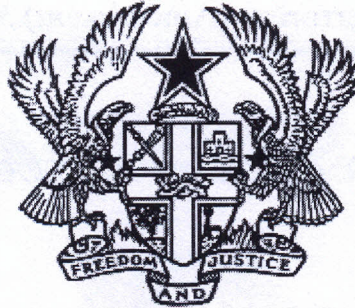


ARRANGEMENT OF SECTIONS

Section

1. Section 37A of Act 762 inserted
2. Section 39 of Act 762 amended
3. Section 40 of Act 762 amended
4. Schedule to Act 762 inserted

Act 842



THE EIGHT HUNDRED AND FORTY-SECOND

ACT

**OF THE PARLIAMENT OF THE REPUBLIC
OF GHANA
ENTITLED**

ANTI-TERRORISM (AMENDMENT) ACT, 2012

AN ACT to amend the Anti-Terrorism Act, 2008 (Act 762) to empower the Attorney-General and Minister for Justice to issue Instructions for the effective implementation of the United Nations Security Council Resolution 1267(1999), the United Nations Security Council Resolution 1373(2001), the United Nations Security Council Resolution 1718 (2006) and any successor resolutions related to the freezing or seizure of terrorist assets and to provide for related matters.

DATE OF ASSENT: *16th April, 2012.*

PASSED by Parliament and assented to by the President:

Section 37A of Act 762 inserted

1. The Anti-Terrorism Act, 2008 (Act 762) referred to in this Act as the principal enactment is amended by the insertion after section 37 of a new section 37A

“Instructions

37A. (1) The Minister shall in pursuance of the United Nations Security Council Resolution 1267 (1999); the United Nations Security Council Resolution 1373 (2001) and the United Nations Security Council Resolution 1718 (2006) and any successor resolutions related to:

- (a) the detection, freezing or seizure of terrorists assets,
 - (b) the financing of the proliferation of weapons of mass destruction, and
 - (c) any other activity in furtherance of a terrorist act
- issue Instructions to accountable institutions and other related parties for the purposes of preventing and suppressing terrorism and the financing of terrorist acts.

(2) The Minister may by Executive Instrument issue the Instructions referred to in subsection (1).

(3) A person to whom Instructions are issued shall comply with the Instructions.

(4) A person who contravenes a provision of the Instructions issued under subsection (1) commits an offence and is liable on summary conviction to a fine of not less than two thousand five hundred penalty units and not more than five thousand penalty units or to a term of imprisonment of not less than five years and not more than ten years or to both the fine and the imprisonment.”

Section 39 of Act 762 amended

2. The principal enactment is amended by the substitution for section 39 of

“Regulations

39. The Minister may by legislative instrument make Regulations

- (a) on the types of financial and other related services which may not be provided to proscribed specified entities;
- (b) to specify the reporting procedures required of accountable institutions including directing accountable institutions to report suspicious or unusual transactions to the Financial Intelligence Centre;
- (c) to instruct accountable institutions to verify, identify and maintain records;

Act 842*Anti-Terrorism (Amendment) Act, 2012*

- (d) on the provision of information relating to passengers on vessels or aircraft or any other means of transport and persons entering or leaving the country and specifying the foreign states to which the information may be provided;
- (e) to amend the Schedule; and
- (f) generally to provide for the effective implementation of the provisions of this Act”.

Section 40 of Act 762 amended

3. The principal enactment is amended in section 40 by

- (a) the substitution for the definition of “accountable institution” of

“ “accountable institution” includes a person specified in the Schedule”;

- (b) the insertion of a new definition after “Minister” of
“non-governmental organisation” means a civil society group or non-profit body of persons formed to pursue purposes that are lawful and that are non-profit but orientated towards a public interest”;

- (c) the insertion of new definitions after “property” of
“record” means a material on which data is recorded or marked and which is capable of being read or understood by a person, computer system or other device;

“suspicious” means a matter which is beyond mere speculation and based on some foundation”;

- (d) the insertion of new definitions after “terrorist property” of
“ “transaction” includes an act which establishes a right or obligation or gives rise to a contractual or legal relationship between the parties to the contract or legal relationship and any movement of funds by any means with a covered institution;

“unusual” means a matter that is suspicious and has a different pattern because it is inconsistent with the client’s profile and does not have an economic or legal explanation;” and

- (e) the insertion of a new definition after “weapon” of

“weapon of mass destruction” means a weapon that can cause death or significant harm to members of the public, to property or to the environment”.

Schedule to Act 762 inserted

4. The principal enactment is amended by the insertion of a Schedule

**“Schedule
(section 40)**

Accountable institutions

1. An entity which is a bank or a non-bank financial institution which carries on any of the following activities:

- (a) accepting deposits of money from the public, repayable on demand or otherwise and withdrawable by cheque, draft, orders or by any other means;
- (b) financing, whether in whole or in part or by way of short, medium or long term loans or advances of trade, industry, commerce or agriculture;
- (c) the issue and administration of means of payment including credit cards, travellers’ cheques, bankers’ drafts and other financial instruments;
- (d) the trade in foreign exchange, currency market instruments or transferable securities;
- (e) securities portfolio management and advice concerned with the portfolio management;
- (f) dealing in shares, stocks, bonds or other securities;
- (g) leasing, letting or delivering goods to a hirer under a hire-purchase agreement;
- (h) the conduct of any business;
- (i) the collection of money or acceptance of employer contributions and payment from these funds of legitimate claims for retirement benefits; and
- (j) any other business activities that the Bank of Ghana may prescribe or recognise as being part of banking business;

2. Auctioneers

3. Lawyers

4. Notaries
5. Accountants
6. Religious bodies
7. Non-governmental organisations
8. A person whose business or a principal part of whose business consists of providing financial services that involve the remittance or exchange of funds including
 - (i) money transfer organisations; and
 - (ii) mobile money or branchless banking transfer companies
9. Operators of games of chance
10. A company carrying on insurance business within the meaning of the Insurance Act, 2006 (Act 724).
11. A real estate company or agent, only to the extent that the real estate company or agent receives funds in the course of the business of the agent to settle real estate transactions.
12. Dealers in precious metals and precious stones
13. Dealers in motor vehicles
14. Trust and company service providers
15. Dealers in oil and gas
16. Freight forwarders
17. Mining companies
18. Timber operators."

Date of Gazette notification: 20th April, 2012.