Bill for Introduction into the National Assembly —

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THE FINANCE BILL, 2013

A Bill for

AN ACT of Parliament to amend the law relating to various taxes and duties and for matters incidental thereto

ENACTED by the Parliament of Kenya, as follows—

PART I—PRELIMINARY

1. This Act may be cited as the Finance Act, 2013, and shall come into operation, or be deemed to have come into operation, as follows—
   (a) sections 2, 3, 4, 6 and 7 on the 18th June, 2013;
   (b) section 5 on the 1st July, 2013;
   (c) all other sections on the 1st January, 2014.

PART II—CUSTOMS AND EXCISE

2. Section 2 of the Customs and Excise Act is amended by inserting the following new definition in proper alphabetical sequence—

   "Minister" means the Cabinet Secretary for the time being responsible for matters relating to finance.

3. Section 91 of the Customs and Excise Act is amended in subsection (1) by deleting the words "without assigning any reason" and adding the words "and shall furnish the applicant with the reasons for such refusal" at the end of the subsection.

4. Section 92 of the Customs and Excise Act is amended in subsection (1) by deleting the words "without assigning any reason" and adding the words "and shall furnish the applicant with the reasons for such refusal" at the end of the subsection.
5. The Customs and Excise Act is amended by inserting the following new section immediately after section 117—

**117A.** (1) There shall be paid a levy to be known as the railway development levy on all goods imported into the country for home use.

(2) The levy shall be at the rate of 1.5 percent of the customs value of the goods and shall be paid by the importer of such goods at the time of entering the goods for home use.

(3) The purpose of the levy shall be to provide funds for construction of a standard gauge railway network in order to facilitate the transportation of goods.

(4) The Cabinet Secretary shall, in regulations, establish a railway development levy fund with which all the proceeds of the levy shall be paid.

(5) The fund referred to in subsection (4) shall be established, managed, administered or wound up in accordance with section 24 of the Public Financial Management Act, 2012 and the regulations made under that Act.

6. The Fifth Schedule to the Customs and Excise Act is amended in Part III—

(a) by deleting the words “financial service providers” appearing in item 7 and substituting therefor the words “financial institutions”;

(b) by inserting the following new paragraph immediately after paragraph 8—

9. For the purposes of items 7 and 8—

“financial institutions” means —
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(a) a person licensed under—

Cap 488. (i) the Banking Act;
(ii) the Insurance Act;
Cap 487. (iii) the Central Bank of Kenya Act, or
Cap 491. (iv) the Micro Finance Act; 2006;

No.14/2008 (b) a Sacco society registered under the Sacco Societies Act, 2008; or

Cap. 493B (c) the Kenya Post Office Savings Bank established under the Kenya Post Office Savings Bank Act.

“other fees” includes any fees, charges or commissions charged by financial institutions, but does not include interest.

PART III—VALUE ADDED TAX

7. The Eighth Schedule to the Value Added Tax Act is amended in Part B by deleting item 25 and substituting therefor the following—

Amendment to Eighth Schedule of Cap. 476.

25. Sports goods and Equipment

Goods and equipment intended solely for the development of sports in Kenya and not for sale, imported or purchased by, or donated to, registered sports organizations upon recommendation by the Ministry responsible for sports.

PART IV—INCOME TAX

8. Section 2 of the Income Tax Act is amended in subsection (1)—

Amendment to section 2 of Cap 470.

(a) by inserting the words “or an agreement for the exchange of tax information under section 41A” at the end of the definition of “specified arrangement”;

(b) by inserting the following new definitions in proper alphabetical sequence—
“Minister” means the Cabinet Secretary for the time being responsible for matters relating to finance;

“oil company” means a petroleum company within the meaning of the Ninth Schedule;

“winnings” has the meaning assigned to it in the Betting, Lotteries and Gaming Act.

9. Section 5 of the Income Tax Act is amended in subsection (2) by deleting paragraph (f) and substituting therefor the following new paragraph -

(f) an amount paid by an employer as a premium for an insurance on the life of his employee and for the benefit of that employee or any of his dependants:

Provided that this paragraph shall not apply where such an amount is paid –

(i) to a registered or unregistered pension scheme, pension fund, or individual retirement fund; or

(ii) for group life policy cover, unless such a cover confers a benefit to the employee or any of his dependants.

10. Section 10 of the Income Tax Act is amended by inserting the following new paragraph immediately after paragraph (f) –

“(g) winnings from betting and gaming”.

11. Section 19A of the Income Tax Act is amended in subsection (1) by deleting the expression “section 86” appearing and substituting therefor with the expression “section 92”. 
12. Section 25 of the Income Tax Act is amended in subsection (7) by deleting the word “nineteen” appearing in paragraph (a) and substituting therefor the word “eighteen”.

13. Section 34 of the Income Tax Act is amended in subsection (2) by inserting the following new paragraph immediately after paragraph (h) –

“(i) winnings from betting and gaming”.

14. Section 35 of the Income Tax Act is amended –

(a) in subsection (1), by inserting the following new paragraph immediately after paragraph (i) –

“(j) winnings from betting and gaming”.

(b) in subsection (3), by inserting the following new paragraph immediately after paragraph (h) –

“(i) winnings from betting and gaming”.

15. Section 84 of the Income Tax Act is amended by deleting subsection (3) and substituting therefor the following new subsection—

(3) A person aggrieved by the refusal of the Commissioner to admit a notice of objection under subsection (2) may, on paying to the Commissioner that part of the amount of tax assessed that is not in dispute and thirty percent of the tax in dispute, and on paying any interest due under section 94, appeal against the refusal to a local committee whose decision shall be final.

16. Section 114 of the Income Tax Act is amended—

(a) by deleting subsection (1) and substituting therefor the following new subsection—
(1) The Commissioner may, where he is satisfied that a person has committed an offence under this Act, other than an offence under section 126 of this Act, in respect of which a penalty of a fine is provided, or in respect of which anything is liable to forfeiture, compound the offence and may order that person to pay such sum of money, not exceeding the amount of the fine to which he would have been liable if he had been prosecuted and convicted of the offence, as he may deem fit;

Provided that the Commissioner shall not exercise his powers under this section unless the person admits in writing that he has committed the offence and requests the Commissioner to deal with the offence under this section.

(b) by inserting the following new subsection immediately after subsection (2) –

(2A) For the purposes of subsection (1), the Commissioner shall constitute a committee of not less than three officers to consider applications for the compounding of offences.

17. Section 116 of the Income Tax Act is amended by renumbering the existing section as subsection (1) and inserting the following new subsection –

(2) A person convicted of an offence under subsection (1) may be ordered by the court to make payment to the Commissioner of the whole or such part as remains unpaid of the tax assessed by the Commissioner either in addition to, or in substitution of, any other penalty.

18. Section 119 of the Income Tax Act is amended by deleting the operational part and substituting therefor the following—
“(1) For the purpose of inquiring into the affairs of a person under this Act, the Commissioner or an authorized officer may, without warrant exercise all or any of the following powers, where the person has or is reasonably suspected of committing an offence under this Act.”

19. Section 124 of the Income Tax Act is amended by deleting the expression “sections 114 and 123” and substituting therefor the expression “section 123”.

20. Section 125 of the Income Tax Act is amended in subsection (4) by inserting the words “or for the exchange of information relating to income tax or taxes of a similar character”, immediately after the words “tax in Kenya”.

21. The First Schedule to the Income Tax Act is amended in paragraph 26 by deleting subparagraph (a).

22. Head B of the Third Schedule to the Income Tax Act is amended –

(a) in paragraph 3 by inserting the following new subparagraph immediately after subparagraph (l)–

(m) in respect of winnings from betting and gaming, twenty percent;

(b) in paragraph 5 –

(i), by inserting the following new subparagraph immediately after subparagraph (i) –

(j) in respect of winnings from betting and gaming, twenty percent:

Provided that the tax so deducted shall be final.

(ii) by inserting the words “except in the case of oil companies, in respect of assignment of rights”, at the end of the proviso to paragraph (k).
23. The Retirement Benefits Act is amended by inserting a new section immediately after section 5A as follows—

5A. (1) The Authority may, where it receives a request from a regulatory body, whether established within or outside Kenya, for assistance in investigating a person specified by the regulatory body who has contravened or is contravening any legal or regulatory requirements which—

(a) are enforced or administered by that regulatory body, or

(b) relate to transactions regulated by that regulatory body,

and where it is of the opinion that the request meets the requirements of subsection (3), provide the assistance requested by exercising any of its powers under this Act or by providing such other assistance as the Authority may consider necessary.

(2) For the purposes of subsection (1), the provisions of this Act shall, with such modifications as may be necessary, apply and have effect as if the contravention of the legal or regulatory requirement referred to in subsection (1) were an offence under this Act.

(3) A regulatory body which requests for assistance under subsection (1) shall demonstrate that—

(a) it is desirable or expedient that the assistance requested should be provided in the interest of the public; or
(b) the assistance shall assist the regulatory body in the discharge and performance of its functions.

(4) The Authority shall, in determining whether the requirements of subsection (3) have been satisfied in any particular case, take into account whether the regulatory body shall—

(a) pay the Authority any of the costs and expenses incurred in providing the assistance; and

(b) be able and willing to provide reciprocal assistance within its jurisdiction in response to a similar request for assistance from Kenya.

(5) Nothing in this section shall be construed as limiting the powers of the Authority to cooperate or co-ordinate with any other regulatory body in the exercise of its powers under this Act, in so far as any such co-operation or co-ordination is not contrary to the objectives of this Act.

Authority may investigate.

5B. (1) Where the Authority has reasonable cause to believe, either on its own motion or as a result of a complaint received from any person, that—

(a) an offence has been committed under this Act; or
(b) a manager, custodian, trustee or an administrator may have engaged in embezzlement, fraud, misfeasance or other misconduct in connection with its regulated activity; or

(c) the manner in which a manager, custodian, trustee or an administrator has engaged or is engaging in the regulated activity is not in the interest of the person’s clients or in the public interest,

the Authority shall in writing depute a suitably qualified person to conduct investigations into the matter on behalf of the Authority.

(2) An investigator appointed under subsection (1) shall require any person whom the investigator reasonably believes or suspects to be in possession or in control of any record or document which contains, or which is likely to contain, information relevant to an investigation under this section –

(a) to produce to the investigator, within such time and at such place as the investigator may require in writing, any record or document specified by the investigator which is, or may be, relevant to the investigation, and which is in the possession or under the control of that person;
(b) to give an explanation or further particulars in respect of any record or document produced under paragraph (a);

(c) to attend before the investigator at the time and place specified in writing by the investigator, and to the best of his ability under oath or affirmation answer any question relating to the matters under investigation as the investigator may put to him, and

(d) to assist the investigator with the investigation to the best of the person’s ability.

(3) A person who contravenes the provisions of subsection (2) commits an offence.

24. The Retirement Benefits Act is amended by inserting a new section immediately after section 22 as follows—

22A (1) The Authority shall, in determining whether a person is suitable to act as a trustee, manager, custodian or an administrator under this Act, consider the—

(a) financial status or solvency of the person;

(b) educational or other qualifications or experience of the person, having regard to the nature of the functions which, if the application is granted, the person shall perform;
(c) status of any other licence or approval
granted to the person by any financial sector
regulator;

(d) ability of the person to carry on the
regulated activity competently, honestly
and fairly; and

(e) reputation, character, financial integrity
and reliability –

(i) in the case of a natural person, of
that individual; or

(ii) in the case of a company, of the
company, its chairperson,
directors, chief executive,
management and all other
personnel including all duly
appointed agents, and any
substantial shareholder of the
company.

(2) Without prejudice to the generality of
subsection (1), the Authority may, in
considering whether a person is fit and proper—

(a) take into account whether the
person—

(i) has contravened the
 provision of any law, in Kenya or
elsewhere, designed for the
 protection of members of the
 public against financial loss due to
dishonesty, incompetence, or
malpractice by persons engaged in
transacting with marketable
securities;
(ii) was a director of a licensed person who has been liquidated or is under liquidation or statutory management;

(iii) has taken part in any business practice which, in the opinion of the Authority, was fraudulent prejudicial to the market or public interest, or was otherwise improper, which would otherwise discredit the person's methods of conducting business; or

(iv) has taken part or has been associated with any business practice which casts doubt on the competence or soundness of judgment of that person; or

(v) has acted in such a manner as to cast doubt on the person's competence and soundness of judgment;

(b) take into account any information in the possession of the Authority, whether provided by the applicant or not, relating to—

(i) any person who is to be employed by, associated with, or who shall be acting for or on behalf of, the applicant for the purposes of a regulated activity, including an agent;
(ii) where the applicant is a company in a group of companies—

(A) any other company in the same group of companies; or

(B) any substantial shareholder or key personnel of the company or any company referred to in subparagraph (a);

(c) take into account whether the applicant has established effective internal control procedures and risk management systems to ensure its compliance with all applicable regulatory requirements; and

(d) have regard to the state of affairs of any other business which the person carries on or purports to carry on.

(3) The Authority shall give a person an opportunity to be heard before determining whether a person is fit and proper for the purposes of this Act.

(4) For the purposes of this section, “group of companies” means any two or more companies one of which is the holding company of the others.

25. Section 59 of the Retirement Benefits Act is amended in the proviso by inserting the words “payment of retirement benefits” immediately after the words “in respect of”.
26. Section 2 of the Banking Act is amended in subsection (1) –

(a) by inserting the words “or sub-contracted by such entity” immediately after the words “approved by the Central Bank” appearing in the definition of the word “agency”;

(b) by deleting the words “in Kenya” appearing in the definition of the expression “place of business”;

(c) by inserting the words “or outside” immediately before the word “Kenya” appearing in the definition of the words “total deposit liabilities”

27. Section 31 of the Banking Act is amended by deleting subsection (5) and substituting therefor the following new subsection—

(5) No duty to which the Central Bank, Kenya Insurance Deposit Insurance Corporation, a credit reference bureau, an institution licensed under this Act, 2006 or the Microfinance Act or their respective officers may be subject, shall be breached by reason of the disclosure, in good faith, of any information under subsection (2), to or by, as the case may be –

(a) the Central Bank;

(b) the Kenya Deposit Insurance Corporation;

(c) an institution licensed under this Act or the Microfinance Act;

(d) a credit reference bureau established under subsection (4);

(e) any person carrying out an inspection under section 32; or
(f) any person, authority, agency or entity referred to in subsection (3)(a) or any other person or authority which may be authorized under any written law or otherwise to share information,

in the course of the performance of their duties and no action shall lie against the Central Bank, the Kenya Deposit Insurance Corporation, a credit reference bureau, an institution licensed under this Act or the Microfinance Act, 2006 or any of their respective officers on account of such disclosure.

28. The Banking Act is amended by repealing section 55 and replacing it with the following new section—

Repeal and replacement section 55 of Cap. 488.

Regulations. 55. (1) The Central Bank may make regulations generally for carrying out the purposes and provisions of this Act.

(2) Without prejudice to the generality of subsection (1), the Central Bank may, in regulations, prescribe penalties to be paid by institutions, credit reference bureaus (or any other person) that fail or refuse to comply with any directions of the Central Bank under this Act or Prudential Guidelines, which shall not exceed five million Kenya shillings in the case of an institution or credit reference bureau, or two hundred thousand shillings in the case of a natural person, and may prescribe additional penalties not exceeding twenty thousand shillings in each case for each day or part thereof during which such failure or refusal continues.

29. The Schedule to the East African Development Bank Act is amended—

Amendment to Schedule of Cap 493A.

(a) in Article 24, by inserting the following new paragraph immediately after paragraph 4—

...
(5) The Bank shall be accorded, in the territories of the Member States, a creditor status no less than that accorded to the International Monetary Fund, the International Bank of Reconstruction and Development, the International Development Association, the African Development Bank and the African Development Fund.

(b) by deleting Article 25 and renumbering—

(i) Articles 43 to 50 as Articles 42 to 49 respectively; and

(ii) Article 52 as Article 51.

(c) in the renumbered Article 44, by deleting paragraph (1) and substituting therefor the following new paragraph—

(1) The Bank shall enjoy immunity from every form of legal process except in any case where it has expressly waived its immunity in writing, when it may be sued in a court of competent jurisdiction in a Member State in which the Bank has an office, and has appointed an agent for the purpose of accepting service or notice of process. It is however understood that no waiver of immunity shall be implied or extend to any measure of execution.

(d) in the renumbered Article 45—

(i) by inserting the word “nationalization or execution” immediately after the word “expropriation” appearing in paragraph 1;’

(ii) by inserting the following new paragraph immediately after paragraph 2—
3. For the purpose of this Charter, the terms “property and assets of the Bank” shall include property and assets owned or held by the Bank, the Bank’s premises, and deposits and funds entrusted to the Bank in the ordinary course of fulfilling its mandate.

30. The Local Authorities Transfer Fund Act, 1998 is repealed.

31. The Prevention of Terrorism Act, 2012 is amended by repealing section 5 and replacing it with the following new section—

5.(1) A person who, directly or indirectly, collects, attempts to collect, provides, attempts to provide or invites a person to provide or make available any property, funds or a service intending, knowing or having reasonable grounds to believe that such property, funds or service shall be used—

(a) for the commission of, or facilitating the commission of a terrorist act or any other act which constitutes an offence within the scope of, and as defined in any of the treaties listed in the annex to the 1999 International Convention for the Suppression of the Financing of Terrorism;

(b) by a terrorist group for any purpose;

(c) by any natural person, for any purpose, who—

(i) commits, or attempts to commit, by any means, directly or indirectly, unlawfully and willfully, acts within the scope of paragraph (a);
(ii) participates as an accomplice in acts within the scope of paragraph (a);

(iii) organizes or directs others to commit acts within the scope of paragraph (a); or

(iv) contributes to the commission of acts within the scope of paragraph (a) by a group of persons acting with a common purpose where the contribution is made intentionally and with the aim of furthering the commission of acts within the scope of paragraph (a), or with the knowledge of the intention of the group to commit acts within the scope of paragraph (a), commits an offence and is liable, on conviction, to imprisonment for a term not exceeding twenty years.

(2) The offences under this section shall be deemed to be committed irrespective of any occurrence of a terrorist act or other act referred to in subsection(1)(a) or whether the funds have actually been used to commit such act.
MEMORANDUM OF OBJECTS AND REASONS

This Bill has been submitted by the Cabinet Secretary for the National Treasury and formulates the proposals announced in the Budget for 2013/2014 relating to liability to, and collection of taxes, and for matters incidental thereto.

The Bill also seeks to amend the following laws:

The Retirement Benefits Act (Cap. 197)

The Bill seeks to introduce amendments to the Retirement Benefits Act to empower the Retirement Benefits Authority to share information on any activities suspected to be related to money laundering and financing of terrorism with the local mandated institutions for investigation. The amendments also seek to strengthen the suitability criteria for trustees and persons seeking registration as custodians, fund managers and administrators in line with requirements under the money laundering and financing of terrorism.

The Banking Act (Cap. 488)

The Bill seeks to enhance penalties provided for under the Banking Act in order to deter institutions from violation of the law while pursuing to make high profits and acquire market dominance.

The East African Development Bank (Cap.493A)

The Bill seeks to introduce amendments to the East African Development Bank in line with the directive of the East Africa Community Summit of Heads of State aimed at safeguarding the assets of the East Africa Community and its institutions.

The Prevention of Terrorism Act (No. 30 of 2012)

The Bill seeks to address deficiencies in the criminalization of terrorism financing in order to comply with the Financial Action Task Force standards. It further aims at extending the funding of a terrorist individual or organization for any purpose to be an offence as well as recognize terrorism financing to include acts criminalized under the Treaties listed in the Annex to the 1999 International Convention for the Suppression of the Financing of Terrorism.
This Bill is not a Bill concerning county government and its enactment will occasion additional revenue for the Government.

Dated the 18th June, 2013,

BENJAMIN LANGAT,
Chairperson,
Committee on Finance, Planning and Trade.
Section 59 of Cap. 197 which is intended to amend—

59. The Minister may, by order published in the Gazette—

(a) exempt any person or class of persons from compliance with any specified provisions of this Act; or

(b) extend the time for compliance by any person or class of persons with any specified provisions of this Act:

Provided that nothing in this section shall apply in respect of any of the provisions of Part III of this Act.

The definition of “agency”, “place of business” and “total deposit liabilities” in section 2 of Cap. 488 which is intended to amend—

“agency” means an entity contracted by an institution and approved by the Central Bank to provide the services of the institution on behalf of the institution, in such manner as may be prescribed by the Central Bank:

Provided that where such entity is a cooperative society, prior approval to provide the services shall be sought from the Sacco Societies Regulatory Authority established under the SACCO Societies Act, 2008.

“place of business” means any premises, other than the head office, including a branch, an agency or a mobile unit, or such other premises as may, from time to time, be prescribed by the Central Bank, at which an institution transacts banking or financial business in Kenya and which is open to the public;

“total deposit liabilities” means the total deposits in Kenya in any institution which are repayable on demand or after a fixed period or after notice;

Subsection (5) of Section 31 of Cap. 488 which is intended to amend—

32. (5) No duty, to which an institution or its officers may be subject, shall be breached by reason of the disclosure, in good faith, of any information under subsection (2), to—
(a) the Central Bank or to another institution; or

(b) a credit reference bureau established under subsection (4), in the course of the performance of their duties and no action shall lie against the institution or any of its officers on account of such disclosure.

(c) a deposit-taking microfinance institution licensed under the Microfinance Act, 2006.

Section 55 of Cap. 488 which is intended to amend—

55. (1) The Minister may make regulations generally for carrying out the purposes and provisions of this Act.

(2) Without prejudice to the generality of subsection (1), the Minister may, in regulations, prescribe penalties to be paid by institutions or credit reference bureaus which fail or refuse to comply with any directions of the Central Bank under this Act, which shall not exceed one million shillings in the case of an institution or credit reference bureau, or one hundred thousand shillings in the case of a natural person, and may prescribe additional penalties not exceeding ten thousand shillings in each case for each day or part thereof during which such failure or refusal continues.

Article 24 of the Schedule of Cap. 493A which is intended to amend—

(1) The Member States may not maintain or impose any restriction on the holding or use by the Bank or by any recipient from the Bank for payments in any country of the following—

(a) currencies received by the Bank in payment of subscriptions to its capital stock;

(b) currencies purchased with the currencies referred to in subparagraph (a) of this paragraph;

(c) currencies obtained by the Bank by borrowing for inclusion in its ordinary capital resource;

(d) currencies received by the Bank in payment of principal, interest, dividends or other charges in respect of loans, or
investments made out of any of the funds referred to in subparagraphs (a), (b) and (c) of this paragraph or in payment of fees in respect of guarantees made by the Bank; and

(e) currencies received from the Bank in distribution of the net income of the Bank in accordance with Article 20 of this Charter.

(2) The Member States may not maintain or impose any restriction on the holding or use by the Bank or by any recipient from the Bank, for payments in any country, of currency received by the Bank which does not come within the provisions of paragraph 1 of this Article unless such currency forms part of the Special Funds of the Bank and its use is subject to special regulations.

(3) The Member States may not maintain or impose any restriction on the holding or use by the Bank, for making amortization payments or for repurchasing in whole or in part the Bank's own obligations, of currencies received by the Bank in repayment of direct loans made out of its ordinary capital resources.

(4) Each Member State shall ensure, in respect of projects within its territories, that the currencies necessary to enable payments to be made to the Bank in accordance with the provisions of the contracts referred to in Article 15 of this Charter shall be made available in exchange for currency of the Member State concerned.

Article 25 of the Schedule of Cap. 493A which is intended to amend—

1. Wherever the par value of the International Monetary Fund of the currency of a Member State is reduced or the foreign exchange value of the currency of Member State has, in the opinion of the Bank, depreciated to a significant extent within the territory of the Member State, such Member State shall pay to the Bank within a reasonable time an additional amount of its own currency sufficient to maintain the value, as of the time of subscription, of the amount of the currency of such Member State paid in to the Bank by that Member State under subparagraph (b) of paragraph 3 of Article 5 of this Charter, and currency furnished under the foregoing shall apply only so long as and to the extent that such currency shall not have been initially disbursed or exchanged for another currency.
2. Whenever the par value of the International Monetary Fund of the currency of a Member State is increased, or the foreign exchange value of the currency of a State has, in the opinion of the Bank, appreciated to a significant extent within the territory of that Member State, the Bank shall return to such Member State within a reasonable time an amount of the currency of that Member State equal to the increase in the value of the amount of such currency to which the provisions of paragraph 1 of this Article are applicable.

Paragraph (1) of Article 44 of the Schedule of Cap. 493A which is intended to amend—

(1) The Bank shall enjoy immunity from every form of legal process except in cases arising out of the exercise of its borrowing powers, in which cases it may be sued only in a court of competent jurisdiction in a Member State in which the Bank has an office, has appointed an agent for the purpose of accepting service or notice of process, or has issued or guaranteed securities.

Paragraph (1) of Article 45 of the Schedule of Cap. 493A which is intended to amend—

(1) Property and other assets of the Bank, wheresoever located and by whomsoever held, shall be immune from interference, search, requisition, confiscation, expropriation or any other form of taking or foreclosure by executive, legislative or judicial or administrative action, and premises used for the business of the Bank shall be immune from search, provided that in legal proceedings brought within the terms of the Charter such immunity shall apply before the delivery of a final judgment against the Bank by the highest court of competent jurisdiction.

Section 5 of No. 30 of 2012 which is intended to amend—

5. A person who, directly or indirectly, collects, attempts to collect, provides, attempts to provide or invites a person to provide or make available any property, funds or a service intending, knowing or having reasonable grounds to believe that such property, funds or service shall be used—
(a) for the commission of, or facilitating the commission of a terrorist act; or

(b) to benefit any person or terrorist group involved in the commission of a terrorist act,

commits an offence and is liable, on conviction, to imprisonment for a term not exceeding twenty years.