

No. S 87

CONSTITUTION OF BRUNEI DARUSSALAM
(Order made under Article 83(3))

ANTI-TERRORISM (AMENDMENT) (NO. 2) ORDER, 2012

ARRANGEMENT OF SECTIONS

Section

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ANTI-TERRORISM (AMENDMENT) (NO. 2) ORDER, 2012

In exercise of the power conferred by Article 83(3) of the Constitution of Brunei Darussalam, His Majesty the Sultan and Yang Di-Pertuan hereby makes the following Order —

Citation.

1. This Order may be cited as the Anti-Terrorism (Amendment) (No. 2) Order, 2012.

Amendment of section 2 of S 45/2011.

2. Section 2 of the Anti-Terrorism Order, 2011, in this Order referred to as the principal Order, is amended, in subsection (1) —

(a) by inserting the following new definitions in the appropriate alphabetical order —

“ “Al-Qaida Sanctions List” means the Al-Qaida Sanctions List established by the United Nations Security Council pursuant to Resolution 1267 and Resolution 1989 and any subsequent or successor resolutions;

“designated person” means —

- (a) a person associated with Al-Qaida as designated by the Al-Qaida Sanctions Committee on the Al-Qaida Sanctions List;
- (b) a person associated with the Taliban in constituting a threat to the peace, stability and security of Afghanistan as designated by the 1988 Sanctions Committee on the 1988 Sanctions List;
- (c) a person designated by the Minister under regulations made under this Order pursuant to Resolution 1373 and any subsequent or successor resolutions; or
- (d) a person declared by the Minister as a terrorist or a terrorist group under section 65;

“person” includes an entity;

“Resolution 1267” means Resolution 1267 (1999) of the United Nations Security Council adopted on 15th October 1999;

“Resolution 1373” means Resolution 1373 (2001) of the United Nations Security Council adopted on 28th September 2001;

“Resolution 1988” means Resolution 1988 (2011) of the United Nations Security Council adopted on 17th June 2011;

“Resolution 1989” means Resolution 1989 (2011) of the United Nations Security Council adopted on 17th June 2011;

“1988 Sanctions List” means the 1988 Sanctions List established pursuant to Resolution 1267 and Resolution 1988 and any subsequent or successor resolution;”;

(b) in the definition of “designated non-financial business and professions” —

(i) by deleting paragraph *(f)* and by substituting the following new paragraph therefor —

“*(f)* any person licensed under the Registered Agents and Trustees Licensing Order, 2000 (S 54/2000);”;

(ii) by inserting the following new paragraph immediately after paragraph *(f)* —

“*(g)* such other business and professions as may be specified by the Authority;”;

(c) by deleting the definition of “entity” and by substituting the following new definition therefor —

“ “entity” includes an individual, group, partnership, trust, fund, undertaking, and any company or association or other body of persons, corporate or unincorporate;”;

(d) in the definition of “financial institution”, in paragraph *(a)(v)*, by deleting “the Registered Agents and Trustees Licensing Order, 2000 (S 54/2000);”;

(e) by deleting the definition of “property” and by substituting the following new definition therefor —

“ “property” means —

(a) assets of every kind, whether tangible or intangible, movable or immovable, actual or potential, however acquired, and includes —

(i) land, buildings or other real estate;

- (ii) equipment, including computers, computer software, tools and machinery; office furniture, fixtures and fittings and other items of a fixed nature; vessels, aircraft and motor vehicles;
 - (iii) inventories of goods;
 - (iv) works of art, precious stones, jewellery or gold;
 - (v) commodities, including oil, minerals or timber;
 - (vi) arms related material including all items mentioned in the arms embargo at paragraph 1/c) of Resolution 1989;
 - (vii) patents, trademarks, copyrights, trade names, franchises, goodwill and other forms of intellectual property;
 - (viii) internet hosting or related services;
- (b) funds or other financial assets in any form, including electronic or digital evidencing title to, or interest in, such assets, and includes —
- (i) cash, cheques, claims on money, drafts, money orders, bearer instruments, and other payment instruments;
 - (ii) deposits with financial institutions or other entities and balances on accounts including fixed or term deposit accounts, balances on share trading accounts with banks, brokerage firms or other investment trading accounts;
 - (iii) debts and debt obligations, including trade debts, other accounts receivable, notes receivable, and other claims of money on others;
 - (iv) equity and other financial interest in a sole trader or partnership;
 - (v) publicly and privately traded securities and debt instruments, including stocks and shares, certificates representing securities, bonds, notes, warrants, debentures and derivatives contracts;
 - (vi) interest, dividends or other income on or value accruing from or generated by assets;
 - (vii) credit, right of set-off, guarantees, performance bonds or other financial commitments;

- (viii) letters of credit, bills of lading, bills of sale; notes receivable and other documents evidencing interest in funds or financial resources and any other instruments of export-financing;
- (ix) insurance and reinsurance;
- (c) assets owned or controlled directly or indirectly by a designated person, by them or by persons acting on their behalf or at their direction;
- (d) ransoms paid to —
 - (i) entities associated with Al-Qaida designated by the Al-Qaida Sanctions Committee on the Al-Qaida Sanctions List;
 - (ii) entities associated with the Taliban in constituting a threat to the peace, stability and security of Afghanistan designated by the 1988 Sanctions Committee on the 1988 Sanctions List;”.

Amendment of section 51.

3. Section 51 of the principal Order is amended —

(a) by deleting “designate” from the third last line and by substituting “authorise” therefor;

(b) by deleting “designated” from the last line and by substituting “authorised” therefor.

Amendment of section 55.

4. Section 55 of the principal Order is amended, in subsection (6), by deleting “designated” from the first line and by substituting “authorised” therefor.

Amendment of section 59.

5. Section 59 of the principal Order is amended —

(a) in subsection (1) —

- (i) in paragraph (a), by deleting “terrorist property” from the second and last lines and by substituting “property belonging to any terrorist or any designated person” therefor;

- (ii) in paragraph *(b)*, by deleting “or any terrorist entity” and by substituting “, any terrorist entity or any designated person” therefor;
- (iii) in paragraph *(c)*, by deleting “or any terrorist entity” and by substituting “, any terrorist entity or any designated person” therefor;
- (iv) by deleting “Commissioner of Police and any such other person as the Minister may designate” and by substituting “officer in charge of the nearest police station in Brunei Darussalam or to any police officer in Brunei Darussalam, and any such other person as the Minister may authorise” therefor;
- (v) by deleting “designated” from the last line and by substituting “authorised” therefor.

(b) in subsection (2), by deleting “Commissioner of Police or such designated” from the second line and by substituting “officer in charge of the nearest police station in Brunei Darussalam, any police officer in Brunei Darussalam or such authorised” therefor.

Amendment of section 60.

6. Section 60 of the principal Order is amended by inserting “or any regulations made thereunder” immediately after “Order” in the first line.

Amendment of section 70.

7. Section 70 of the principal Order is amended —

(a) in subsection (1) —

- (i) in paragraph *(b)*, by deleting “and” from the last line;
- (ii) by deleting paragraph *(c)* and by substituting the following new paragraph therefor —

“*(c)* the freezing, forfeiture and seizure of property of any person;”;
- (iii) by adding the following new paragraph —

“*(d)* “measures for the prevention of the financing of terrorism including the designation of any person.”;

(b) by repealing subsection (4) and by substituting the following new subsection therefor –

“(4) Any person who fails or refuses to comply with or contravenes any regulations made under this section is guilty of an offence and liable on conviction to a fine not exceeding \$1,000,000 and in the case of a continuing offence, to a further fine of \$100,000 for every day during which the offence continues after conviction.”.

Made this 24th. day of Muharram, 1434 Hijriah corresponding to the 8th. day of December, 2012 at Our Istana Nurul Iman, Bandar Seri Begawan, Brunei Darussalam.

HIS MAJESTY
THE SULTAN AND YANG DI-PERTUAN
BRUNEI DARUSSALAM