property" means real or personal property, moveable or immovable, including a lease of immovable property as well as a right or interest in such property;

"suspected international terrorist" means any person who has been declared to be a suspected international terrorist under section 10(1) of the Act.

3. On publication of a declaration in the *Gazette* under section 10(7) of the Act, the central bank, or the Commission, as the case may be, shall, by notice, direct that any account, property or funds held by financial institutions under its regulatory authority on behalf of any listed terrorist be frozen and a report be made to it in such form and manner as it deems fit.
4. Where the report made under regulation 3 discloses existence of accounts maintained by any listed terrorist or property or funds in the possession of, or under the control of, any financial institution on behalf of any listed terrorist, the matter shall be referred by the central bank, or the Commission, as the case may be, to the Commissioner of Police for investigation.
5. A notice under regulation 3 shall -
 - (a) be given in writing and shall specify -
 - (i) the period for which it is to have effect; or
 - (ii) that the direction is to have effect until it is revoked by notice under regulation 6;

- (b) require the institution to send a copy of the notice without delay to the listed terrorists or to the person or entity on whose behalf the funds are held.

- 6. The central bank, or the Commission, as the case may be, may, at any time, by notice, revoke a direction made under regulation 3.

- 7. (1) No person shall -
 - (a) deal, directly or indirectly, in any property that is owned or controlled by or on behalf of any listed terrorist, including funds derived or generated from property owned or controlled, directly or indirectly, by any listed terrorist;
 - (b) enter into or facilitate, directly or indirectly, any financial transaction related to a dealing in property referred to in sub-paragraph (a); or
 - (c) provide any financial or other related services in respect of any property referred to in sub-paragraph (a) to, or for the benefit of, or on the direction or order of, any listed terrorist.

- (2) Reference in paragraph (1) to a listed terrorist shall be deemed to include reference to an entity owned or controlled by any listed terrorist.

- 8. (1) No person shall -
 - (a) make available any funds or other financial assets or economic resources; or
 - (b) make available any financial or other related services for the benefit of any listed terrorist.

- (2) Reference in paragraph (1) to a listed terrorist shall be deemed to include reference to -
 - (a) any entity owned or controlled by any listed terrorist; or
 - (b) any person or entity acting on behalf, or at the direction of any listed terrorist or of any entity owned or controlled by any listed terrorist:

- 9. No person shall, directly or indirectly, export, sell, supply or ship any arms, weapons, ammunitions, military vehicles and equipment, paramilitary equipment, spare parts and related material to any listed terrorist.

10. No owner or master of a Mauritius ship and no operator of an aircraft registered in Mauritius shall, directly or indirectly, carry, or cause or permit to be carried, any arms, weapons, ammunitions, military vehicles and equipment, paramilitary equipment, spare parts and related material, for any listed terrorist.
11. No person shall, directly or indirectly, provide any listed terrorist with technical advice, assistance or training related to military activities.
12. Any person who contravenes these regulations shall commit an offence and shall, on conviction, be liable to penal servitude for a period not exceeding 5 years.
13. These regulations shall come into operation on twenty fifth January 2003.

Made by the Prime Minister on 25 January 2003.

SCHEDULE

(regulation 2)

Asset Management

Collective Investment Scheme

Consultancy services

Custodial services

Factoring business

Financial services providers and Intermediaries

Funds Management

Investment Advisory services

Leasing business

Life Insurance

Mortgage finance

Retirement benefits schemes

Trusteeship services