

10. Part II of the First Schedule to the Anti-Money Laundering and Combating of Financing of Terrorism Act 2012, is amended by inserting the following new items immediately after item (4) -

- (4A) car dealers;
- (4B) non-profit organisations;
- (4C) shipping companies and agencies;
- (4D) clearing and forwarding agencies.

MEMORANDUM OF OBJECTS AND REASONS

The object of this Bill is to amend the Anti-Money Laundering and Combating of Financing of Terrorism Act, 2012 to incorporate the International Standards on Combating Money Laundering and the Financing of Terrorism and Proliferation FATF (2012-2018) Paris, France recommendations, to address the difficulty relating to the burden of proof required in the prosecution of offences under the Act.

To address the difficulty relating to the burden of proof, subsection (1) of section 16 has been amended by deleting the words "with the intention that they should be used or having reasonable grounds to believe that they are to be used" with the objective of discharging the prosecution of the responsibility of proving that a suspect charged with an offence under this Act intended that the financing or other assistance provided is to be used for terrorism purposes.

MADE this *day of* , 2019.

JACOB JUSU SAFFA
Minister of Finance

FREETOWN,
SIERRA LEONE.

BILL

Supplement to the Sierra Leone Gazette Vol. CXLX, No. 39
dated 25th April, 2019



No.

2019

Sierra Leone

A BILL ENTITLED

**The Anti-Money Laundering and Combating of Financing of
Terrorism (Amendment) Act, 2019.** Short title.

**Being an Act to amend the Anti-Money Laundering and
Combating of Financing of Terrorism Act, 2012 and to provide for
other related matters.**

[] Date of commencement.

ENACTED by the President and Members of Parliament in this
present Parliament assembled.

Amendment of section 1 of Act No. 2 of 2012.

1. Section 1 of the Anti-Money Laundering and Combating of Financing of Terrorism Act, 2012 is amended by inserting immediately after the definition "financing of terrorism" the following new definition -

"foreign terrorist fighter" means an individual who travels to a state other than that individual's state of residence or nationality for the purpose of perpetration, planning, supporting of, preparation, organising, counselling for, participation in a terrorist act or providing or receiving terrorist training, or a terrorism-related activity including in connection with armed conflict".

Amendment of section 4 of Act No. 2 of 2012.

2. Section 4 of the Anti-Money Laundering and Combating of Financing of Terrorism Act, 2012 is amended in subsection (1) by deleting the words "once a month" and substituting the words "once every quarter".

Amendment of section 16 of Act No. 2 of 2012.

3. Section 16 of the Anti-Money Laundering Combating of Financing of Terrorism Act, 2012 is amended in -

- (a) subsection (1) by deleting the words "with the intention that they should be used or having reasonable grounds to believe that they are to be used" immediately after the word "property" on the third line;
- (b) subsection (2) by inserting the following new subsection immediately after subsection (2) -

"(2A) A person who finances or provides any support whatsoever to-

- (a) a terrorist;
- (b) a terrorist group;
- (c) a terrorist organisation; or
- (d) a foreign terrorist fighter,

commits an offence."

4. Section 52 of the Anti-Money Laundering and Combating of Financing of Terrorism Act, 2012 is amended in subsections (1) and (2) by substituting "Part III" with "Part VII".

Amendment of section 52 of Act No. 2 of 2012.

5. Section 53 of the Anti-Money Laundering and Combating of Financing of Terrorism Act, 2012 is amended in subsection (1) by substituting "Part III" with "Part VII".

Amendment of section 53 of Act No. 2 of 2012.

6. Part VIII of the Anti-Money Laundering and Combating of Financing of Terrorism Act, 2012 is amended by repealing and replacing the heading with the following new heading-
"PART VIII - CURRENCY DECLARATION"

Amendment of Part VIII of Act No. 2 of 2012.

7. Section 68 of the Anti-Money Laundering and Combating of Financing of Terrorism Act, 2012 is amended by repealing and replacing subsection (1) with the following new section -

Amendment of section 68 of Act No. 2 of 2012.

"68 (1) A person who leaves or arrives in Sierra Leone with more than Ten Thousand United States Dollars, or its equivalent in Leones or other foreign currency in cash or negotiable bearer instruments on his person or in his luggage without first having declared the fact to the relevant authority commits an offence and is liable on conviction to forfeit the entire amount"

8. Section 75 of the Anti-Money Laundering and Combating of Financing of Terrorism Act, 2012 is amended in subsection (3) by deleting the words "period of ten working days" and substituting the words "period of 30 working days".

Amendment of section 75 of Act No. 2 of 2012.

9. Section 76 of the Anti-Money Laundering and Combating of Financing of Terrorism Act, 2012 is amended in subsection (8) by deleting the words "six months " and substituting the words "eighteen months"

Amendment of section 76 of Act No. 2 of 2012.