



**MUTUAL ASSISTANCE IN CRIMINAL MATTERS (AMENDMENT)
ACT, 2021**

(Act 5 of 2021)



I assent

A handwritten signature in black ink, appearing to read "Wavel".

Wavel Ramkalawan
President

5th March, 2021

AN ACT to amend the Mutual Assistance in Criminal Matters Act (*Cap. 284*).

ENACTED by the President and the National Assembly.

Short title and commencement

1. This Act may be cited as the Mutual Assistance in Criminal matters (Amendment) Act, 2021.

Amendments to Cap. 284

2. The Mutual Assistance in Criminal Matters Act (Cap.284) is amended as follows —

(a) in section 2, —

(i) for the definition “criminal investigation”, the following definition shall be substituted —

‘ “criminal investigation” means an investigation into criminal matters and institution of the prosecution thereof in such cases where it is believed that an offence has been committed;’;

(ii) in the definition of “criminal matter”, after paragraph (b), the following paragraph shall be added —

“(ba) a matter relating to any offence under section 3 of the Anti-Money Laundering and Countering the Financing of Terrorism Act, 2020 (Act 5 of 2020), to terrorist financing activities as defined under section 2 of the Anti-Money Laundering and Countering the Financing of Terrorism Act, 2020 (Act 5 of 2020), and to terrorist financing activities under section 5 of the Prevention of Terrorism Act (Cap. 179);”;

(iii) after the definition “serious offence”, the following definition shall be added —

‘ “terrorist financing activities” shall have the same meaning assigned to it in section 2 of the Anti-Money Laundering and Countering the Financing of Terrorism Act, 2020 (Act 5 of 2020);’;

(b) in section 6, —

(i) subsection (4) shall be re-numbered as subsection (9);

- (ii) after subsection (3), the following subsections shall be added —

“(4) Notwithstanding any other law in force and subsection (3) of this section, and subject to section 7, any request received from a foreign country shall be processed and disposed of in a time-bound manner.

(5) The Attorney General shall maintain a case management system in manual and electronic form to be known as “Register of Mutual Assistance Cases”.

(6) Subject to section 153 of the Criminal Procedure Code (Cap. 54) and the provisions of any other law, where a request has been received from any foreign country for forfeiture of any property, or property of corresponding value, the provisions of section 153A of the Criminal Procedure Code shall apply and the property shall be forfeited according to the provisions of section 153B and 153C of the Code..

(7) For the purposes of subsection (6), “property of corresponding value” means any other property of the accused equivalent to the value of property involved in the offence, for which forfeiture has been ordered and for all material purposes, the provisions of section 153B (13) shall be applicable, mutatis mutandis, for forfeiture of such property.

(8) Notwithstanding any other law in force, if the confiscated property is directly or indirectly a result of coordinated law enforcement actions by the State or any of its enforcement agencies and a foreign country, the confiscated property or the proceeds of the confiscated property shall be shared with such foreign country in the proportion as may be decided by mutual agreement between the Government of Seychelles and the foreign country.”.

I certify that this is a correct copy of the Bill which was passed by the National Assembly on 2nd March, 2021.



Mrs. Tania Isaac
Clerk to the National Assembly