



REPUBLIC OF NAURU

COUNTER TERRORISM AND TRANSNATIONAL ORGANISED CRIME (TARGETED FINANCIAL SANCTIONS) REGULATIONS 2023

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The Cabinet makes the following Regulations under Section 34 of the *Counter Terrorism and Transnational Organised Crime Act 2004*:

1 Citation

These Regulations may be cited as the *Counter Terrorism and Transnational Organised Crime (Targeted Financial Sanctions) Regulations 2023*.

2 Commencement

These Regulations commence on the day they are notified in the Gazette.

3 Interpretation

In these Regulations:

'designated person or entity' means a person or entity designated under a resolution;

'frozen property' or **'freezable property'** means property that cannot be dealt with as a result of the prohibition against dealing with property in Regulation 5;

'resolution' means a United Nations Security Council resolution adopted pursuant to Article 41 of the Charter of the United Nations which is provided for under the Schedule, which includes the amendment or repealing of whole or part of any existing resolution;

'Schedule' means the Schedule to the Act;

'targeted financial sanctions' means:

- (a) measures that restrict dealing in property or the making available of property or financial or related services; or
- (b) other restrictions or prohibitions directly or indirectly related to or for the benefit of designated persons or entities; and

'UNSC' means the United Nations Security Council.

4 UNSC designation and de-listing

(1) The designation of a person or entity for targeted financial sanctions by the UNSC or its committees under a resolution of such listed in the Schedule has immediate effect.

(2) The de-listing of a person or entity by the UNSC or its committees under a resolution of such listed in the Schedule has immediate effect.

5 Prohibition against dealing with property

(1) No person shall deal with:

- (a) a property that is wholly or jointly, directly or indirectly, owned or controlled by:
 - (i) a designated person or entity; or
 - (ii) a person or entity acting on behalf of or at the direction of a designated person or entity;
- (b) income or direct or indirect pecuniary benefit generated from the property referred to in paragraph (a); or
- (c) a vessel designated as freezable property by the UNSC or its Committees under resolution 2270 or 2321 on the basis that the vessel is owned or controlled by a designated person or entity.

(2) For the purpose of this Regulation, a property shall not be required to be related to a particular terrorist act in order to be a freezable property.

6 Prohibition against making property available

(1) No person or entity shall make available part or whole of a property, whether owned by a person or entity or with any other person or entity, directly or indirectly, for personal use of or for any terrorist act by:

- (a) a designated person or entity;
- (b) a person controlled by a designated person;
- (c) an entity owned or controlled by a designated person or entity; or
- (d) a person or entity acting on behalf of, or at the direction of, a designated person or entity.

(2) Subregulation (1) does not apply if a payment, including by way of interest or other earnings, is made to an account containing frozen property, if that payment is also frozen.

7 Prohibition against making financial or related services available

(1) No person or entity shall make available a financial or related service, directly or indirectly, for personal use or for any terrorist act:

- (a) a person or entity designated pursuant to a terrorism-related resolution;
- (b) a person controlled by a designated person;
- (c) an entity owned or controlled by a designated person or entity; or

- (d) a person or entity acting on behalf of, or at the direction of, a person or entity designated pursuant to a terrorism-related resolution.

(2) In this regulation, a terrorism-related resolution means:

- (a) resolution 1267;
- (b) resolution 1989;
- (c) resolution 2253;
- (d) resolution 1988; and
- (e) resolution 1373.

8 Obligation to report freezable property

- (1) A person or entity that is in possession or control of a freezable property shall report such property and any transaction or attempted transactions related to such property to the Financial Intelligence Unit.
- (2) A person or entity that is requested to provide a financial or related service in contravention of Regulation 7 shall report such request to the Financial Intelligence Unit.
- (3) A report required by this Regulation shall be made within 72 hours after an event under sub-regulation (1) or (2) occurs.
- (4) A person or entity shall provide any other information related to the report or to the freezable property, if requested by the Financial Intelligence Unit.

9 Obligations by financial institution relating to screening customers

- (1) A financial institution shall adopt policies and procedures suitable to the size and business of the institution to screen new and existing customers against a designated person or entity.
- (2) The financial institution shall provide a copy of the policies and procedure to the Financial Intelligence Unit and where necessary the Financial Intelligence Unit shall inform the financial institutions to amend such policies and procedures so that any short comings are rectified.
- (3) For the purpose of enabling financial institutions compliance with this Regulation, the Financial Intelligence Unit shall provide a list of designated persons or entities to every financial institution in the Republic.

10 Offence

A person who contravenes any provision of these Regulations commits an offence and is liable:

- (a) in the case of an individual, to a fine not exceeding \$10,000 or an imprisonment term not exceeding 2 years or to both; or
- (b) for a body corporate, to a fine not exceeding \$50,000.