

Rwanda

Regulations relating to the Declaration of Cross Border Cash or Bearer Negotiable Instruments

Regulation 2 of 2021

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Regulations relating to the Declaration of Cross Border Cash or Bearer Negotiable Instruments

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The Director General of Financial Intelligence Centre;

Pursuant to Law n° 75/2019 of 29/01/2020 on prevention and punishment of money laundering, financing of terrorism and financing of proliferation of weapons of mass destruction as amended to date, especially in Article 18;

ISSUES THE FOLLOWING REGULATIONS:

Article One – Purpose of these Regulations

These Regulations determine:

- 1° modalities for declaration of cross border cash or bearer negotiable instruments;
- 2° an amount of cash or bearer negotiable instruments whose cash couriers are not permitted to cross the borders with, while leaving, entering, or transiting in the territory of the Republic of Rwanda without prior declaration to a staff of the competent authority;
- 3° administrative faults and sanctions for failure to comply with the declaration of cross border cash or bearer negotiable instruments of an amount above that of the threshold provided for in these Regulations.

Article 2 – Definitions

In these Regulations, the following terms have the following meanings:

- 1° cash couriers: natural persons who physically transport cash or bearer negotiable instruments in their pockets or luggage from one country to another;
- 2° Centre: Financial Intelligence Centre;
- 3° competent authority: authority operating at the border, airport and port including Directorate General of Immigration and Emigration, Rwanda National Police or Rwanda Revenue Authority;
- 4° false declaration: means
 - a. misrepresentation of the amount of cash or value of bearer negotiable instruments being transported; or
 - b. misrepresentation of other data requested during the declaration or otherwise requested by the competent authorities; or
 - c. failure to declare as required;

- 5° physical cross-border transportation: any in-bound or outbound physical transportation of cash or bearer negotiable instruments from one country to another through the following modes of transportation:
- a. physical transportation by a natural person or in his or her luggage or vehicle;
 - b. shipment of cash or bearer negotiable instruments through containerized cargo;
 - c. the mailing of cash or bearer negotiable instruments by a natural or legal person.

Article 3 – Obligation to declare and modalities of declaration

A person entering, in transit or leaving the territory of the Republic of Rwanda transporting the cash or bearer negotiable instruments of which value exceeds the threshold prescribed in these Regulations declares it to the competent authority.

The declaration is done in writing, electronically or using a declaration form available at the competent authority operating at the border, airport or any other port of entry, transit, or exit.

The declaration is required for all activities of physical cross border transportations.

Article 4 – Declaration threshold of cash or of the bearer negotiable instruments

The amount of cash or the value of the bearer negotiable instruments that a person is allowed to carry while entering, in transit or leaving the territory of the Republic of Rwanda without declaring it does not exceed ten thousand American Dollars (USD 10,000) or equivalent thereof in other currencies.

Article 5 – Publication of the declaration threshold of cash or bearer negotiable instrument

The declaration threshold of cash or bearer negotiable instrument, is published at national borders, ports, airports and at any other place that may easily facilitate in conveying the message to the concerned persons using different channels of communication.

The publication mentioned in Paragraph One of this Article is done in Kinyarwanda and other official languages of the Republic of Rwanda. It may also be done in any other language used frequently at such specific border or port.

Article 6 – Age of the declarant

The declaration is done by a person aged at least eighteen (18) years. It is also done by a person under eighteen (18) years old entering, transiting, or leaving the territory of the Republic of Rwanda when he or she is not accompanied by his or her parent or guardian.

The amount of cash or the value of bearer negotiable instrument carried by a person under eighteen (18) years old, who is accompanied by his or her parent or guardian is added to the amount of cash, or the value of bearer negotiable instrument carried by his or her parent or guardian in order to determine whether such amount or value does not exceed the threshold provided by these Regulations.

In case the total amount of cash or value of bearer negotiable instrument of the person under eighteen (18) years old and his or her parent or guardian exceeds the threshold, the parent or guardian declares that total amount or value in accordance with the provisions of these Regulations.

Article 7 – Action taken in case of false declaration or failure to declare

A traveler who makes false declaration or fails to declare, commits a fault. In that case, the staff of the competent authority:

- 1° stops or restrains the cash or bearer negotiable instrument for a period not exceeding two (2) hours for further action;
- 2° requests information from the carrier with regard to the origin of the cash or bearer negotiable instrument and their intended use;
- 3° imposes to the defaulter an administrative fine of five percent (5%) of the transported cash or the value of the bearer negotiable instrument immediately, without prejudice to criminal sanctions. That fine is deposited to the public treasury.

The competent authority informs the Centre of the incident referred to in Paragraph One of this Article and the decision taken within thirty (30) minutes.

Article 8 – Action taken in case of suspicion of money laundering, financing of terrorism or financing of proliferation of weapons of mass destruction or related offences

In case there is suspicion of money laundering, financing terrorism or financing of proliferation of weapons of mass destruction or related offences, the staff of the competent authority:

- 1° stops or restrains the cash or bearer negotiable instrument, and informs the Centre that suspicious cross border transportation incident within thirty (30) minutes;
- 2° requests information from the carrier with regard to the origin of the cash or bearer negotiable instrument and their intended use;
- 3° submits the case to the organ in charge of investigation within three (3) hours if there are serious grounds of suspecting of money laundering, financing terrorism or financing proliferation of weapons of mass destruction or related offences.

If a staff of the competent authority finds that there are no reasonable grounds of suspecting money laundering, financing of terrorism and financing of proliferation of weapons of mass destruction or related offences, he or she returns back the cash or bearer negotiable instrument to the carrier.

Article 9 – Submission of the detailed report

The competent authority submits all declarations made by travelers and the detailed report relating to the provisions of Articles 7 and 8 of these Regulations, to the Centre within two (2) days by any lawful way of communication.

Article 10 – Repealing provision

All prior regulatory provisions contrary to these Regulations are repealed.

Article 11 – Commencement

These Regulations come into force on the date of their publication in the Official *Gazette* of the Republic of Rwanda.