



**PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA**

**PAYMENT DEVICES FRAUDS
ACT, No. 30 OF 2006**

[Certified on 12th September, 2006]

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Payment Devices Frauds Act, No. 30 of 2006

[Certified on 12th September, 2006]

L.D.—O. 27/2004.

AN ACT TO PREVENT THE POSSESSION AND USE OF UNAUTHORISED OR COUNTERFEIT PAYMENT DEVICES ; TO CREATE OFFENCES CONNECTED WITH THE POSSESSION OR USE OF UNAUTHORISED PAYMENT DEVICES ; TO PROTECT PERSONS LAWFULLY ISSUING AND USING SUCH PAYMENT DEVICES ; TO MAKE PROVISION FOR THE INVESTIGATION, PROSECUTION AND PUNISHMENT OF OFFENDERS ; AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows :—

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| <p>1. This Act may be cited as the Payment Devices Frauds Act, No. 30 of 2006.</p> | <p>Short title.</p> |
| <p>2. The provisions of this Act shall apply in respect of all payment devices lawfully issued by an Issuer.</p> | <p>Application of the Act.</p> |
| <p>3. (1) Any person who—</p> <p>(a) possesses or has in the control or custody of such person without lawful authority, equipment used for the making or altering of payment devices including an embossing, encoding or skimming device ;</p> <p>(b) without lawful authority, tampers with any payment device or card making or altering equipment or any equipment used for acceptance or processing of payment devices or implants foreign objects including chips, data or voice recording devices, to record transaction data ;</p> <p>(c) uses without lawful authority a phone listening device or other similar device, including any voice or data recording device, for the purpose of capturing authorization data passing through the acquirer's point of sale networks or automated teller machine network ;</p> | <p>Acts amounting to payment devices fraud.</p> |

2 *Payment Devices Frauds Act, No. 30 of 2006*

- (d) being an employees of an Issuer or its processors or is a service provider, provides any cardholder information or full track data to unauthorised individuals, groups or syndicates without the payment device holder's authority or permission ;
- (e) possesses or has in his control or custody, any unauthorised or counterfeit payment device ;
- (f) makes a fraudulent application for a payment device or a fraudulent merchant application;
- (g) uses, produces or trafficks in one or more unauthorised or counterfeit payment devices ;
- (h) uses an unauthorized payment device or a payment device without obtaining permission therefor from either its, Issuer or holder;
- (i) generates, valid payment device account numbers, using account generating software for the purpose of utilizing such account numbers for committing an offence under this or any other written law ;
- (j) furnishes for the purpose of obtaining goods or services, information contained in any payment device by telephone, facsimile, email internet or other mode of telecommunication or by voice or through the postal service, without the authority or permission of the holder of the payment device and induces the person receiving the information to accept the information for the supply of goods or services ;
- (k) makes multiple imprints of a transaction record, sales invoice or similar document, thereby making it appear that the payment device holder has entered into transactions other than those which such payment device holder had lawfully contracted for ;

- (l) knowing that a payment device is unauthorised or counterfeit, accepts such unauthorised or counterfeit payment device as a mode of payment for goods or services ;
- (m) submits without being an affiliated merchant, an order to collect from the Issuer of the payment device, such transaction record, sales invoice or similar document through an affiliated merchant who connives therewith, or under the false pretence of being an affiliated merchant, presents for collection such transaction record, sales invoice or similar document ;
- (n) alters or causes another person to alter, without the payment device holder's authority or permission, any amount or other information appearing on the sales invoice ;
- (o) accepts as a mode of payment, a payment device or information imprinted on the payment device, for the purpose of dishonestly gaining a financial advantage ;
- (p) writes, or causes to be written on sales invoices, approval numbers from the Issuer of the payment device, which is proof of the fact of approval, where in fact no such approval was given, or where, if approval was actually given what is written is deliberately different therefrom;
- (q) has in such person's possession, without authority from the payment device holder or the Issuer, any material such as invoices, carbon paper or any other medium, on which the payment device is written, printed, embossed or otherwise indicated;
- (r) obtains money or goods through the use of a payment device, with intent to defraud ; or

- (s) induces, entices, permits or in any manner allows another person, for consideration or otherwise, to commit or engage in any of the acts specified in the preceding paragraphs of this section,

shall be guilty of an offence under this Act.

(2) A person guilty of an offence under this Act shall, on conviction after trial before the High Court—

- (i) in the case of an offence under paragraphs (a), (b), (c), (d), (e), (g), (h), (i), (j) or (r) be liable to a term of imprisonment not exceeding ten years or to a fine not exceeding rupees five hundred thousand or to both such imprisonment and fine;
- (ii) in the case of an offence under paragraphs (k) or (q) be liable to a term of imprisonment not exceeding five years or to a fine not exceeding two hundred thousand rupees or to both such imprisonment and fine;
- (iii) in the case of an offence under paragraphs (f), (l), (m), (n), (o) or (p) be liable to a term of imprisonment not exceeding three years or to a fine not exceeding one hundred thousand rupees or to a fine which may extend to five times the value of the money obtained by the commission of the act constituting the offence or the financial advantage gained, consequent to the commission of the act constituting the offence, whichever is higher, or to both such imprisonment and fine;
- (iv) in the case of an offence under paragraph (s) be liable to one and half times the punishment prescribed for the offence which the offender induces, entices, permits or allows another person to commit.

4. Any person who attempts to commit an offence under this Act or to cause such an offence to be committed, shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one half of the maximum fine provided for each of such offences, or to imprisonment of either description for a term not exceeding one half of the maximum term provided for each of such offences, or to both such fine and imprisonment.

Attempts to
commit offences.

5. (1) Any person who abets the commission of an offence under this Act shall be guilty of an offence and shall on conviction—

Abetment of an
offence.

- (a) if the offence abetted is committed in consequence of the abetment, be liable to the same punishment as is provided for the offence; and
- (b) if the offence is not committed in consequence of the abetment, be liable to—
 - (i) where a maximum fine or term of imprisonment is provided for, to a fine not exceeding one fourth of the maximum fine provided for the offence or to imprisonment of either description for a term not exceeding one fourth of the maximum term provided for the offence, or to both such fine and imprisonment; and
 - (ii) in cases where the maximum fine or imprisonment is not provided for, to a fine not exceeding two hundred and fifty thousand rupees or to imprisonment of either description for a term not exceeding five years or to both such fine and imprisonment.

(2) The term “abet” shall have the same meaning as in sections 100 and 101 of the Penal Code (Chapter 19) and the provisions of sections 101A, 103, 104, 105, 106 and 107 of the Penal Code shall *mutatis mutandis* apply in relation to the abetment of any offence under this Act.

Conspiracy to commit an offence.

6. (1) Any person who conspires to commit an offence under this Act shall be guilty of an offence and shall, on conviction after trial before the High Court be liable to be punished with the punishment prescribed for abetting the commission of that offence.

(2) The term “conspire” shall have the same meaning as in section 113A (2) of the Penal Code (Chapter 19) and the provisions of that section shall *mutatis mutandis* apply in relation to a conspiracy to commit an offence under this Act.

PART II

INVESTIGATION

Offences under this Act to be investigated under the provisions of the Code of Criminal Procedure Act.

7. Except as otherwise provided in this Act, all offences under this Act shall be investigated, tried or otherwise dealt with in accordance with the provisions of the Code of Criminal Procedure Act, No. 15 of 1979.

Experts and their powers and functions.

8. (1) The Minister may, by Order published in the *Gazette* appoint a panel of experts from among persons having the prescribed qualifications in electronic engineering or software engineering or in any area of expertise identified by the Minister (hereinafter referred to as “an expert”) to assist the police in all investigation into an offence under this Act.

(2) The qualifications (having regard to the specific areas of expertise in electronic engineering or software engineering) required by persons serving as experts and the manner and mode of appointment and the conditions of appointment of such experts shall be as prescribed by regulations.

(3) For the avoidance of doubt it is hereby declared that for the purposes of this Act, “expert” shall be deemed to include any person, institution or any body of persons.

(4) For the purpose of an investigation under this Act, an expert called upon to assist the police in an investigation, shall, have the power to—

- (a) enter upon any premises along with a police officer not below the rank of a sub-inspector;
- (b) access any information system, computer or computer system or any programme, data or information held in such computer and to cause any computer or any other device utilized for the commission of the fraud to perform any function as may be necessary for such purpose;
- (c) require any person to produce any document, information, device or other thing as is necessary for the purpose of such investigation;
- (d) require any person to disclose any traffic data ;
- (e) orally examine any person; and
- (f) do such other things as may be reasonably required, for the purposes of this Act.

(5) An expert shall be paid such remuneration as may be determined by the Minister in consultation with the Minister in charge of the the subject of Finance.

(6) An expert appointed under this section may be called upon to assist any Police Officer in the investigation of an offence under this Act, and it shall be the duty of such expert to render all such assistance as may be required for the purposes of such investigation. Where any proceedings have been commenced consequent to the findings of an

investigation, it shall be the duty of the expert to make available for the purposes of such proceedings, any information, data, material or other matter that may be obtained by him in the course of such investigation and where called upon to do so to give evidence in such proceedings.

Legitimate use of network not to be hampered.

9. (1) Every police officer and every expert who conducts any search or inspection or does any other thing in the course of an investigation, shall make every endeavour to ensure that the ordinary course of legitimate business for which an acquirer's point of sales network or automated teller machine network is used, is not hampered by such search, inspection or investigation and shall not seize such acquirer's point of sales network or automated teller machine network or part thereof, if such seizure will prejudice the conduct of the ordinary course of business for which such network is used, unless—

- (a) it is not possible to conduct the inspection on the premises where such network, or part thereof is located ; or
- (b) seizure of such network or part thereof is essential to prevent the commission of the offence or the continuance of the offence or to obtain custody of any information which would otherwise be lost, destroyed, modified or rendered inaccessible.

(2) A police officer or an expert conducting an investigation under the Act, shall conduct and conclude such investigation as expeditiously as the circumstances of the case permit.

Powers of police officer to arrest, search and seize.

10. (1) Any police officer may, in the course of an investigation under this Act, exercise powers of arrest, search, or seizure in the manner provided for by law :

Provided that a police officer making an arrest without a warrant of a person suspected of committing an offence under this Act, shall without unnecessary delay and within twenty-

four hours of such arrest, exclusive of the time taken for the journey from the place of arrest to the presence of the Magistrate, produce such person before the Magistrate of the Court nearest to the place where the suspect is arrested.

(2) No police officer shall access any payment device, computer or acquirer's point of sales network or automated teller machine network for the purpose of an investigation under this Act unless the Inspector-General of Police has certified in writing that such police officer possesses adequate knowledge and skill in the field of information, communication, technology or electronic or software engineering and is possessed of the required expertise to perform such a function.

11. (1) Any person who is required by an expert or a police officer to make any disclosure or to assist in an investigation under this Act, shall comply with such requirement.

Duty to assist investigation.

(2) A person who obstructs the lawful exercise of the powers conferred on an expert or a police officer or fails to comply with any reasonable request made by such expert or police officer during an investigation shall be guilty of an offence and shall on conviction be liable to fine not exceeding two hundred thousand rupees or to imprisonment of either description for a period not less than one year and not exceeding two years or to both such fine and imprisonment.

12. (1) Every person engaged in an investigation under this Act shall maintain strict confidentiality with regard to all information as may come to his knowledge in the course of such investigation and he shall not, other than in the discharge of his duties under this Act, disclose to any person or utilize for any purpose whatsoever any information so obtained.

Confidentiality of information obtained in the course of an investigation.

(2) Every person from whom any information has been requested or obtained and any person to whom a written notice has been issued for the preservation of any information, shall maintain strict confidentiality in relation to such information and the fact that such information has been requested, obtained or required to be preserved, and shall not make any disclosure in regard to such matters other than when required to do so in compliance with the provisions of any written law.

(3) A person referred to in this section shall not be held liable under the civil or criminal law for the disclosure of any data or other information for the purposes of an investigation under this Act.

(4) Any person who contravenes the provisions of subsections (1) and (2) shall be guilty of an offence and shall on conviction be liable to a fine not exceeding three hundred thousand rupees or to imprisonment of either description for a term not exceeding two years or to both such fine and imprisonment.

Indictment for different offence to the one with which the offender is charged.

13. Where in the course of any trial for an offence under this Act, it appears by the evidence led, that the offence in fact committed by the accused is different to the offence with which he has been charged, or that it is a lesser offence than the one with which he has been charged, then the court may in its discretion alter the Indictment and after such alteration has been made, proceed with the trial as if the altered Indictment had been the original Indictment.

Offences by bodies of persons.

14. When an offence under this Act is committed by a body of persons then—

- (a) if that body of persons is a body corporate, every director and officer of that body of persons ; or
- (b) if that body of persons is a firm, every partner of that firm,

shall be deemed to be guilty of that offence :

Provided that a director or an officer of such body corporate or a partner of such firm shall not be deemed to be guilty of such offence, if such director, officer or partner proves that such offence was committed without his or her knowledge or that he or she exercised all such diligence as is necessary to prevent the commission of such offence.

15. Where a fine is imposed by the Court for an offence under section 3 of this Act, such Court may direct that— Court may award compensation.

- (a) the whole or any part of the fine recovered, be paid to the Issuer of the payment device or to any other person who has suffered loss thereby, as compensation for such loss ; and
- (b) unless the court otherwise directs, all moneys, items or property, seized by the police during the course of investigations shall be returned to the issuer of the payment device as the lawful owner or to the person who establishes his lawful right to such moneys, items or property.

16. (1) A certified copy of an entry relating to a payment device located in Sri Lanka or outside Sri Lanka, kept by an Issuer or acquirer in the ordinary course of business of such Issuer or acquirer, whether kept in written form or stored by electronic, magnetic, optical or any other means in an information system or computer or payment device shall be admissible in evidence in relation to a prosecution in respect of an offence under section 3 of this Act, and shall be *prima facie* evidence of the facts stated therein. Evidence.

(2) Every document, certificate, record, register or extract thereof, if duly signed and issued by an expert either in Sri Lanka or abroad, and duly authenticated by a senior executive of an Issuer or acquirer to whose transactions, or to whose interests such document, certificate record or register or extract thereof relates, shall be *prima facie* proof of the facts stated therein.

(3) In subsection (1) “a certified copy” means a copy of the entry with a certificate written at the foot of that copy by the chief executive officer of the Issuer or acquirer or any of its authorized representatives certifying it as a true copy, and where such an entry is stored in an information system or computer, a print out of such entry certified as a true copy by an officer holding a responsible position in relation to the operation of the relevant information system or computer.

(4) Notwithstanding anything to the contrary in the Evidence Ordinance or any other law the provisions of this section shall have effect and apply to the prosecution of offences under section 3.

Presumptions.

17. Any person who has the possession, control or custody of—

- (a) a counterfeit or unauthorised payment device ;
- (b) any card making or altering equipment without lawful authority ;
- (c) a payment device without authority from its holder or Issuer ;
- (d) any equipment used for acceptance or processing of a payment device without lawful authority,

shall be presumed until the contrary is proved to have such payment device or equipment in his possession, custody or control, for the purpose of committing an offence under this Act.

Presumption of fraud by lawful holder of payment device.

18. A holder of a credit card or other payment device—

- (a) who has failed to pay the total sum due to the Issuer of such credit card or payment device within the period allowed therefor by the Issuer ; and

- (b) who changes his residence or place of employment as stated in the application for such payment device without informing the issuer of such change,

shall be presumed to have done so with intent to wilfully defraud the Issuer of such sum.

19. Notwithstanding anything to the contrary in the Judicature Act, No. 2 of 1978 every offence under this Act shall be triable by the High Court established under Article 154P of the Constitution for the Western Province holden in Colombo.

High Court to have jurisdiction.

20. Notwithstanding anything to the contrary in the Code of Criminal Procedure Act, No. 15 of 1979, every offence under this Act, shall be deemed to be a cognizable offence within the meaning and for the purposes of that Code.

Offences under this Act to be cognizable offences.

21. Any expenses incurred by an expert or police officer in any suit or prosecution brought against such expert or police officer in a court in respect of any act which is done, or purported to be done by him or her under this Act, shall, if the Court holds that the act was done in good faith, be paid out of the funds of the Issuer or acquirer as the case may be, who alleges the commission of the offence, unless such expense is recovered by him in such suit or prosecution.

payment of expenses incurred on action.

22. The Schedule to the Extradition Law, No. 8 of 1977 is hereby amended by the insertion immediately before Part B thereof, of the following :—

Amendment to the Extradition Law, No. 8 of 1977.

“(48) An offence within the meaning of the Payment Devices Frauds Act, No. 30 of 2006”.

23. Notwithstanding anything contained in the Extradition Law, No. 8 of 1977 an offence in terms of this Act shall for the purpose only of extradition under that law, be deemed not to be a fiscal offence, or an offence of a political character, or an offence connected with a political offence or an offence inspired by political motives.

Interpretation in relation to the Extradition Law.

Duty of Minister to notify requesting State of measures taken against persons for whose extradition a request is made.

24. Where a request is made to the Government of Sri Lanka by or on behalf of the Government of another country for the extradition of any person accused or convicted of an offence under this Act, the Minister shall, on behalf of the Government of Sri Lanka forthwith notify the Government of the requesting State of the measures that the Government of Sri Lanka has taken, or proposes to take, for the prosecution or extradition of that person for that offence.

Assistance to countries &c.,

25. (1) The provisions of the Mutual Assistance in Criminal Matters Act, No. 25 of 2002 shall, wherever it is necessary for the investigation and prosecution of an offence under section 3 of this Act, be applicable in respect of the providing of assistance as between the Government of Sri Lanka and other States who are either Commonwealth countries specified by the Minister by Order under section 2 of the aforesaid Act or Non-Commonwealth countries with which the Government of Sri Lanka has entered into an agreement in terms of the aforesaid Act.

(2) In the case of a country which is neither a Commonwealth country specified by the Minister by Order under section 2 of the aforesaid Act, nor a Non-Commonwealth country with which the Government of Sri Lanka has entered into an agreement in terms of the aforesaid Act, then it shall be the duty of the Government to afford all such assistance to, and may through the Minister request all such assistance as may be necessary for the investigation and prosecution of an offence under section 3 to the extent required for the discharge of its obligations (including assistance relating to the taking of evidence and statements, the serving of process and the conduct of searches).

(3) The grant of assistance to a convention country may be made subject to such terms and conditions as the Minister thinks fit.

26. (1) Where a person who is not a citizen of Sri Lanka is arrested for an offence under this Act, such person shall be entitled —

Right of persons arrested under this Act.

- (a) to communicate without delay with the nearest appropriate representative of the State of which he is a national or which is otherwise entitled to protect his rights or if he is a stateless person, with the nearest appropriate representative of the State in the territory where he was habitually resident; and
- (b) to be visited by a representative of that State.

(2) A request under section 24 shall be deemed not to be invalidated for the purposes of any legal proceedings by reason of any failure to comply with the provisions of section 25 provided that there is sufficient compliance with those provisions to enable it to properly execute the request.

27. (1) Where a person is arrested for an offence under this Act, the Minister to whom the administration of this Act is assigned shall inform the Minister in charge of the subject of Foreign Affairs to inform the relevant authorities in any other State which has made a request under sections 24 and 25 in respect of such person, of the measures which the Government of Sri Lanka has taken or proposes to take for the prosecution or extradition of that person.

Duty of Minister to inform other States having jurisdiction over an offence.

(2) Where a request is made to the Government of Sri Lanka, by or on behalf of the Government of any State, for the extradition of any person accused or convicted of an offence corresponding to an offence under this Act, the Minister in charge of the subject of Foreign Affairs shall, on behalf of the Government of Sri Lanka, forthwith inform the Government of the requesting State, of the measures which the Government of Sri Lanka has taken, or proposes to take, for the prosecution or extradition of that person.

(3) Where it is decided that no order should be made under the Extradition Law, No. 8 of 1977, for the extradition of any person accused or convicted of an offence corresponding to an offence under this Act, pursuant to a request for his extradition made under that Law, by the Government of any State, the case shall be submitted to the law enforcement authorities, so that prosecution for the offence under the law of Sri Lanka, or any other appropriate action may be considered.

Provision regarding extradition arrangement.

28. Where there is an extradition arrangement in force between the Government of Sri Lanka and the Government of any other State, such arrangement shall be deemed, for the purposes of the Extradition Law, No. 8 of 1977, to include provision for extradition in respect of an offence under this Act and of attempting or conspiring to commit or aiding and abetting the commission of such offence.

Duty of Government to afford assistance to other States.

29. The Government shall afford such assistance (including the supply of any relevant evidence at its disposal) to the relevant authorities of any foreign State as may be necessary in connection with criminal proceedings instituted in that State against any person, in respect of an offence under the law of that State corresponding to an offence under this Act.

Regulations.

30. (1) The Minister may make regulations for the purpose of carrying out or giving effect to the principles and provisions of this Act, and in respect of matters that are by this Act required or authorised to be prescribed.

(2) Every regulation made by the Minister shall be published in the *Gazette* and shall come into operation on the date of such publication, or on such later date as may be specified in such regulation.

(3) Every regulation made by the Minister shall, as soon as convenient after its publication in the *Gazette*, be brought before Parliament for approval. Any regulation which is not so approved, shall be deemed to be rescinded as from the date of such disapproval, but without prejudice to anything previously done thereunder.

(4) Notification of the date on which a regulation is deemed to be rescinded shall be published in the *Gazette*.

31. In the event of any inconsistency, between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail. Sinhala text to prevail in case of inconsistency.

32. In this Act, unless the context otherwise requires— Interpretation.

“acquirer” means the bank or the financial institution that is authorized to appoint merchants to accept payment device transactions or offers cash disbursement services to payment device holders or both such functions, and where the payment devices accepted by the merchants are cleared and settled and the proceeds are reimbursed by the acquirer;

“authorisation” means the process by which an acquirer obtains an approval from the Issuer for a payment device transaction. The authorisation process could be either by voice recognition or by electronic means;

“cardholder” means the person or organization named on the face of a payment device to whom or for whose benefit the payment device is issued by an Issuer;

“counterfeit payment device” means a counterfeit, fictitious, altered or forged payment device, or a payment device where an identifiable component is counterfeit;

“card making or altering equipment” means a part of, or complete equipment or machinery, whether manual, electro magnetic or electronic, used for embossing, encoding, recording or storing data on any payment device and which may also be used for producing counterfeit payment devices;

“computer” means an electronic or similar device having information processing capabilities;

“data” means a representation of information or of concepts that are being prepared or have been prepared in a form suitable for use in a computer or in a payment device or which is stored or generated by a computer;

“fraudulent application” means an application made to obtain a payment device which contains any falsified documents, false information, fictitious identity and address or any other false pretences or misrepresentations and which induces the Issuer to issue a payment device;

“fraudulent merchant application” means an application made by a person, a body of persons, entity or organization pretending to be a merchant using information that is false, incorrect or misleading in order to mislead the acquirer into believing that the merchant will accept the payment device;

“full track data” means the data including the discretionary data encoded on track one and two on the magnetic stripe of a payment device;

“holder” means a person to whom a payment device is issued on an application made to an Issuer;

“Information” includes data, text, images, sound, codes, computer programmes, databases or microfilm;

“information system” includes a system, whether automated or manual (including telecommunications, computer or computer related or interconnected system or sub-systems of equipment or both such systems or sub-systems)

which comprises people, machines and methods, that is used to collect, process, store, manipulate, manage, transmit, display, disseminate, switch, interchange, or receive voice or data, or both and includes software, firmware and hardware;

“Issuer” means a banking institution or other body, authority or institution legally authorized to issue a payment device and thereby enter into a contractual relationship with the holder thereof;

“merchant” means a person or an organisation which is acknowledged by an issuer to sell goods and services or disburse cash on the acceptance of a payment device;

“payment device” means—

- (a) a credit card and includes any card, plate, code, account number, microchip, optical instrument or document wherein magnetised encoding has taken place; or
- (b) a device in which account numbers and mandatory or discretionary data or information relating to the holder of such device is recorded and stored by mechanical, electronic, electro magnetic, optical or other means, and which card or device is recognized by the Issuer thereof, and which facilitates—
 - (i) the extension of credit for obtaining goods or services; or
 - (ii) the making of cash withdrawals and doing other acts in relation to a bank account,

to or by the holder to whom such card or device has been lawfully issued by an Issuer);

“payment device holder information” includes, any information imprinted, encoded or embossed on the payment device such as the account number or name or address of the holder thereof;

“point of sales network” means the network of point of sales terminals deployed by the acquiring bank;

“produce” means design, alter, authenticate, duplicate or assemble;

“skimming” means the copying of encoded data on the magnetic stripe of one payment device to another genuine or counterfeit device including white plastic;

“traffic” includes manufacturing, importing, exporting, keeping with intent to transfer, concealing, buying, selling, giving, receiving, storing, administering, transporting, carrying, sending, delivering, procuring, supplying or distributing without lawful authority or reasonable excuse one or more counterfeit or unauthorised payment devices;

“traffic data” means—

- (a) data that relates to the attributes of a communication by means of an information system or computer system;
- (b) generated by an information system or computer system that is part of a service provider;
- (c) data, which shows communications origin, destination, route, time, data, size, duration or details of subscriber information; and

(d) any data flowing through a communication system.

“unauthorised payment device” means any payment device which is stolen, lost, expired, revoked, cancelled, suspended or obtained or used by misrepresentation of facts.

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