

(Country).....One Stop Border Post Law

NACALA ONE STOP BORDER POSTS CONTROL

ACT

To provide for the conclusion of one or more agreements with one or more adjoining States on the establishment and implementation of one-stop border posts and to give effect to certain provisions of the agreements; to authorise pursuant to such agreements extra-territorial application of the laws of (**country**.....) in one or more adjoining States and to enable the laws of one or more adjoining States to have similar effect inside (**country**).....; and to provide for matters connected with or incidental to the foregoing.

ENACTED by the President and the Parliament of
(**country**).....

1 Short title

This Act may be cited as the One-Stop Border Posts Control Act .

2 Interpretatio n

In this
Act—

“agreement” means an agreement concluded in terms of
section 3;

“adjoining State” means the Republic of Swaziland, the Republic of Mozambique, the Republic of
South Africa ,the Republic of Zambia, The United Republic of Tanzania, The Republic of Malawi,
The Republic of Zimbabwe.

“control zone” means that part of the territory of one of the parties within which officials of either
party are empowered to effect border controls, and includes the exclusive use area;

“exclusive use area” means that area of the control zone dedicated for the exclusive use of one of the
parties; “Minister” means (minister in charge of implementing the
Act)..... or any other Minister to whom the President may from time to time
assign the Administration of this Act;

“official” means a person responsible for exercising border controls on behalf of any party, and
includes a police officer;

“one-stop border post” means a border post established under an agreement, and includes the control zone; “party” means a party to an agreement;

“relevant legislation”, in relation to—

- (a) the Republic of **(country)**....., means the laws listed in the Schedule;
- (b) any party to an agreement other than **(country)**....., means the laws listed in the agreement or in terms of any law of that party which corresponds to this Act.

3 Agreements with one or more adjoining States

(1) The President may conclude one or more agreements with one or more adjoining States establishing one or more one-stop border posts, that is to say, agreements allowing—

(a) border controls to be undertaken on behalf of **(country)**.....and on behalf of one or more adjoining States at a place located—

- (i) in the territory of **(country)**.....; or
- (ii) within the territory of one or more adjoining States;

and

(b) officials of **(country)**.....and officials of one or more adjoining States to exercise border controls in accordance with the relevant legislation of **(country)**.....and of the other adjoining State or States at that border post, including, for the avoidance of doubt, the exercise of any powers of arrest, search, seizure and detention of persons and things.

(2) Every agreement shall come into effect on the date—

- (a) the President publishes a statutory instrument in the Gazette incorporating the agreement; or
- (b) the other party or parties to the agreement, as the case may be, domesticate the agreement in accordance with their laws;

whichever is the later date.

4 Extra-territorial application of relevant legislation

(1) For the purpose of enabling officials of **(country)**.....and those of any adjoining State which is a party to an agreement to carry out border controls at a one-stop border post, the relevant legislation of **(country)**..... and that of the adjoining State or States shall apply extra-territorially.

(2) For the avoidance of doubt it is declared that a citizen or resident of **(country)**.....may be arrested and detained in the control zone of an adjoining State which is a party to an agreement for any violations of the relevant legislation of **(country)**....., for the purpose of transferring him or her to **(country)**.....

5 Application of criminal law

(1) Any act or omission—

- (a) by a citizen or resident of **(country)**which occurs at a one-stop border post in an adjoining State; and

(b) that is an act or omission which, if it had occurred within the territory of **(country)**....., would have constituted an offence against the laws of **(country)**.....; shall be regarded as if it had occurred in **(Country)**.....

(2) For the purpose of determining which court has jurisdiction to try an offence referred to in subsection (1), the offence shall be deemed to have been committed within the area of jurisdiction of the court nearest to the place where the act or omission constituting the offence occurred.

6 Regulations

The Minister may make regulations providing for any matter which by this Act is required to be prescribed or which he or she considers necessary or desirable to be prescribed for giving effect to the purposes of this Act.

7 Amendment of Schedule

The Minister may by regulations add or remove a law from the Schedule.

SCHEDULE (*Sections 2 and 7*)

List all the border control legislation to be covered under the Act.

Country: insert Malawi or Mozambique
whichever the case may be.