

**REPUBLIC OF KIRIBATI**  
(No. 12 of 2008)

I assent,

Beretitenti  
*Assented: 31<sup>st</sup> December 2008*

AN ACT TO AMEND THE *MEASURES TO COMBAT TERRORISM*  
*AND TRANSNATIONAL ORGANISED CRIME ACT 2005*

Commencement:  
2008

MADE by the Maneaba ni Maungatabu and assented to by the Beretitenti

**1. Short title**

This Act may be cited as the *Measures to Combat Terrorism and Transnational Organised Crime (Amendment) Act 2008*.

**2. Meaning of 'principal Act'**

In this Act 'principal Act' means the *Measures to Combat Terrorism and Transnational Organised Crime Act 2005*.

**3. Amendment of section 2(1)**

Section 2(1) of the principal Act is amended—

- (a) by inserting after the definition of 'authorised officer' the following definitions—
- “‘BCN weapon’ means a biological, chemical or nuclear weapon;  
‘biological weapon’ means—
- (a) any microbial or other biological agent, or toxin, whatever its origin or method of production, of a type and in a quantity that has no justification for prophylactic, protective or other peaceful purposes, or
  - (b) any weapon, equipment or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict;

MEASURES TO COMBAT TERRORISM AND TRANSNATIONAL  
ORGANISED CRIME (AMENDMENT) ACT 2008

EXPLANATORY MEMORANDUM

This Act seeks to update the *Measures to Combat Terrorism and Transnational Organised Crime Act 2005*, to implement the legislative obligations imposed by the following counter terrorism instruments—

- the *International Convention for the Suppression of Acts of Nuclear Terrorism* (the Nuclear Terrorism Convention);
- the 2005 amendments to the *Convention for the Physical Protection of Nuclear Material* (the Nuclear Material Convention);
- the 2005 Protocol to the *Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation* (the SUA Convention); and
- the 2005 Protocol to the *Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf* (the SUA Protocol).

The opportunity is also taken to enhance some of the original provisions, to reflect international developments, and to correct some errors in drafting.

Section 3 of the Act inserts a number of new definitions, required by the new instruments. Section 4 corrects a drafting error in section 3 of the principal Act.

Section 5 inserts a new section 9A, to create the offence of committing a terrorist act. Section 6 replaces section 10 of the principal Act, to improve upon the original description of the offence of terrorism financing. Section 7 inserts a new section 14A, to create the new offence of participation in a terrorist group.

Section 8 amends section 34(4) of the principal Act, to simplify the reference to the Nuclear Material Convention. Section 9 amends section 35, to insert new provisions required by the 2005 amendments to the Nuclear Material Convention. Section 10 amends section 36, to insert new provisions required by the 2005 Protocol to the SUA Convention and the 2005 Protocol to the SUA Protocol. Section 11 inserts a new Division 7 in Part VI, to implement our legislative obligations under the Nuclear Terrorism Convention. Finally, section 12 amends Schedule 1 to the principal Act to reflect the new counter terrorism instruments.

Titabu Tabane  
Attorney General  
24 June 2008