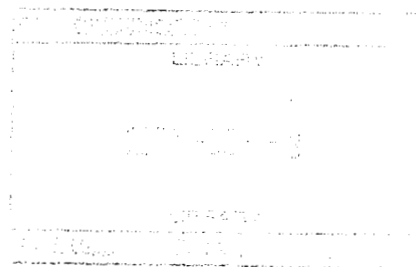


REPUBLIC OF SOUTH AFRICA

**PORTFOLIO COMMITTEE AMENDMENTS
TO
PROTECTION OF
CONSTITUTIONAL DEMOCRACY
AGAINST TERRORIST AND
RELATED ACTIVITIES BILL**

[B 12B—2003 Reprint]

*(As agreed to by the Portfolio Committee on Safety and Security
(National Assembly))*



[B 12C—2003]

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AMENDMENTS AGREED TO

PROTECTION OF CONSTITUTIONAL DEMOCRACY AGAINST TERRORIST AND RELATED ACTIVITIES BILL [B 12B—2003 Reprint]

PREAMBLE

1. On page 3, in the sixth paragraph, in the fifth line, after “committed” to insert “in accordance with such international law”.

CLAUSE 1

1. On page 5, after line 39, to insert:
 - (iv) **“engages in a terrorist activity”**, with reference to sections 2 and 3, includes—
 - (a) the commission, performance or carrying out of;
 - (b) the facilitation of, participation or assistance in, or contribution to the commission, performance or carrying out of;
 - (c) the performance of an act in preparation for or planning of; or
 - (d) instructing, directly or indirectly, the—
 - (i) commission, performance, carrying out of;
 - (ii) facilitation of, participation or assistance in, or contribution to the commission, performance or carrying out of; or
 - (iii) performance of an act in preparation for or planning of, a terrorist activity,
 and the expressions **“to engage in a terrorist activity”**, **“engaging in a terrorist activity”** and **“engagement in a terrorist activity”**, shall be construed accordingly;
2. On page 8, in line 26, to omit subparagraph (iii) and to substitute:
 - (iii) endangers the life or violates the physical integrity or freedom of, or causes serious bodily injury to or the death of, any person, or any number of persons.
3. On page 8, in line 53, after “insurrection” to insert “in the Republic”.
4. On page 8, in line 61, to omit “a State” and to substitute “the Republic”.
5. On page 9, in line 24, to omit “(a)(i) to (vi)” and to substitute “(a)(i) to (v)”.
6. On page 9, in line 31, to omit the first “the”.

CLAUSE 2

1. On page 10, from line 1, to omit subsection (2).

CLAUSE 15

1. On page 14, in line 37, to omit “that”.

2. On page 14, in line 37, to omit "South Africa" and to substitute "the Republic".
3. On page 14, in line 38, to omit "that".
4. On page 14, in line 38, to omit "South Africa" and to substitute "the Republic".
5. On page 14, in line 43, after "resident;" to insert "or".

CLAUSE 19

1. On page 17, in line 8, to omit "Gazette" and to substitute "*Gazette*".

CLAUSE 25

1. On page 19, in line 27, to omit "Gazette" and to substitute "*Gazette*".

CLAUSE 26

1. On page 19, in line 38, to omit "laid upon the Table" and to substitute "tabled".

SCHEDULE

1. On page 21, in the fourth column relating to Act No. 87 of 1993, to omit paragraph (a) and to substitute:

(a) the substitution for paragraph (h) of the following paragraph:
 "(h) refuses or fails to comply to the best of his or her ability with any lawful requirement, request or order of an officer or employee of the Department, an inspector or a person authorized by the Council; [or]".
2. On page 25, in the fourth column relating to Act No. 38 of 2001, to omit paragraph (a) and to substitute:

(a) after the definition of "Director" of the following definition:
 "'entity' has a corresponding meaning with the definition in section 1 of the Protection of Constitutional Democracy against Terrorist and Related Activities Act, 2004; and"
3. On page 25, in the fourth column relating to Act No. 38 of 2001, to omit item 4 and to substitute:

4. The substitution for the heading to Chapter 3 of the following heading:
"CONTROL MEASURES FOR MONEY LAUNDERING AND FINANCING OF TERRORIST AND RELATED ACTIVITIES [CONTROL MEASURES]".
4. On page 26, in the fourth column, from line 30, to omit paragraph (a) and to substitute:

(a) the business has received or is about to receive the proceeds of unlawful activities or property which is connected to an offence relating to the financing of terrorist and related activities;

5. On page 27, in the fourth column, from line 16, to omit paragraph (b) and to substitute:
- (b) that account or other facility has received or may receive the proceeds of unlawful activities or property which is connected to an offence relating to the financing of terrorist and related activities or is being or may be used for money laundering purposes or for the financing of terrorist or related activities or for the purpose of any transaction contemplated in section 29(1)(b).”.