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THE PRESIDENCY

No. 128

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It is hereby notified that the President has assented to the following Act, which is hereby published for general information:—

No. 33 of 2004: Protection of Constitutional Democracy Against Terrorist and Related Activities Act, 2004.



AIDS HELPLINE: 0800-123-22 Prevention is the cure

Act No. 33, 2004 PROTECTION OF CONSTITUTIONAL DEMOCRACY AGAINST
TERRORIST AND RELATED ACTIVITIES ACT, 2004

SCHEDULE

CHAPTER 1

DEFINITIONS AND INTERPRETATION

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Definitions

1. (1) In this Act, unless the context indicates otherwise —

Act No. 33,2004 PROTECTION OF CONSTITUTIONAL DEMOCRACY AGAINST
TERRORIST AND RELATED ACTIVITIES ACT. 2004

- (xxv) **“terrorist activity”**, with reference to this section and sections 2, 3 and 17(2), means —
- (a) any act committed in or outside the Republic, which —
- (i) involves the systematic, repeated or arbitrary use of violence by any means or method; 45
 - (ii) involves the systematic, repeated or arbitrary release into the environment or any part of it or distributing or exposing the public or any part of it to —
 - (aa) any dangerous, hazardous, radioactive or harmful substance or organism; 50
 - (bb) any toxic chemical; or
 - (cc) any microbial or other biological agent or toxin;
 - (iii) endangers the life, or violates the physical integrity or physical freedom of, or causes serious bodily injury to or the death of, any person, or any number of persons; 55
 - (iv) causes serious risk to the health or safety of the public or any segment of the public;

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- (v) causes the destruction of or substantial damage to any property, natural resource, or the environmental or cultural heritage, whether public or private;
- (vi) is designed or calculated to cause serious interference with or serious disruption of an essential service, facility or system, or the delivery of any such service, facility or system, whether public or private, including, but not limited to —
- (aa) a system used for, or by, an electronic system, including an information system;
 - (bb) a telecommunication service or system;
 - (cc) a banking or financial service or financial system;
 - (dd) a system used for the delivery of essential government services;
 - (ee) a system used for, or by, an essential public utility or transport provider;
 - (ff) an essential infrastructure facility; or
 - (gg) any essential emergency services, such as police, medical or civil defence services;
- (vii) causes any major economic loss or extensive destabilisation of an economic system or substantial devastation of the national economy of a country; or
- (viii) creates a serious public emergency situation or a general insurrection in the Republic,
- whether the harm contemplated in paragraphs (a)(i) to (vii) is or may be suffered in or outside the Republic, and whether the activity referred to in subparagraphs (ii) to (viii) was committed by way of any means or method; and
- (b) which is intended, or by its nature and context, can reasonably be regarded as being intended, in whole or in part, directly or indirectly, to—
- (i) threaten the unity and territorial integrity of the Republic;
 - (ii) intimidate, or to induce or cause feelings of insecurity within, the public, or a segment of the public, with regard to its security, including its economic security, or to induce, cause or spread feelings of terror, fear or panic in a civilian population; or
 - (iii) unduly compel, intimidate, force, coerce, induce or cause a person, a government, the general public or a segment of the public, or a domestic or an international organisation or body or intergovernmental organisation or body, to do or to abstain or refrain from doing any act, or to adopt or abandon a particular standpoint, or to act in accordance with certain principles, whether the public or the person, government, body, or organisation or institution referred to in subparagraphs (ii) or (iii), as the case may be, is inside or outside the Republic; and
- (c) which is committed, directly or indirectly, in whole or in part, for the purpose of the advancement of an individual or collective political, religious, ideological or philosophical motive, objective, cause or undertaking;
- (xxvi) **“terrorist and related activities”** means any act or activity related to or associated or connected with the commission of the offence of terrorism, or an offence associated or connected with a terrorist activity, or a Convention offence, or an offence referred to in sections 11 to 14.
- (2) For purposes of this Act, **“act”** includes **“omission”**.

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(3) For the purposes of paragraph (a)(vi) and (vii) of the definition of “**terrorist activity**”, any act which is committed in pursuance of any advocacy, protest, dissent or industrial action and which does not intend the harm contemplated in paragraph (a)(i) to (v) of that definition, shall not be regarded as a terrorist activity within the meaning of that definition.