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## SCHEDULES

### SCHEDULE 1

Section 1

#### FORFEITURE OF TERRORIST CASH

##### PART 1

##### INTRODUCTORY

###### *Terrorist cash*

- 1 (1) This Schedule applies to cash (“terrorist cash”) which—
- (a) is within subsection (1)(a) or (b) of section 1, or
  - (b) is property earmarked as terrorist property.
- (2) “Cash” means—
- (a) coins and notes in any currency,
  - (b) postal orders,
  - (c) cheques of any kind, including travellers’ cheques,
  - (d) bankers’ drafts,
  - (e) bearer bonds and bearer shares,
- found at any place in the United Kingdom.
- (3) Cash also includes any kind of monetary instrument which is found at any place in the United Kingdom, if the instrument is specified by the Secretary of State by order.
- (4) The power to make an order under sub-paragraph (3) is exercisable by statutory instrument, which is subject to annulment in pursuance of a resolution of either House of Parliament.

##### PART 2

#### SEIZURE AND DETENTION

###### *Seizure of cash*

- 2 (1) An authorised officer may seize any cash if he has reasonable grounds for suspecting that it is terrorist cash.
- (2) An authorised officer may also seize cash part of which he has reasonable grounds for suspecting to be terrorist cash if it is not reasonably practicable to seize only that part.

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### *Detention of seized cash*

- 3 (1) While the authorised officer continues to have reasonable grounds for his suspicion, cash seized under this Schedule may be detained initially for a period of 48 hours.
- (2) The period for which the cash or any part of it may be detained may be extended by an order made by a magistrates' court or (in Scotland) the sheriff, but the order may not authorise the detention of any of the cash—
- (a) beyond the end of the period of three months beginning with the date of the order, and
  - (b) in the case of any further order under this paragraph, beyond the end of the period of two years beginning with the date of the first order.
- (3) A justice of the peace may also exercise the power of a magistrates' court to make the first order under sub-paragraph (2) extending the period.
- [<sup>F1</sup>(3A) An application to a justice of the peace or the sheriff for an order under sub-paragraph (2) making the first extension of the period—
- (a) may be made and heard without notice of the application or hearing having been given to any of the persons affected by the application or to the legal representative of such a person, and
  - (b) may be heard and determined in private in the absence of persons so affected and of their legal representatives.]
- (4) An order under sub-paragraph (2) must provide for notice to be given to persons affected by it.
- (5) An application for an order under sub-paragraph (2)—
- (a) in relation to England and Wales and Northern Ireland, may be made by the Commissioners of Customs and Excise or an authorised officer,
  - (b) in relation to Scotland, may be made by a procurator fiscal,
- and the court, sheriff or justice may make the order if satisfied, in relation to any cash to be further detained, that one of the following conditions is met.
- (6) The first condition is that there are reasonable grounds for suspecting that the cash is intended to be used for the purposes of terrorism and that either—
- (a) its continued detention is justified while its intended use is further investigated or consideration is given to bringing (in the United Kingdom or elsewhere) proceedings against any person for an offence with which the cash is connected, or
  - (b) proceedings against any person for an offence with which the cash is connected have been started and have not been concluded.
- (7) The second condition is that there are reasonable grounds for suspecting that the cash consists of resources of an organisation which is a proscribed organisation and that either—
- (a) its continued detention is justified while investigation is made into whether or not it consists of such resources or consideration is given to bringing (in the United Kingdom or elsewhere) proceedings against any person for an offence with which the cash is connected, or
  - (b) proceedings against any person for an offence with which the cash is connected have been started and have not been concluded.

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- (8) The third condition is that there are reasonable grounds for suspecting that the cash is property earmarked as terrorist property and that either—
- (a) its continued detention is justified while its derivation is further investigated or consideration is given to bringing (in the United Kingdom or elsewhere) proceedings against any person for an offence with which the cash is connected, or
  - (b) proceedings against any person for an offence with which the cash is connected have been started and have not been concluded.

#### Textual Amendments

- F1** Sch. 1 para. 3(3A) inserted (13.4.2006) by [Terrorism Act 2006 \(c. 11\)](#), [ss. 35\(1\), 39\(2\)](#) (with [s. 35\(2\)](#)); [S.I. 2006/1013](#), [art. 2](#)

#### *Payment of detained cash into an account*

- 4 (1) If cash is detained under this Schedule for more than 48 hours, it is to be held in an interest-bearing account and the interest accruing on it is to be added to it on its forfeiture or release.
- (2) In the case of cash seized under paragraph 2(2), the authorised officer must, on paying it into the account, release so much of the cash then held in the account as is not attributable to terrorist cash.
- (3) Sub-paragraph (1) does not apply if the cash is required as evidence of an offence or evidence in proceedings under this Schedule.

#### *Release of detained cash*

- 5 (1) This paragraph applies while any cash is detained under this Schedule.
- (2) A magistrates' court or (in Scotland) the sheriff may direct the release of the whole or any part of the cash if satisfied, on an application by the person from whom it was seized, that the conditions in paragraph 3 for the detention of cash are no longer met in relation to the cash to be released.
- (3) A authorised officer or (in Scotland) a procurator fiscal may, after notifying the magistrates' court, sheriff or justice under whose order cash is being detained, release the whole or any part of it if satisfied that the detention of the cash to be released is no longer justified.
- (4) But cash is not to be released—
- (a) if an application for its forfeiture under paragraph 6, or for its release under paragraph 9, is made, until any proceedings in pursuance of the application (including any proceedings on appeal) are concluded,
  - (b) if (in the United Kingdom or elsewhere) proceedings are started against any person for an offence with which the cash is connected, until the proceedings are concluded.

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### PART 3

#### FORFEITURE

##### *Forfeiture*

- 6 (1) While cash is detained under this Schedule, an application for the forfeiture of the whole or any part of it may be made—
- (a) to a magistrates' court by the Commissioners of Customs and Excise or an authorised officer,
  - (b) (in Scotland) to the sheriff by the Scottish Ministers.
- (2) The court or sheriff may order the forfeiture of the cash or any part of it if satisfied that the cash or part is terrorist cash.
- (3) In the case of property earmarked as terrorist property which belongs to joint tenants one of whom is an excepted joint owner, the order may not apply to so much of it as the court or sheriff thinks is attributable to the excepted joint owner's share.
- (4) An excepted joint owner is a joint tenant who obtained the property in circumstances in which it would not (as against him) be earmarked; and references to his share of the earmarked property are to so much of the property as would have been his if the joint tenancy had been severed.

##### *Appeal against forfeiture*

- 7 (1) Any party to proceedings in which an order is made under paragraph 6 ("a forfeiture order") who is aggrieved by the order may appeal—
- (a) in relation to England and Wales, to the Crown Court,
  - (b) in relation to Scotland, to the Court of Session,
  - (c) in relation to Northern Ireland, to a county court.
- (2) An appeal under sub-paragraph (1) must be made—
- (a) within the period of 30 days beginning with the date on which the order is made, or
  - (b) if sub-paragraph (6) applies, before the end of the period of 30 days beginning with the date on which the order under section 3(3)(b) of the Terrorism Act 2000 (c. 11) referred to in that sub-paragraph comes into force.
- (3) The appeal is to be by way of a rehearing.
- (4) The court hearing the appeal may make any order it thinks appropriate.
- (5) If the court upholds the appeal, it may order the release of the cash.
- (6) Where a successful application for a forfeiture order relies (wholly or partly) on the fact that an organisation is proscribed, this sub-paragraph applies if—
- (a) a deproscription appeal under section 5 of the Terrorism Act 2000 is allowed in respect of the organisation,
  - (b) an order is made under section 3(3)(b) of that Act in respect of the organisation in accordance with an order of the Proscribed Organisations Appeal Commission under section 5(4) of that Act (and, if the order is made in reliance on section 123(5) of that Act, a resolution is passed by each House of Parliament under section 123(5)(b)), and

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- (c) the forfeited cash was seized under this Schedule on or after the date of the refusal to deproscribe against which the appeal under section 5 of that Act was brought.

#### *Application of forfeited cash*

- 8 (1) Cash forfeited under this Schedule, and any accrued interest on it—
- (a) if forfeited by a magistrates' court in England and Wales or Northern Ireland, is to be paid into the Consolidated Fund,
  - (b) if forfeited by the sheriff, is to be paid into the Scottish Consolidated Fund.
- (2) But it is not to be paid in—
- (a) before the end of the period within which an appeal under paragraph 7 may be made, or
  - (b) if a person appeals under that paragraph, before the appeal is determined or otherwise disposed of.

### **PART 4**

#### MISCELLANEOUS

##### *Victims*

- 9 (1) A person who claims that any cash detained under this Schedule, or any part of it, belongs to him may apply to a magistrates' court or (in Scotland) the sheriff for the cash or part to be released to him.
- (2) The application may be made in the course of proceedings under paragraph 3 or 6 or at any other time.
- (3) If it appears to the court or sheriff concerned that—
- (a) the applicant was deprived of the cash claimed, or of property which it represents, by criminal conduct,
  - (b) the property he was deprived of was not, immediately before he was deprived of it, property obtained by or in return for criminal conduct and nor did it then represent such property, and
  - (c) the cash claimed belongs to him,
- the court or sheriff may order the cash to be released to the applicant.

##### *Compensation*

- 10 (1) If no forfeiture order is made in respect of any cash detained under this Schedule, the person to whom the cash belongs or from whom it was seized may make an application to the magistrates' court or (in Scotland) the sheriff for compensation.
- (2) If, for any period after the initial detention of the cash for 48 hours, the cash was not held in an interest-bearing account while detained, the court or sheriff may order an amount of compensation to be paid to the applicant.
- (3) The amount of compensation to be paid under sub-paragraph (2) is the amount the court or sheriff thinks would have been earned in interest in the period in question if the cash had been held in an interest-bearing account.

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- (4) If the court or sheriff is satisfied that, taking account of any interest to be paid under this Schedule or any amount to be paid under sub-paragraph (2), the applicant has suffered loss as a result of the detention of the cash and that the circumstances are exceptional, the court or sheriff may order compensation (or additional compensation) to be paid to him .
- (5) The amount of compensation to be paid under sub-paragraph (4) is the amount the court or sheriff thinks reasonable, having regard to the loss suffered and any other relevant circumstances.
- (6) If the cash was seized by a customs officer, the compensation is to be paid by the Commissioners of Customs and Excise.
- (7) If the cash was seized by a constable, the compensation is to be paid as follows—
  - (a) in the case of a constable of a police force in England and Wales, it is to be paid out of the police fund from which the expenses of the police force are met,
  - (b) in the case of a constable of a police force in Scotland, it is to be paid by the police authority or joint police board for the police area for which that force is maintained,
  - (c) in the case of a police officer within the meaning of the Police (Northern Ireland) Act 2000 (c. 32), it is to be paid out of money provided by the Chief Constable.
- (8) If the cash was seized by an immigration officer, the compensation is to be paid by the Secretary of State.
- (9) If a forfeiture order is made in respect only of a part of any cash detained under this Schedule, this paragraph has effect in relation to the other part.
- (10) This paragraph does not apply if the court or sheriff makes an order under paragraph 9.

## PART 5

### PROPERTY EARMARKED AS TERRORIST PROPERTY

#### *Property obtained through terrorism*

- 11 (1) A person obtains property through terrorism if he obtains property by or in return for acts of terrorism, or acts carried out for the purposes of terrorism.
- (2) In deciding whether any property was obtained through terrorism—
  - (a) it is immaterial whether or not any money, goods or services were provided in order to put the person in question in a position to carry out the acts,
  - (b) it is not necessary to show that the act was of a particular kind if it is shown that the property was obtained through acts of one of a number of kinds, each of which would have been an act of terrorism, or an act carried out for the purposes of terrorism.

#### *Property earmarked as terrorist property*

- 12 (1) Property obtained through terrorism is earmarked as terrorist property.

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- (2) But if property obtained through terrorism has been disposed of (since it was so obtained), it is earmarked as terrorist property only if it is held by a person into whose hands it may be followed.
- (3) Earmarked property obtained through terrorism may be followed into the hands of a person obtaining it on a disposal by—
  - (a) the person who obtained the property through terrorism, or
  - (b) a person into whose hands it may (by virtue of this sub-paragraph) be followed.

#### *Tracing property*

- 13 (1) Where property obtained through terrorism (“the original property”) is or has been earmarked as terrorist property, property which represents the original property is also earmarked.
- (2) If a person enters into a transaction by which—
  - (a) he disposes of earmarked property, whether the original property or property which (by virtue of this Part) represents the original property, and
  - (b) he obtains other property in place of it,the other property represents the original property.
- (3) If a person disposes of earmarked property which represents the original property, the property may be followed into the hands of the person who obtains it (and it continues to represent the original property).

#### *Mixing property*

- 14 (1) Sub-paragraph (2) applies if a person’s property which is earmarked as terrorist property is mixed with other property (whether his property or another’s).
- (2) The portion of the mixed property which is attributable to the property earmarked as terrorist property represents the property obtained through terrorism.
- (3) Property earmarked as terrorist property is mixed with other property if (for example) it is used—
  - (a) to increase funds held in a bank account,
  - (b) in part payment for the acquisition of an asset,
  - (c) for the restoration or improvement of land,
  - (d) by a person holding a leasehold interest in the property to acquire the freehold.

#### *Accruing profits*

- 15 (1) This paragraph applies where a person who has property earmarked as terrorist property obtains further property consisting of profits accruing in respect of the earmarked property.
- (2) The further property is to be treated as representing the property obtained through terrorism.

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### *General exceptions*

- 16 (1) If—
- (a) a person disposes of property earmarked as terrorist property, and
  - (b) the person who obtains it on the disposal does so in good faith, for value and without notice that it was earmarked,
- the property may not be followed into that person’s hands and, accordingly, it ceases to be earmarked.
- (2) If—
- (a) in pursuance of a judgment in civil proceedings (whether in the United Kingdom or elsewhere), the defendant makes a payment to the claimant or the claimant otherwise obtains property from the defendant,
  - (b) the claimant’s claim is based on the defendant’s criminal conduct, and
  - (c) apart from this sub-paragraph, the sum received, or the property obtained, by the claimant would be earmarked as terrorist property,
- the property ceases to be earmarked.
- In relation to Scotland, “claimant” and “defendant” are to be read as “pursuer” and “defender”; and, in relation to Northern Ireland, “claimant” is to be read as “plaintiff”.
- (3) If—
- (a) a payment is made to a person in pursuance of a compensation order under Article 14 of the Criminal Justice (Northern Ireland) Order 1994 (S.I. 1994/2795 (N.I. 15)), section 249 of the Criminal Procedure (Scotland) Act 1995 (c. 46) or section 130 of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6), and
  - (b) apart from this sub-paragraph, the sum received would be earmarked as terrorist property,
- the property ceases to be earmarked.
- (4) If—
- (a) a payment is made to a person in pursuance of a restitution order under section 27 of the Theft Act (Northern Ireland) 1969 (c.16 (NI)) or section 148(2) of the Powers of Criminal Courts (Sentencing) Act 2000 or a person otherwise obtains any property in pursuance of such an order, and
  - (b) apart from this sub-paragraph, the sum received, or the property obtained, would be earmarked as terrorist property,
- the property ceases to be earmarked.
- (5) If—
- (a) in pursuance of an order made by the court under section 382(3) or 383(5) of the Financial Services and Markets Act 2000 (c. 8) (restitution orders), an amount is paid to or distributed among any persons in accordance with the court’s directions, and
  - (b) apart from this sub-paragraph, the sum received by them would be earmarked as terrorist property,
- the property ceases to be earmarked.
- (6) If—



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- (a) in pursuance of a requirement of the Financial Services Authority under section 384(5) of the Financial Services and Markets Act 2000 (c. 8) (power of authority to require restitution), an amount is paid to or distributed among any persons, and
  - (b) apart from this sub-paragraph, the sum received by them would be earmarked as terrorist property,
- the property ceases to be earmarked.
- (7) Where—
- (a) a person enters into a transaction to which paragraph 13(2) applies, and
  - (b) the disposal is one to which sub-paragraph (1) applies,
- this paragraph does not affect the question whether (by virtue of paragraph 13(2)) any property obtained on the transaction in place of the property disposed of is earmarked.

## PART 6

### INTERPRETATION

#### *Property*

- 17 (1) Property is all property wherever situated and includes—
- (a) money,
  - (b) all forms of property, real or personal, heritable or moveable,
  - (c) things in action and other intangible or incorporeal property.
- (2) Any reference to a person's property (whether expressed as a reference to the property he holds or otherwise) is to be read as follows.
- (3) In relation to land, it is a reference to any interest which he holds in the land.
- (4) In relation to property other than land, it is a reference—
- (a) to the property (if it belongs to him), or
  - (b) to any other interest which he holds in the property.

#### *Obtaining and disposing of property*

- 18 (1) References to a person disposing of his property include a reference—
- (a) to his disposing of a part of it, or
  - (b) to his granting an interest in it,
- (or to both); and references to the property disposed of are to any property obtained on the disposal.
- (2) If a person grants an interest in property of his which is earmarked as terrorist property, the question whether the interest is also earmarked is to be determined in the same manner as it is on any other disposal of earmarked property.
- (3) A person who makes a payment to another is to be treated as making a disposal of his property to the other, whatever form the payment takes.
- (4) Where a person's property passes to another under a will or intestacy or by operation of law, it is to be treated as disposed of by him to the other.

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- (5) A person is only to be treated as having obtained his property for value in a case where he gave unexecuted consideration if the consideration has become executed consideration.

*General interpretation*

- 19 (1) In this Schedule—

“authorised officer” means a constable, a customs officer or an immigration officer,

“cash” has the meaning given by paragraph 1,

“constable”, in relation to Northern Ireland, means a police officer within the meaning of the Police (Northern Ireland) Act 2000 (c. 32),

“criminal conduct” means conduct which constitutes an offence in any part of the United Kingdom, or would constitute an offence in any part of the United Kingdom if it occurred there,

“customs officer” means an officer commissioned by the Commissioners of Customs and Excise under section 6(3) of the Customs and Excise Management Act 1979 (c. 2),

“forfeiture order” has the meaning given by paragraph 7,

“immigration officer” means a person appointed as an immigration officer under paragraph 1 of Schedule 2 to the Immigration Act 1971 (c. 77),

“interest”, in relation to land—

(a) in the case of land in England and Wales or Northern Ireland, means any legal estate and any equitable interest or power,

(b) in the case of land in Scotland, means any estate, interest, servitude or other heritable right in or over land, including a heritable security,

“interest”, in relation to property other than land, includes any right (including a right to possession of the property),

“part”, in relation to property, includes a portion,

“property obtained through terrorism” has the meaning given by paragraph 11,

“property earmarked as terrorist property” is to be read in accordance with Part 5,

“proscribed organisation” has the same meaning as in the Terrorism Act 2000 (c. 11),

“terrorism” has the same meaning as in the Terrorism Act 2000,

“terrorist cash” has the meaning given by paragraph 1,

“value” means market value.

- (2) Paragraphs 17 and 18 and the following provisions apply for the purposes of this Schedule.
- (3) For the purpose of deciding whether or not property was earmarked as terrorist property at any time (including times before commencement), it is to be assumed that this Schedule was in force at that and any other relevant time.
- (4) References to anything done or intended to be done for the purposes of terrorism include anything done or intended to be done for the benefit of a proscribed organisation.

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- (5) An organisation's resources include any cash which is applied or made available, or is to be applied or made available, for use by the organisation.
- (6) Proceedings against any person for an offence are concluded when—
  - (a) the person is convicted or acquitted,
  - (b) the prosecution is discontinued or, in Scotland, the trial diet is deserted simpliciter, or
  - (c) the jury is discharged without a finding [<sup>F2</sup>otherwise than in circumstances where the proceedings are continued without a jury] .

#### Textual Amendments

- F2** Words in Sch. 1 para. 19(6)(c) inserted (24.7.2006 for E.W. and otherwise 8.1.2007) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 331, 336, [Sch. 36 para. 77](#); S.I. 2006/1835, [art. 2\(h\)](#); S.I. 2006/3422, [art. 2\(c\)](#)

## SCHEDULE 2

Section 3

### TERRORIST PROPERTY: AMENDMENTS

#### PART 1

##### ACCOUNT MONITORING ORDERS

- 1 (1) The Terrorism Act 2000 is amended as follows.
- (2) The following section is inserted after section 38—

**“38A Account monitoring orders**

Schedule 6A (account monitoring orders) shall have effect.”

- (3) The following Schedule is inserted after Schedule 6—

“SCHEDULE  
6A

##### ACCOUNT MONITORING ORDERS

###### *Introduction*

- 1 (1) This paragraph applies for the purposes of this Schedule.
- (2) A judge is—
  - (a) a Circuit judge, in England and Wales;
  - (b) the sheriff, in Scotland;
  - (c) a Crown Court judge, in Northern Ireland.
- (3) The court is—
  - (a) the Crown Court, in England and Wales or Northern Ireland;

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- (b) the sheriff, in Scotland.
- (4) An appropriate officer is—
  - (a) a police officer, in England and Wales or Northern Ireland;
  - (b) the procurator fiscal, in Scotland.
- (5) “Financial institution” has the same meaning as in Schedule 6.

#### *Account monitoring orders*

- 2 (1) A judge may, on an application made to him by an appropriate officer, make an account monitoring order if he is satisfied that—
  - (a) the order is sought for the purposes of a terrorist investigation,
  - (b) the tracing of terrorist property is desirable for the purposes of the investigation, and
  - (c) the order will enhance the effectiveness of the investigation.
- (2) The application for an account monitoring order must state that the order is sought against the financial institution specified in the application in relation to information which—
  - (a) relates to an account or accounts held at the institution by the person specified in the application (whether solely or jointly with another), and
  - (b) is of the description so specified.
- (3) The application for an account monitoring order may specify information relating to—
  - (a) all accounts held by the person specified in the application for the order at the financial institution so specified,
  - (b) a particular description, or particular descriptions, of accounts so held, or
  - (c) a particular account, or particular accounts, so held.
- (4) An account monitoring order is an order that the financial institution specified in the application for the order must—
  - (a) for the period specified in the order,
  - (b) in the manner so specified,
  - (c) at or by the time or times so specified, and
  - (d) at the place or places so specified,
 provide information of the description specified in the application to an appropriate officer.
- (5) The period stated in an account monitoring order must not exceed the period of 90 days beginning with the day on which the order is made.

#### *Applications*

- 3 (1) An application for an account monitoring order may be made ex parte to a judge in chambers.
- (2) The description of information specified in an application for an account monitoring order may be varied by the person who made the application.

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- (3) If the application was made by a police officer, the description of information specified in it may be varied by a different police officer.

#### *Discharge or variation*

- 4 (1) An application to discharge or vary an account monitoring order may be made to the court by—
- (a) the person who applied for the order;
  - (b) any person affected by the order.
- (2) If the application for the account monitoring order was made by a police officer, an application to discharge or vary the order may be made by a different police officer.
- (3) The court—
- (a) may discharge the order;
  - (b) may vary the order.

#### *Rules of court*

- 5 (1) Rules of court may make provision as to the practice and procedure to be followed in connection with proceedings relating to account monitoring orders.
- (2) In Scotland, rules of court shall, without prejudice to section 305 of the Criminal Procedure (Scotland) Act 1995 (c. 46), be made by Act of Adjournal.

#### *Effect of orders*

- 6 (1) In England and Wales and Northern Ireland, an account monitoring order has effect as if it were an order of the court.
- (2) An account monitoring order has effect in spite of any restriction on the disclosure of information (however imposed).

#### *Statements*

- 7 (1) A statement made by a financial institution in response to an account monitoring order may not be used in evidence against it in criminal proceedings.
- (2) But sub-paragraph (1) does not apply—
- (a) in the case of proceedings for contempt of court;
  - (b) in the case of proceedings under section 23 where the financial institution has been convicted of an offence under any of sections 15 to 18;
  - (c) on a prosecution for an offence where, in giving evidence, the financial institution makes a statement inconsistent with the statement mentioned in sub-paragraph (1).
- (3) A statement may not be used by virtue of sub-paragraph (2)(c) against a financial institution unless—

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- (a) evidence relating to it is adduced, or
  - (b) a question relating to it is asked,
- by or on behalf of the financial institution in the proceedings arising out of the prosecution.”

## PART 2

### RESTRAINT ORDERS

- 2 (1) Part 1 of Schedule 4 to the Terrorism Act 2000 (c. 11) (forfeiture orders under section 23 of that Act: England and Wales) is amended as follows.
- (2) In paragraph 5 (restraint orders) for sub-paragraph (2) substitute—
- “(2) The High Court may also make a restraint order under this paragraph where—
- (a) a criminal investigation has been started in England and Wales with regard to an offence under any of sections 15 to 18,
  - (b) an application for a restraint order is made to the High Court by the person who the High Court is satisfied will have the conduct of any proceedings for the offence, and
  - (c) it appears to the High Court that a forfeiture order may be made in any proceedings for the offence.”
- (3) In paragraph 5(3) for “the proceedings” substitute “ any proceedings ”.
- (4) In paragraph 5 after sub-paragraph (5) insert—
- “(6) In this paragraph “criminal investigation” means an investigation which police officers or other persons have a duty to conduct with a view to it being ascertained whether a person should be charged with an offence.”
- (5) For paragraph 6(3) substitute—
- “(3) A restraint order made under paragraph 5(1) shall in particular be discharged on an application under sub-paragraph (2) if the proceedings for the offence have been concluded.
- (4) A restraint order made under paragraph 5(2) shall in particular be discharged on an application under sub-paragraph (2)—
- (a) if no proceedings in respect of offences under any of sections 15 to 18 are instituted within such time as the High Court considers reasonable, and
  - (b) if all proceedings in respect of offences under any of sections 15 to 18 have been concluded.”
- (6) In paragraph 8(3) for “the proposed proceedings” substitute “ any proceedings for an offence under any of sections 15 to 18 ”.
- (7) In paragraph 9(1) (compensation where restraint order discharged) for “paragraph 6(3)(a)” substitute “ paragraph 6(4)(a) ”.
- 3 (1) Part 2 of Schedule 4 to the Terrorism Act 2000 (c. 11) (forfeiture orders under section 23 of that Act: Scotland) is amended as follows.

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- (2) In paragraph 18 (restraint orders) for sub-paragraph (2) substitute—
- “(2) The Court of Session may also make a restraint order on such an application where—
- (a) a criminal investigation has been instituted in Scotland with regard to an offence under any of sections 15 to 18, and
  - (b) it appears to the Court of Session that a forfeiture order may be made in any proceedings for the offence.”
- (3) In paragraph 18(3) for “the proceedings” substitute “ any proceedings ”.
- (4) In paragraph 18 after sub-paragraph (5) insert—
- “(6) In this paragraph “criminal investigation” means an investigation which police officers or other persons have a duty to conduct with a view to it being ascertained whether a person should be charged with an offence.”
- (5) For paragraph 19(3) substitute—
- “(3) A restraint order made under paragraph 18(1) shall in particular be recalled on an application under sub-paragraph (2) if the proceedings for the offence have been concluded.
- (3A) A restraint order made under paragraph 18(2) shall in particular be discharged on an application under sub-paragraph (2)—
- (a) if no proceedings in respect of offences under any of sections 15 to 18 are instituted within such time as the Court of Session considers reasonable, and
  - (b) if all proceedings in respect of offences under any of sections 15 to 18 have been concluded.”
- (6) In paragraph 23(1) for “19(3)(a)” substitute “ 19(3A)(a) ”.
- 4 (1) Part 3 of Schedule 4 to the Terrorism Act 2000 (forfeiture orders under section 23 of that Act: Northern Ireland) is amended as follows.
- (2) In paragraph 33 (restraint orders) for sub-paragraph (2) substitute—
- “(2) The High Court may also make a restraint order under this paragraph where—
- (a) a criminal investigation has been started in Northern Ireland with regard to an offence under any of sections 15 to 18,
  - (b) an application for a restraint order is made to the High Court by the person who the High Court is satisfied will have the conduct of any proceedings for the offence, and
  - (c) it appears to the High Court that a forfeiture order may be made in any proceedings for the offence.”
- (3) In paragraph 33(3) for “the proceedings” substitute “ any proceedings ”.
- (4) In paragraph 33 after sub-paragraph (5) insert—
- “(6) In this paragraph “criminal investigation” means an investigation which police officers or other persons have a duty to conduct with a view to it being ascertained whether a person should be charged with an offence.”

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(5) For paragraph 34(3) substitute—

“(3) A restraint order made under paragraph 33(1) shall in particular be discharged on an application under sub-paragraph (2) if the proceedings for the offence have been concluded.

(4) A restraint order made under paragraph 33(2) shall in particular be discharged on an application under sub-paragraph (2)—

- (a) if no proceedings in respect of offences under any of sections 15 to 18 are instituted within such time as the High Court considers reasonable, and
- (b) if all proceedings in respect of offences under any of sections 15 to 18 have been concluded.”

(6) In paragraph 38(4), in the definition of “prosecutor”, for “the proposed proceedings” substitute “ any proceedings for an offence under any of sections 15 to 18 ”.

(7) In paragraph 39(1) (compensation where restraint order discharged) for “paragraph 34(3)(a)” substitute “ paragraph 34(4)(a) ”.

### PART 3

#### DISCLOSURE OF INFORMATION

5 (1) The Terrorism Act 2000 (c. 11) is amended as follows.

(2) The following sections are inserted after section 21—

#### “21A Failure to disclose: regulated sector

(1) A person commits an offence if each of the following three conditions is satisfied.

(2) The first condition is that he—

- (a) knows or suspects, or
- (b) has reasonable grounds for knowing or suspecting,

that another person has committed an offence under any of sections 15 to 18.

(3) The second condition is that the information or other matter—

- (a) on which his knowledge or suspicion is based, or
  - (b) which gives reasonable grounds for such knowledge or suspicion,
- came to him in the course of a business in the regulated sector.

(4) The third condition is that he does not disclose the information or other matter to a constable or a nominated officer as soon as is practicable after it comes to him.

(5) But a person does not commit an offence under this section if—

- (a) he has a reasonable excuse for not disclosing the information or other matter;
- (b) he is a professional legal adviser and the information or other matter came to him in privileged circumstances.



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- (6) In deciding whether a person committed an offence under this section the court must consider whether he followed any relevant guidance which was at the time concerned—
- (a) issued by a supervisory authority or any other appropriate body,
  - (b) approved by the Treasury, and
  - (c) published in a manner it approved as appropriate in its opinion to bring the guidance to the attention of persons likely to be affected by it.
- (7) A disclosure to a nominated officer is a disclosure which—
- (a) is made to a person nominated by the alleged offender's employer to receive disclosures under this section, and
  - (b) is made in the course of the alleged offender's employment and in accordance with the procedure established by the employer for the purpose.
- (8) Information or other matter comes to a professional legal adviser in privileged circumstances if it is communicated or given to him—
- (a) by (or by a representative of) a client of his in connection with the giving by the adviser of legal advice to the client,
  - (b) by (or by a representative of) a person seeking legal advice from the adviser, or
  - (c) by a person in connection with legal proceedings or contemplated legal proceedings.
- (9) But subsection (8) does not apply to information or other matter which is communicated or given with a view to furthering a criminal purpose.
- (10) Schedule 3A has effect for the purpose of determining what is—
- (a) a business in the regulated sector;
  - (b) a supervisory authority.
- (11) For the purposes of subsection (2) a person is to be taken to have committed an offence there mentioned if—
- (a) he has taken an action or been in possession of a thing, and
  - (b) he would have committed the offence if he had been in the United Kingdom at the time when he took the action or was in possession of the thing.
- (12) A person guilty of an offence under this section is liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding five years or to a fine or to both;
  - (b) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum or to both.
- (13) An appropriate body is any body which regulates or is representative of any trade, profession, business or employment carried on by the alleged offender.
- (14) The reference to a constable includes a reference to a person authorised for the purposes of this section by the Director General of the National Criminal Intelligence Service.

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## **21B Protected disclosures**

- (1) A disclosure which satisfies the following three conditions is not to be taken to breach any restriction on the disclosure of information (however imposed).
  - (2) The first condition is that the information or other matter disclosed came to the person making the disclosure (the discloser) in the course of a business in the regulated sector.
  - (3) The second condition is that the information or other matter—
    - (a) causes the discloser to know or suspect, or
    - (b) gives him reasonable grounds for knowing or suspecting,
 that another person has committed an offence under any of sections 15 to 18.
  - (4) The third condition is that the disclosure is made to a constable or a nominated officer as soon as is practicable after the information or other matter comes to the discloser.
  - (5) A disclosure to a nominated officer is a disclosure which—
    - (a) is made to a person nominated by the discloser’s employer to receive disclosures under this section, and
    - (b) is made in the course of the discloser’s employment and in accordance with the procedure established by the employer for the purpose.
  - (6) The reference to a business in the regulated sector must be construed in accordance with Schedule 3A.
  - (7) The reference to a constable includes a reference to a person authorised for the purposes of this section by the Director General of the National Criminal Intelligence Service.”
- (3) In section 19 after subsection (1) insert—
- “(1A) But this section does not apply if the information came to the person in the course of a business in the regulated sector.”
- (4) In section 19 after subsection (7) insert—
- “(7A) The reference to a business in the regulated sector must be construed in accordance with Schedule 3A.
- (7B) The reference to a constable includes a reference to a person authorised for the purposes of this section by the Director General of the National Criminal Intelligence Service.”
- (5) In section 20 after subsection (4) insert—
- “(5) References to a constable include references to a person authorised for the purposes of this section by the Director General of the National Criminal Intelligence Service.”
- (6) The following Schedule is inserted after Schedule 3—

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“SCHEDULE  
3A

REGULATED SECTOR AND SUPERVISORY AUTHORITIES

**PART 1**

REGULATED SECTOR

*Business in the regulated sector*

- 1 (1) A business is in the regulated sector to the extent that it engages in any of the following activities—
  - (a) accepting deposits by a person with permission under Part 4 of the Financial Services and Markets Act 2000 (c. 8) to accept deposits (including, in the case of a building society, the raising of money from members of the society by the issue of shares);
  - (b) the business of the National Savings Bank;
  - (c) business carried on by a credit union;
  - (d) any home-regulated activity carried on by a European institution in respect of which the establishment conditions in paragraph 13 of Schedule 3 to the Financial Services and Markets Act 2000, or the service conditions in paragraph 14 of that Schedule, are satisfied;
  - (e) any activity carried on for the purpose of raising money authorised to be raised under the National Loans Act 1968 (c. 13) under the auspices of the Director of Savings;
  - (f) the activity of operating a bureau de change, transmitting money (or any representation of monetary value) by any means or cashing cheques which are made payable to customers;
  - (g) any activity falling within sub-paragraph (2);
  - (h) any of the activities in points 1 to 12 or 14 of Annex 1 to the Banking Consolidation Directive, ignoring an activity described in any of paragraphs (a) to (g) above;
  - (i) business which consists of effecting or carrying out contracts of long term insurance by a person who has received official authorisation pursuant to Article 6 or 27 of the First Life Directive.
- (2) An activity falls within this sub-paragraph if it constitutes any of the following kinds of regulated activity in the United Kingdom—
  - (a) dealing in investments as principal or as agent;
  - (b) arranging deals in investments;
  - (c) managing investments;
  - (d) safeguarding and administering investments;
  - (e) sending dematerialised instructions;
  - (f) establishing (and taking other steps in relation to) collective investment schemes;
  - (g) advising on investments.

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- (3) Paragraphs (a) and (i) of sub-paragraph (1) and sub-paragraph (2) must be read with section 22 of the Financial Services and Markets Act 2000 (c. 8), any relevant order under that section and Schedule 2 to that Act.
- 2 (1) This paragraph has effect for the purposes of paragraph 1.
- (2) “Building society” has the meaning given by the Building Societies Act 1986.
- (3) “Credit union” has the meaning given by the Credit Unions Act 1979 (c. 34) or the Credit Unions (Northern Ireland) Order 1985 (S.I. 1985/1205 (N.I. 12)).
- (4) “European institution” means an EEA firm of the kind mentioned in paragraph 5(b) or (c) of Schedule 3 to the Financial Services and Markets Act 2000 which qualifies for authorisation for the purposes of that Act under paragraph 12 of that Schedule.
- (5) “Home-regulated activity” in relation to a European institution, means an activity—
- (a) which is specified in Annex 1 to the Banking Consolidation Directive and in respect of which a supervisory authority in the home State of the institution has regulatory functions, and
  - (b) if the institution is an EEA firm of the kind mentioned in paragraph 5(c) of Schedule 3 to the Financial Services and Markets Act 2000, which the institution carries on in its home State.
- (6) “Home State”, in relation to a person incorporated in or formed under the law of another member State, means that State.
- (7) The Banking Consolidation Directive is the Directive of the European Parliament and Council relating to the taking up and pursuit of the business of credit institutions (No. 2000/12 EC).
- (8) The First Life Directive is the First Council Directive on the co-ordination of laws, regulations and administrative provisions relating to the taking up and pursuit of the business of direct life assurance (No. [79/267/EEC](#)).

*Excluded activities*

- 3 A business is not in the regulated sector to the extent that it engages in any of the following activities—
- (a) the issue of withdrawable share capital within the limit set by section 6 of the Industrial and Provident Societies Act 1965 (c. 12) by a society registered under that Act;
  - (b) the acceptance of deposits from the public within the limit set by section 7(3) of that Act by such a society;
  - (c) the issue of withdrawable share capital within the limit set by section 6 of the Industrial and Provident Societies Act (Northern Ireland) 1969 (N.I. c. 24) by a society registered under that Act;
  - (d) the acceptance of deposits from the public within the limit set by section 7(3) of that Act by such a society;
  - (e) activities carried on by the Bank of England;

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- (f) any activity in respect of which an exemption order under section 38 of the Financial Services and Markets Act 2000 (c. 8) has effect if it is carried on by a person who is for the time being specified in the order or falls within a class of persons so specified .

## PART 2

### SUPERVISORY AUTHORITIES

- 4 (1) Each of the following is a supervisory authority—
  - (a) the Bank of England;
  - (b) the Financial Services Authority;
  - (c) the Council of Lloyd’s;
  - (d) the Director General of Fair Trading;
  - (e) a body which is a designated professional body for the purposes of Part 20 of the Financial Services and Markets Act 2000.
- (2) The Secretary of State is also a supervisory authority in the exercise, in relation to a person carrying on a business in the regulated sector, of his functions under the enactments relating to companies or insolvency or under the Financial Services and Markets Act 2000.
- (3) The Treasury are also a supervisory authority in the exercise, in relation to a person carrying on a business in the regulated sector, of their functions under the enactments relating to companies or insolvency or under the Financial Services and Markets Act 2000.

## PART 3

### POWER TO AMEND

- 5 (1) The Treasury may by order amend Part 1 or 2 of this Schedule.
- (2) An order under sub-paragraph (1) must be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.”

## PART 4

### FINANCIAL INFORMATION ORDERS

- 6 (1) Paragraph 1 of Schedule 6 to the Terrorism Act 2000 (c. 11) (financial information orders) is amended as follows.
- (2) In sub-paragraph (1) after “financial institution” insert “ to which the order applies ”.
- (3) After sub-paragraph (1) insert—
  - “(1A) The order may provide that it applies to—
    - (a) all financial institutions,
    - (b) a particular description, or particular descriptions, of financial institutions, or

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(c) a particular financial institution or particular financial institutions.”

### SCHEDULE 3

Section 6

#### FREEZING ORDERS

##### *Interpretation*

- 1       References in this Schedule to a person specified in a freezing order as a person to whom or for whose benefit funds are not to be made available are to be read in accordance with section 5(4).

##### *Funds*

- 2       A freezing order may include provision that funds include gold, cash, deposits, securities (such as stocks, shares and debentures) and such other matters as the order may specify.

##### *Making funds available*

- 3       (1) A freezing order must include provision as to the meaning (in relation to funds) of making available to or for the benefit of a person.
- (2) In particular, an order may provide that the expression includes—
- (a) allowing a person to withdraw from an account;
  - (b) honouring a cheque payable to a person;
  - (c) crediting a person’s account with interest;
  - (d) releasing documents of title (such as share certificates) held on a person’s behalf;
  - (e) making available the proceeds of realisation of a person’s property;
  - (f) making a payment to or for a person’s benefit (for instance, under a contract or as a gift or under any enactment such as the enactments relating to social security);
  - (g) such other acts as the order may specify.

##### *Licences*

- 4       (1) A freezing order must include—
- (a) provision for the granting of licences authorising funds to be made available;
  - (b) provision that a prohibition under the order is not to apply if funds are made available in accordance with a licence.
- (2) In particular, an order may provide—
- (a) that a licence may be granted generally or to a specified person or persons or description of persons;
  - (b) that a licence may authorise funds to be made available to or for the benefit of persons generally or a specified person or persons or description of persons;
  - (c) that a licence may authorise funds to be made available generally or for specified purposes;

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- (d) that a licence may be granted in relation to funds generally or to funds of a specified description;
- (e) for a licence to be granted in pursuance of an application or without an application being made;
- (f) for the form and manner in which applications for licences are to be made;
- (g) for licences to be granted by the Treasury or a person authorised by the Treasury;
- (h) for the form in which licences are to be granted;
- (i) for licences to be granted subject to conditions;
- (j) for licences to be of a defined or indefinite duration;
- (k) for the charging of a fee to cover the administrative costs of granting a licence;
- (l) for the variation and revocation of licences.

#### *Information and documents*

- 5 (1) A freezing order may include provision that a person—
- (a) must provide information if required to do so and it is reasonably needed for the purpose of ascertaining whether an offence under the order has been committed;
  - (b) must produce a document if required to do so and it is reasonably needed for that purpose.
- (2) In particular, an order may include—
- (a) provision that a requirement to provide information or to produce a document may be made by the Treasury or a person authorised by the Treasury;
  - (b) provision that information must be provided, and a document must be produced, within a reasonable period specified in the order and at a place specified by the person requiring it;
  - (c) provision that the provision of information is not to be taken to breach any restriction on the disclosure of information (however imposed);
  - (d) provision restricting the use to which information or a document may be put and the circumstances in which it may be disclosed;
  - (e) provision that a requirement to provide information or produce a document does not apply to privileged information or a privileged document;
  - (f) provision that information is privileged if the person would be entitled to refuse to provide it on grounds of legal professional privilege in proceedings in the High Court or (in Scotland) on grounds of confidentiality of communications in proceedings in the Court of Session;
  - (g) provision that a document is privileged if the person would be entitled to refuse to produce it on grounds of legal professional privilege in proceedings in the High Court or (in Scotland) on grounds of confidentiality of communications in proceedings in the Court of Session;
  - (h) provision that information or a document held with the intention of furthering a criminal purpose is not privileged.

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### *Disclosure of information*

- 6 (1) A freezing order may include provision requiring a person to disclose information as mentioned below if the following three conditions are satisfied.
- (2) The first condition is that the person required to disclose is specified or falls within a description specified in the order.
- (3) The second condition is that the person required to disclose knows or suspects, or has grounds for knowing or suspecting, that a person specified in the freezing order as a person to whom or for whose benefit funds are not to be made available—
- (a) is a customer of his or has been a customer of his at any time since the freezing order came into force, or
  - (b) is a person with whom he has dealings in the course of his business or has had such dealings at any time since the freezing order came into force.
- (4) The third condition is that the information—
- (a) on which the knowledge or suspicion of the person required to disclose is based, or
  - (b) which gives grounds for his knowledge or suspicion, came to him in the course of a business in the regulated sector.
- (5) The freezing order may require the person required to disclose to make a disclosure to the Treasury of that information as soon as is practicable after it comes to him.
- (6) The freezing order may include—
- (a) provision that Schedule 3A to the Terrorism Act 2000 (c. 11) is to have effect for the purpose of determining what is a business in the regulated sector;
  - (b) provision that the disclosure of information is not to be taken to breach any restriction on the disclosure of information (however imposed);
  - (c) provision restricting the use to which information may be put and the circumstances in which it may be disclosed by the Treasury;
  - (d) provision that the requirement to disclose information does not apply to privileged information;
  - (e) provision that information is privileged if the person would be entitled to refuse to disclose it on grounds of legal professional privilege in proceedings in the High Court or (in Scotland) on grounds of confidentiality of communications in proceedings in the Court of Session;
  - (f) provision that information held with the intention of furthering a criminal purpose is not privileged.

### *Offences*

- 7 (1) A freezing order may include any of the provisions set out in this paragraph.
- (2) A person commits an offence if he fails to comply with a prohibition imposed by the order.
- (3) A person commits an offence if he engages in an activity knowing or intending that it will enable or facilitate the commission by another person of an offence under a provision included under sub-paragraph (2).
- (4) A person commits an offence if—



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- (a) he fails without reasonable excuse to provide information, or to produce a document, in response to a requirement made under the order;
  - (b) he provides information, or produces a document, which he knows is false in a material particular in response to such a requirement or with a view to obtaining a licence under the order;
  - (c) he recklessly provides information, or produces a document, which is false in a material particular in response to such a requirement or with a view to obtaining a licence under the order;
  - (d) he fails without reasonable excuse to disclose information as required by a provision included under paragraph 6.
- (5) A person does not commit an offence under a provision included under sub-paragraph (2) or (3) if he proves that he did not know and had no reason to suppose that the person to whom or for whose benefit funds were made available, or were to be made available, was the person (or one of the persons) specified in the freezing order as a person to whom or for whose benefit funds are not to be made available.
- (6) A person guilty of an offence under a provision included under sub-paragraph (2) or (3) is liable—
- (a) on summary conviction, to imprisonment for a term not exceeding 6 months or to a fine not exceeding the statutory maximum or to both;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine or to both.
- (7) A person guilty of an offence under a provision included under sub-paragraph (4) is liable on summary conviction to imprisonment for a term not exceeding 6 months or to a fine not exceeding level 5 on the standard scale or to both.

*Offences: procedure*

- 8
- (1) A freezing order may include any of the provisions set out in this paragraph.
  - (2) Proceedings for an offence under the order are not to be instituted in England and Wales except by or with the consent of the Treasury or the Director of Public Prosecutions.
  - (3) Proceedings for an offence under the order are not to be instituted in Northern Ireland except by or with the consent of the Treasury or the Director of Public Prosecutions for Northern Ireland.
  - (4) Despite anything in section 127(1) of the Magistrates' Courts Act 1980 (c. 43) (information to be laid within 6 months of offence) an information relating to an offence under the order which is triable by a magistrates' court in England and Wales may be so tried if it is laid at any time in the period of one year starting with the date of the commission of the offence.
  - (5) In Scotland summary proceedings for an offence under the order may be commenced at any time in the period of one year starting with the date of the commission of the offence.
  - (6) In its application to an offence under the order Article 19(1)(a) of the Magistrates' Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I. 26)) (time limit within which complaint charging offence must be made) is to have effect as if the reference to six months were a reference to twelve months.

*Status: Point in time view as at 24/07/2006.*

*Changes to legislation: Anti-terrorism, Crime and Security Act 2001 is up to date with all changes known to be in force on or before 20 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

*Offences by bodies corporate etc.*

- 9 (1) A freezing order may include any of the provisions set out in this paragraph.
- (2) If an offence under the order—
- (a) is committed by a body corporate, and
  - (b) is proved to have been committed with the consent or connivance of an officer, or to be attributable to any neglect on his part,
- he as well as the body corporate is guilty of the offence and liable to be proceeded against and punished accordingly.
- (3) These are officers of a body corporate—
- (a) a director, manager, secretary or other similar officer of the body;
  - (b) any person purporting to act in any such capacity.
- (4) If the affairs of a body corporate are managed by its members sub-paragraph (2) applies in relation to the acts and defaults of a member in connection with his functions of management as if he were an officer of the body.
- (5) If an offence under the order—
- (a) is committed by a Scottish partnership, and
  - (b) is proved to have been committed with the consent or connivance of a partner, or to be attributable to any neglect on his part,
- he as well as the partnership is guilty of the offence and liable to be proceeded against and punished accordingly.

*Compensation*

- 10 (1) A freezing order may include provision for the award of compensation to or on behalf of a person on the grounds that he has suffered loss as a result of—
- (a) the order;
  - (b) the fact that a licence has not been granted under the order;
  - (c) the fact that a licence under the order has been granted on particular terms rather than others;
  - (d) the fact that a licence under the order has been varied or revoked.
- (2) In particular, the order may include—
- (a) provision about the person who may make a claim for an award;
  - (b) provision about the person to whom a claim for an award is to be made (which may be provision that it is to be made to the High Court or, in Scotland, the Court of Session);
  - (c) provision about the procedure for making and deciding a claim;
  - (d) provision that no compensation is to be awarded unless the claimant has behaved reasonably (which may include provision requiring him to mitigate his loss, for instance by applying for a licence);
  - (e) provision that compensation must be awarded in specified circumstances or may be awarded in specified circumstances (which may include provision that the circumstances involve negligence or other fault);
  - (f) provision about the amount that may be awarded;
  - (g) provision about who is to pay any compensation awarded (which may include provision that it is to be paid or reimbursed by the Treasury);

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**Changes to legislation:** *Anti-terrorism, Crime and Security Act 2001 is up to date with all changes known to be in force on or before 20 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (h) provision about how compensation is to be paid (which may include provision for payment to a person other than the claimant).

*Treasury's duty to give reasons*

- 11 A freezing order must include provision that if—
- (a) a person is specified in the order as a person to whom or for whose benefit funds are not to be made available, and
  - (b) he makes a written request to the Treasury to give him the reason why he is so specified,
- as soon as is practicable the Treasury must give the person the reason in writing.

SCHEDULE 4

Section 17

EXTENSION OF EXISTING DISCLOSURE POWERS

**PART 1**

ENACTMENTS TO WHICH SECTION 17 APPLIES

*Agricultural Marketing Act 1958 (c. 47)*

- 1 Section 47(2) of the Agricultural Marketing Act 1958.

*Harbours Act 1964 (c. 40)*

- 2 Section 46(1) of the Harbours Act 1964.

*Cereals Marketing Act 1965 (c. 14)*

- 3 Section 17(2) of the Cereals Marketing Act 1965.

*Agriculture Act 1967 (c. 22)*

- 4 Section 24(1) of the Agriculture Act 1967.

*Trade Descriptions Act 1968 (c. 29)*

- 5 <sup>F3</sup> .....

**Textual Amendments**

- F3** Sch. 4 para. 5 repealed (20.6.2003) by [Enterprise Act 2002 \(c. 40\)](#), ss. 278, 279, [Sch. 26](#); S.I. 2003/1397, [art. 2](#), [Sch.](#) (with arts. 8, 10)

*Sea Fish Industry Act 1970 (c. 11)*

- 6 Section 14(2) of the Sea Fish Industry Act 1970.

*Status: Point in time view as at 24/07/2006.*

*Changes to legislation: Anti-terrorism, Crime and Security Act 2001 is up to date with all changes known to be in force on or before 20 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

*National Savings Bank Act 1971 (c. 29)*

7 Section 12(2) of the National Savings Bank Act 1971.

*Employment Agencies Act 1973 (c. 35)*

8 Section 9(4) of the Employment Agencies Act 1973.

*Fair Trading Act 1973 (c. 41)*

9 F4 .....

**Textual Amendments**

**F4** Sch. 4 para. 9 repealed (20.6.2003) by [Enterprise Act 2002 \(c. 40\)](#), ss. 278, 279, **Sch. 26**; S.I. 2003/1397, **art. 2**, **Sch.** (with arts. 8, 10)

*Prices Act 1974 (c. 24)*

10 F5 .....

**Textual Amendments**

**F5** Sch. 4 para. 10 repealed (20.6.2003) by [Enterprise Act 2002 \(c. 40\)](#), ss. 278, 279, **Sch. 26**; S.I. 2003/1397, **art. 2**, **Sch.** (with arts. 8, 10)

*Consumer Credit Act 1974 (c. 39)*

11 F6 .....

**Textual Amendments**

**F6** Sch. 4 para. 11 repealed (20.6.2003) by [Enterprise Act 2002 \(c. 40\)](#), ss. 278, 279, **Sch. 26**; S.I. 2003/1397, **art. 2**, **Sch.** (with arts. 8, 10)

*Health and Safety at Work etc. Act 1974 (c. 37)*

12 Section 28(7) of the Health and Safety at Work etc. Act 1974.

*Sex Discrimination Act 1975 (c. 65)*

13 Section 61(1) of the Sex Discrimination Act 1975.

*Race Relations Act 1976 (c. 74)*

14 Section 52(1) of the Race Relations Act 1976.

*Status: Point in time view as at 24/07/2006.*

*Changes to legislation: Anti-terrorism, Crime and Security Act 2001 is up to date with all changes known to be in force on or before 20 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

*Energy Act 1976 (c. 76)*

15 Paragraph 7 of Schedule 2 to the Energy Act 1976.

*National Health Service Act 1977 (c. 49)*

16 Paragraph 5 of Schedule 11 to the National Health Service Act 1977.

*Estate Agents Act 1979 (c. 38)*

17 F7 .....

**Textual Amendments**

F7 Sch. 4 para. 17 repealed (20.6.2003) by [Enterprise Act 2002 \(c. 40\)](#), ss. 278, 279, [Sch. 26](#); S.I. 2003/1397, [art. 2](#), [Sch.](#) (with arts. 8, 10)

*Public Passenger Vehicles Act 1981 (c. 14)*

18 Section 54(8) of the Public Passenger Vehicles Act 1981.

*Fisheries Act 1981 (c. 29)*

19 Section 12(2) of the Fisheries Act 1981.

*Merchant Shipping (Liner Conferences) Act 1982 (c. 37)*

20 Section 10(2) of the Merchant Shipping (Liner Conferences) Act 1982.

*Civil Aviation Act 1982 (c. 16)*

21 Section 23(4) of the Civil Aviation Act 1982.

*Diseases of Fish Act 1983 (c. 30)*

22 Section 9(1) of the Diseases of Fish Act 1983.

*Telecommunications Act 1984 (c. 12)*

23 Section 101(2) of the Telecommunications Act 1984.

*Companies Act 1985 (c. 6)*

24 Section [F8449] of the Companies Act 1985.

**Textual Amendments**

F8 Words in Sch. 4 para. 24 substituted (6.4.2005) by [Companies \(Audit, Investigations and Community Enterprise\) Act 2004 \(c. 27\)](#), ss. 25, 65, [Sch. 2 para. 31](#); S.I. 2004/3322, [art. 2\(2\)](#), Sch. 2

*Status: Point in time view as at 24/07/2006.*

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*Airports Act 1986 (c. 31)*

25 Section 74(2) of the Airports Act 1986.

*Legal Aid (Scotland) Act 1986 (c. 47)*

26 Section 34(2) of the Legal Aid (Scotland) Act 1986.

*Consumer Protection Act 1987 (c. 43)*

27 <sup>F9</sup> .....

**Textual Amendments**

**F9** Sch. 4 para. 27 repealed (20.6.2003) by [Enterprise Act 2002 \(c. 40\)](#), ss. 278, 279, [Sch. 26](#); S.I. 2003/1397, [art. 2](#), [Sch.](#) (with arts. 8, 10)

*Companies Act 1989 (c. 40)*

28 Section 87(1) of the Companies Act 1989.

*Broadcasting Act 1990 (c. 42)*

29 <sup>F10</sup> .....

**Textual Amendments**

**F10** Sch. 4 para. 29 repealed (29.12.2003) by [Communications Act 2003 \(c. 21\)](#), ss. 406, 411(2)(3), [Sch. 19\(1\)](#) (with [Sch. 18](#)); S.I. 2003/3142, [art. 3\(1\)](#), [Sch. 1](#) (subject to art. 3(3))

*Property Misdescriptions Act 1991 (c. 29)*

30 <sup>F11</sup> .....

**Textual Amendments**

**F11** Sch. 4 para. 30 repealed (20.6.2003) by [Enterprise Act 2002 \(c. 40\)](#), ss. 278, 279, [Sch. 26](#); S.I. 2003/1397, [art. 2](#), [Sch.](#) (with arts. 8, 10)

*Water Industry Act 1991 (c. 56)*

31 Section 206(3) of the Water Industry Act 1991.

*Water Resources Act 1991 (c. 57)*

32 Section 204(2) of the Water Resources Act 1991.

*Timeshare Act 1992 (c. 35)*

33 <sup>F12</sup> .....

*Status:* Point in time view as at 24/07/2006.

**Changes to legislation:** Anti-terrorism, Crime and Security Act 2001 is up to date with all changes known to be in force on or before 20 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

**Textual Amendments**

**F12** Sch. 4 para. 33 repealed (20.6.2003) by Enterprise Act 2002 (c. 40), ss. 278, 279, Sch. 26; S.I. 2003/1397, art. 2, Sch. (with arts. 8, 10)

*Railways Act 1993 (c. 43)*

34 Section 145(2) of the Railways Act 1993.

*Coal Industry Act 1994 (c. 21)*

35 Section 59(2) of the Coal Industry Act 1994.

*Shipping and Trading Interests (Protection) Act 1995 (c. 22)*

36 Section 3(4) of the Shipping and Trading Interests (Protection) Act 1995.

*Pensions Act 1995 (c. 26)*

37 **F13** .....

**Textual Amendments**

**F13** Sch. 4 para. 37 repealed (6.4.2005) by Pensions Act 2004 (c. 35), ss. 320, 322, Sch. 13; S.I. 2005/695, art. 2(7), Sch. 1 (with art. 5)

*Goods Vehicles (Licensing of Operators) Act 1995 (c. 23)*

38 Section 35(4) of the Goods Vehicles (Licensing of Operators) Act 1995.

*Chemical Weapons Act 1996 (c. 6)*

39 Section 32(2) of the Chemical Weapons Act 1996.

*Bank of England Act 1998 (c. 11)*

40 (1) Paragraph 5 of Schedule 7 to the Bank of England Act 1998.  
(2) Paragraph 2 of Schedule 8 to that Act.

*Audit Commission Act 1998 (c. 18)*

41 Section 49(1) of the Audit Commission Act 1998.

*Data Protection Act 1998 (c. 29)*

42 Section 59(1) of the Data Protection Act 1998.

*Police (Northern Ireland) Act 1998 (c. 32)*

43 Section 63(1) of the Police (Northern Ireland) Act 1998.

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*Landmines Act 1998 (c. 33)*

44 Section 19(2) of the Landmines Act 1998.

*Health Act 1999 (c. 8)*

45 Section 24 of the Health Act 1999.

*Disability Rights Commission Act 1999 (c. 17)*

46 Paragraph 22(2)(f) of Schedule 3 to the Disability Rights Commission Act 1999.

*Access to Justice Act 1999 (c. 22)*

47 Section 20(2) of the Access to Justice Act 1999.

*Nuclear Safeguards Act 2000 (c. 5)*

48 Section 6(2) of the Nuclear Safeguards Act 2000.

*Finance Act 2000 (c. 21)*

49 Paragraph 34(3) of Schedule 22 to the Finance Act 2000.

*Local Government Act 2000 (c. 22)*

50 Section 63(1) of the Local Government Act 2000.

*Postal Services Act 2000 (c. 26)*

51 Paragraph 3(1) of Schedule 7 to the Postal Services Act 2000.

*Utilities Act 2000 (c. 27)*

52 Section 105(4) of the Utilities Act 2000.

*Transport Act 2000 (c. 38)*

53 (1) Section 143(5)(b) of the Transport Act 2000.

(2) Paragraph 13(3) of Schedule 10 to that Act.

53A Paragraph 8(1) of Schedule 5 to the Health and Social Care (Community Health and Standards) Act 2003.



*Status: Point in time view as at 24/07/2006.*

**Changes to legislation:** Anti-terrorism, Crime and Security Act 2001 is up to date with all changes known to be in force on or before 20 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

VALID FROM 01/10/2007

*[<sup>F14</sup>Equality Act 2006*

**Textual Amendments**

**F14** Sch. 4 para. 53B and cross-heading inserted (1.10.2007) by [Equality Act 2006 \(c. 3\)](#), ss. 40, 93, [Sch. 3 para. 61\(b\)](#) (with s. 92); S.I. 2007/2603, [art. 2\(d\)](#) (subject to art. 3)

53B Section 6 of the Equality Act 2006.]

VALID FROM 01/03/2007

*[<sup>F15</sup>53C Paragraph 5 of Schedule 22 to the National Health Service Act 2006]*

**Textual Amendments**

**F15** Sch. 4 para. 53C inserted (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), ss. 2, 8, [Sch. 1 para. 222](#) (with Sch. 3 Pt. 1)

**PART 2**

NORTHERN IRELAND LEGISLATION TO WHICH SECTION 17 APPLIES

*Transport Act (Northern Ireland) 1967 (c. 37 (N.I.))*

54 Section 36(1) of the Transport Act (Northern Ireland) 1967.

*Sex Discrimination (Northern Ireland) Order 1976 (S.I. 1976/1042 (N.I. 15))*

55 Article 61(1) of the Sex Discrimination (Northern Ireland) Order 1976.

*Health and Safety at Work (Northern Ireland) Order 1978 (S.I. 1978/1039 (N.I. 9))*

56 Article 30(6) of the Health and Safety at Work (Northern Ireland) Order 1978.

<sup>x1</sup>57 Article 24(1) of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981.

**Editorial Information**

**X1** Sch. 4 para. 57 and cross-heading substituted (N.I.) (prosp.) for Sch. 4 para. 57 by [Access to Justice \(Northern Ireland\) Order 2003 \(S.I. 2003/435 \(N.I. 10\)\)](#), art. 49(1)(2), [Sch. 4 para. 18](#)  
The said new cross-heading "Access to Justice (Northern Ireland) Order 2003" will give rise to a change in the structure of this legislation on SLD which will break the continuity of historical versions of s. 57 which will be brought under the new heading

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*Agricultural Marketing (Northern Ireland) Order 1982 (S.I. 1982/1080 (N.I. 12))*

58 Article 29(3) of the Agricultural Marketing (Northern Ireland) Order 1982.

*Companies (Northern Ireland) Order 1986 (S.I. 1986/1032 (N.I. 6))*

59 Article 442(1) of the Companies (Northern Ireland) Order 1986.

*Consumer Protection (Northern Ireland) Order 1987 (S.I. 1987 (N.I. 20))*

60 Article 29(2) of the Consumer Protection (Northern Ireland) Order 1987.

*Electricity (Northern Ireland) Order 1992 (S.I. 1992/231 (N.I. 1))*

61 Article 61(2) of the Electricity (Northern Ireland) Order 1992.

*Airports (Northern Ireland) Order 1994 (S.I. 1994/426 (N.I. 1))*

62 Article 49(2) of the Airports (Northern Ireland) Order 1994.

*Pensions (Northern Ireland) Order 1995 (S.I. 1995/3213 (N.I. 22))*

63 (1) Article 103(2) of the Pensions (Northern Ireland) Order 1995.

(2) Article 106(2) of that Order.

*Gas (Northern Ireland) Order 1996 (S.I. 1996/275 (N.I. 2))*

64 Article 44(3) of the Gas (Northern Ireland) Order 1996.

*Race Relations (Northern Ireland) Order 1997 (S.I. 1997/869 (N.I. 6))*

65 Article 50(1) of the Race Relations (Northern Ireland) Order 1997.

*Fair Employment and Treatment (Northern Ireland) Order 1998 (S.I. 1998/3162 (N.I. 21))*

66 Article 18(1) of the Fair Employment and Treatment (Northern Ireland) Order 1998.

SCHEDULE 5

Section 58

PATHOGENS AND TOXINS

**VIRUSES**

Chikungunya virus  
Congo-crimean haemorrhagic fever virus  
Dengue fever virus  
Eastern equine encephalitis virus  
Ebola virus  
Hantaan virus

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Japanese encephalitis virus  
Junin virus  
Lassa fever virus  
Lymphocytic choriomeningitis virus  
Machupo virus  
Marburg virus  
Monkey pox virus  
Rift Valley fever virus  
Tick-borne encephalitis virus (Russian Spring-Summer encephalitis virus)  
Variola virus  
Venezuelan equine encephalitis virus  
Western equine encephalitis virus  
Yellow fever virus

#### **RICKETTSIAE**

Bartonella  
quintana (Rochalimea quintana, Rickettsia quintana)  
Coxiella burnetii  
Rickettsia prowazeki  
Rickettsia rickettsii

#### **BACTERIA**

Bacillus anthracis  
Brucella abortus  
Brucella melitensis  
Brucella suis  
Burkholderia mallei (Pseudomonas mallei)  
Burkholderia pseudomallei (Pseudomonas pseudomallei)  
Chlamydophila psittaci  
Clostridium botulinum  
Francisella tularensis  
Salmonella typhi  
Shigella dysenteriae  
Vibrio cholerae  
Yersinia pestis

*Status: Point in time view as at 24/07/2006.*

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VALID FROM 02/04/2007

## [<sup>F16</sup>FUNGI

### Textual Amendments

**F16** Sch. 5: list of fungi inserted (2.4.2007) by The Schedule 5 to the Anti-terrorism, Crime and Security Act 2001 (Modification) Order 2007 (S.I. 2007/929), art. 6

Cladophialophora bantiana  
Cryptococcus neoformans.]

## TOXINS

Aflatoxins  
Botulinum toxins  
Clostridium perfringens toxins  
Conotoxin  
Microcystin (Cyanginosin)  
Ricin  
Saxitoxin  
Shiga toxin  
Staphylococcus aureus toxins  
Tetrodotoxin  
Verotoxin

### NOTES

- 1 Any reference in this Schedule to a micro-organism includes -
  - (a) any genetic material containing any nucleic acid sequence associated with the pathogenicity of the micro-organism; and
  - (b) any genetically modified organism containing any such sequence.
- 2 Any reference in this Schedule to a toxin includes -
  - (a) any genetic material containing any nucleic acid sequence for the coding of the toxin; and
  - (b) any genetically modified organism containing any such sequence.
- 3 Any reference in this Schedule to a toxin includes subunits of the toxin.

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## SCHEDULE 6

Section 70

### THE PATHOGENS ACCESS APPEAL COMMISSION

#### *Constitution and administration*

- 1 (1) The Commission shall consist of members appointed by the Lord Chancellor.
- (2) The Lord Chancellor shall appoint one of the members as chairman.
- (3) A member shall hold and vacate office in accordance with the terms of his appointment.
- (4) A member may resign at any time by notice in writing to the Lord Chancellor.
- 2 The Lord Chancellor may appoint officers and servants for the Commission.
- 3 The Lord Chancellor—
  - (a) may pay sums by way of remuneration, allowances, pensions and gratuities to or in respect of members, officers and servants;
  - (b) may pay compensation to a person who ceases to be a member of the Commission if the Lord Chancellor thinks it appropriate because of special circumstances; and
  - (c) may pay sums in respect of expenses of the Commission.

#### *Procedure*

- 4 (1) The Commission shall sit at such times and in such places as the Lord Chancellor may direct [<sup>F17</sup> after consulting the following—
  - (a) the Lord Chief Justice of England and Wales;
  - (b) the Lord President of the Court of Session;
  - (c) the Lord Chief Justice of Northern Ireland.]
- (2) The Commission may sit in two or more divisions.
- (3) At each sitting of the Commission—
  - (a) three members shall attend;
  - (b) one of the members shall be a person who holds or has held high judicial office (within the meaning of the Appellate Jurisdiction Act 1876 (c. 59)); and
  - (c) the chairman or another member nominated by him shall preside and report the Commission's decision.
- [<sup>F18</sup>(4) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under sub-paragraph (1).
- (5) The Lord President of the Court of Session may nominate a judge of the Court of Session who is a member of the First or Second Division of the Inner House of that Court to exercise his functions under sub-paragraph (1).
- (6) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under sub-paragraph (1)—

*Status: Point in time view as at 24/07/2006.*

*Changes to legislation: Anti-terrorism, Crime and Security Act 2001 is up to date with all changes known to be in force on or before 20 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
- (b) a Lord Justice of Appeal (as defined in section 88 of that Act).]

#### Textual Amendments

- F17** Words in Sch. 6 para. 4(1) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), ss. 15, 148, Sch. 4 para. 300\(2\)](#); [S.I. 2006/1014, art. 2\(a\)](#), Sch. 1 para. 11(x)
- F18** Sch. 6 para. 4(4)-(6) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), ss. 15, 148, Sch. 4 para. 300\(3\)](#); [S.I. 2006/1014, art. 2\(a\)](#), Sch. 1 para. 11(x)

- 5 (1) The Lord Chancellor may make rules—
- (a) regulating the exercise of the right of appeal to the Commission;
  - (b) prescribing practice and procedure to be followed in relation to proceedings before the Commission;
  - (c) providing for proceedings before the Commission to be determined without an oral hearing in specified circumstances;
  - (d) making provision about evidence in proceedings before the Commission (including provision about the burden of proof and admissibility of evidence);
  - (e) making provision about proof of the Commission’s decisions.
- (2) In making the rules the Lord Chancellor shall, in particular, have regard to the need to secure—
- (a) that decisions which are the subject of appeals are properly reviewed; and
  - (b) that information is not disclosed contrary to the public interest.
- (3) The rules may, in particular—
- (a) provide for full particulars of the reasons for denial of access to be withheld from the applicant and from any person representing him;
  - (b) enable the Commission to exclude persons (including representatives) from all or part of proceedings;
  - (c) enable the Commission to provide a summary of evidence taken in the absence of a person excluded by virtue of paragraph (b);
  - (d) permit preliminary or incidental functions to be discharged by a single member;
  - (e) permit proceedings for permission to appeal under section 70(5) to be determined by a single member;
  - (f) make provision about the functions of persons appointed under paragraph 6;
  - (g) make different provision for different parties or descriptions of party.
- (4) Rules under this paragraph—
- (a) shall be made by statutory instrument; and
  - (b) shall not be made unless a draft of them has been laid before and approved by resolution of each House of Parliament.
- (5) In this paragraph a reference to proceedings before the Commission includes a reference to proceedings arising out of proceedings before the Commission.

*Status: Point in time view as at 24/07/2006.*

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- 6 (1) The relevant law officer may appoint a person to represent the interests of an organisation or other applicant in proceedings in relation to which an order has been made by virtue of paragraph 5(3)(b).
- (2) The relevant law officer is—
- (a) in relation to proceedings in England and Wales, the Attorney General;
  - (b) in relation to proceedings in Scotland, the Advocate General for Scotland; and
  - (c) in relation to proceedings in Northern Ireland, the Attorney General for Northern Ireland.
- (3) A person appointed under this paragraph must—
- (a) have a general qualification for the purposes of section 71 of the Courts and Legal Services Act 1990 (c. 41) (qualification for legal appointments);
  - (b) be an advocate or a solicitor who has rights of audience in the Court of Session or the High Court of Justiciary by virtue of section 25A of the Solicitors (Scotland) Act 1980 (c. 46); or
  - (c) be a member of the Bar of Northern Ireland.
- (4) A person appointed under this paragraph shall not be responsible to the applicant whose interests he is appointed to represent.
- (5) In paragraph 5 of this Schedule a reference to a representative does not include a reference to a person appointed under this paragraph.

## SCHEDULE 7

Section 101

### TRANSPORT POLICE AND MOD POLICE: FURTHER PROVISIONS

#### *Police (Scotland) Act 1967 (c. 77)*

- 1 The Police (Scotland) Act 1967 has effect subject to the following amendments.
- 2 (1) Section 11 (aid of one police force by another) is amended as follows.
- (2) In subsection (2), for “Secretary of State” substitute “ appropriate Minister or Ministers ” and after “he” insert “ or they ”.
- (3) In subsection (4), for “Secretary of State” substitute “ appropriate Ministers ”.
- (4) After that subsection insert—
- “(5) This section shall apply in relation to the Strategic Rail Authority and the British Transport Police Force as it applies to a police authority and a police force respectively.
- (6) In subsection (2) “appropriate Minister or Ministers” means—
- (a) in relation to a direction given to the Chief Constable of the British Transport Police Force, the Secretary of State, and
  - (b) in any other case, the Scottish Ministers.
- (7) In subsection (4) “appropriate Ministers” means—

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- (a) where the police authorities concerned include the Strategic Rail Authority, the Scottish Ministers and the Secretary of State, acting jointly, and
  - (b) in any other case, the Scottish Ministers.”
- 3 (1) Section 12 (collaboration agreements) is amended as follows.
- (2) In subsection (3), for “Secretary of State” substitute “ Scottish Ministers ”.
- (3) For subsection (5) substitute—
- “(5) If it appears to the Scottish Ministers that an agreement should be made for the purposes specified in subsection (1), (2) or (4) of this section, they may, after considering any representations made by the parties concerned, direct those parties to enter into such agreement for that purpose as may be specified in the directions.
- (6) For the purposes of this section—
- (a) the British Transport Police Force shall be treated as if it were a police force;
  - (b) “police functions” shall include the functions of the British Transport Police Force;
  - (c) the British Transport Police Committee shall be treated as if it were the police authority maintaining that Force for the purposes of subsections (1) and (2) of this section and the Strategic Rail Authority shall be so treated for the purposes of subsection (3) of this section; and
  - (d) “police area”, in relation to the British Transport Police Force and the British Transport Police Committee, means those places where members of the British Transport Police Force have the powers, protection and privileges of a constable under section 53(4) of the British Transport Commission Act 1949 (c. xxix).
- (7) In relation to agreements relating to the British Transport Police Force, any determination under subsection (3) shall be made, and any directions under subsection (5) shall be given, by the Scottish Ministers and the Secretary of State, acting jointly.”
- 4 (1) Section 17 (general functions and jurisdiction of constables) is amended as follows.
- (2) After subsection (4) insert—
- “(4A) A member of the British Transport Police Force who is for the time being required by virtue of section 11 or 12 of this Act to serve with a police force shall—
- (a) have all the powers and privileges of a constable of that police force, and
  - (b) be subject to the direction of the chief constable of that force.”
- (3) In subsection (7)(a), after “first-mentioned force” insert “ or, if he is serving with the British Transport Police Force, the Chief Constable of that Force ”.
- 5 (1) Section 42 (causing disaffection) is amended as follows.
- (2) In subsection (1), after “force” insert “ or of the British Transport Police Force ”.



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(3) In subsection (2), after “constable” insert “ or a member of the British Transport Police Force ”.

6 F19 .....

**Textual Amendments**

**F19** Sch. 7 para. 6 repealed (1.7.2004) by Railways and Transport Safety Act 2003 (c. 20), ss. 73, 118, 120, Sch. 5 para. 3, Sch. 8; S.I. 2004/1572, art. 3(jj)(kkk)

7 In section 51 (interpretation), after the definition of “amalgamation scheme” insert—

““British Transport Police Force” means the constables appointed under section 53 of the British Transport Commission Act 1949 (c. xxix) ;”.

*Firearms Act 1968 (c. 27)*

8 The Firearms Act 1968 has effect subject to the following amendments.

9 In section 54 (Crown servants etc.), after subsection (3) insert—

“(3A) An appropriately authorised person who is either a member of the British Transport Police Force or an associated civilian employee does not commit any offence under this Act by reason of having in his possession, or purchasing or acquiring, for use by that Force anything which is—

- (a) a prohibited weapon by virtue of paragraph (b) of section 5(1) of this Act; or
- (b) ammunition containing or designed or adapted to contain any such noxious thing as is mentioned in that paragraph.

(3B) In subsection (3A) of this section—

- (a) “appropriately authorised” means authorised in writing by the Chief Constable of the British Transport Police Force or, if he is not available, by a member of that Force who is of at least the rank of assistant chief constable; and
- (b) “associated civilian employee” means a person employed by the Strategic Rail Authority who is under the direction and control of the Chief Constable of the British Transport Police Force.”

10 In section 57(4), after the definition of “Article 7 authority” insert—

““British Transport Police Force” means the constables appointed under section 53 of the British Transport Commission Act 1949;”.

*Police and Criminal Evidence Act 1984 (c. 60)*

11 The Police and Criminal Evidence Act 1984 has effect subject to the following amendments.

12 In section 35 (designated police stations), after subsection (2) insert—

“(2A) The Chief Constable of the British Transport Police Force may designate police stations which (in addition to those designated under subsection (1) above) may be used for the purpose of detaining arrested persons.”

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- 13 (1) Section 36 (custody officers at designated police stations) is amended as follows.
- (2) In subsection (2), for “a designated police station” substitute “ a police station designated under section 35(1) above ”.

- (3) After that subsection insert—

“(2A) A custody officer for a police station designated under section 35(2A) above shall be appointed—

- (a) by the Chief Constable of the British Transport Police Force; or  
 (b) by such other member of that Force as that Chief Constable may direct.”

- 14 In section 118(1), after the definition of “arrestable offence” insert—

““British Transport Police Force” means the constables appointed under section 53 of the British Transport Commission Act 1949 (c. xxix);”.

*Criminal Justice and Public Order Act 1994 (c. 33)*

- 15 The Criminal Justice and Public Order Act 1994 has effect subject to the following amendments.

- 16 (1) Section 60 (powers to stop and search) is amended as follows.

- (2) After subsection (9) insert—

“(9A) The preceding provisions of this section, so far as they relate to an authorisation by a member of the British Transport Police Force (including one who for the time being has the same powers and privileges as a member of a police force for a police area), shall have effect as if the references to a locality in his police area were references to any locality in or in the vicinity of any policed premises, or to the whole or any part of any such premises.”

- (3) In subsection (11)—

- (a) before the definition of “dangerous instruments” insert—

““British Transport Police Force” means the constables appointed under section 53 of the British Transport Commission Act 1949;”.

and

- (b) after the definition of “offensive weapon” insert—

““policed premises”, in relation to England and Wales, has the meaning given by section 53(3) of the British Transport Commission Act 1949 and, in relation to Scotland, means those places where members of the British Transport Police Force have the powers, protection and privileges of a constable under section 53(4)(a) of that Act (as it relates to Scotland);”.

- 17 In section 136(1) and (2) (cross-border enforcement: execution of warrants), after “country of execution” insert “, or by a constable appointed under section 53 of the British Transport Commission Act 1949;”.

- 18 In section 137 (cross-border powers of arrest), after subsection (2) insert—

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“(2A) The powers conferred by subsections (1) and (2) may be exercised in England and Wales and Scotland by a constable appointed under section 53 of the British Transport Commission Act 1949.”

19 In section 140 (reciprocal powers of arrest), after subsection (6) insert—

“(6A) The references in subsections (1) and (2) to a constable of a police force in Scotland, and the references in subsections (3) and (4) to a constable of a police force in England and Wales, include a constable appointed under section 53 of the British Transport Commission Act 1949 (c. xxix).”

*Police Act 1996 (c. 16)*

20 The Police Act 1996 has effect subject to the following amendments.

21 In section 23 (collaboration agreements between police forces), after subsection (7) insert—

“(7A) For the purposes of this section—

- (a) the British Transport Police Force shall be treated as if it were a police force,
- (b) the Chief Constable of that Force shall be treated as if he were the chief officer of police of that Force,
- (c) “police functions” shall include the functions of the British Transport Police Force, and
- (d) the British Transport Police Committee shall be treated as if it were the police authority maintaining that Force for the purposes of subsections (1), (2) and (7) and the Strategic Rail Authority shall be so treated for the purposes of subsection (3).”

22 In section 24 (aid of one police force by another), after subsection (4) insert—

“(4A) This section shall apply in relation to the Strategic Rail Authority, the British Transport Police Force and the Chief Constable of that Force as it applies to a police authority, a police force and a chief officer of police respectively, and accordingly the reference in subsection (3) to section 10(1) shall be construed, in a case where constables are provided by that Chief Constable, as including a reference to the scheme made under section 132 of the Railways Act 1993 (c. 43).”

23 In section 25 (provision of special services), after subsection (1) insert—

“(1A) The Chief Constable of the British Transport Police Force may provide special police services at the request of any person, subject to the payment to the Strategic Rail Authority of charges on such scales as may be determined by that Authority.”

24 In section 30 (jurisdiction of constables), after subsection (3) insert—

“(3A) A member of the British Transport Police Force who is for the time being required by virtue of section 23 or 24 to serve with a police force maintained by a police authority shall have all the powers and privileges of a member of that police force.”

25 F20 .....

*Status: Point in time view as at 24/07/2006.*

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**Textual Amendments**

**F20** Sch. 7 para. 25 repealed (1.7.2004) by Railways and Transport Safety Act 2003 (c. 20), ss. 73, 118, 120, Sch. 5 para. 3, Sch. 8; S.I. 2004/1572, art. 3(jjj)(kkk)

26 **F21** .....

**Textual Amendments**

**F21** Sch. 7 para. 26 repealed (1.4.2005) by Energy Act 2004 (c. 20), ss. 197, 198(2), Sch. 23 Pt. 1; S.I. 2005/877, art. 2(1), Sch. 1 Table

- 27 In section 101(1), before the definition of “chief officer of police” insert—
- ““British Transport Police Force” means the constables appointed under section 53 of the British Transport Commission Act 1949 (c. xxix);”.
- 28 In section 105(2) (extent), after the entry relating to section 21 insert “section 25(1A);”.

*Terrorism Act 2000 (c. 11)*

- 29 The Terrorism Act 2000 has effect subject to the following amendments.
- 30 (1) Section 34 (power of superintendent for police area to designate cordoned area in the police area) is amended as follows.
- (2) In subsection (1), for “subsection (2)” substitute “ subsections (1A), (1B) and (2) ”.
- (3) After that subsection insert—
- “(1A) A designation under section 33 may be made in relation to an area (outside Northern Ireland) which is in, on or in the vicinity of any policed premises by a member of the British Transport Police Force who is of at least the rank of superintendent.
- (1B) A designation under section 33 may be made by a member of the Ministry of Defence Police who is of at least the rank of superintendent in relation to an area outside or in Northern Ireland—
- (a) if it is a place to which subsection (2) of section 2 of the Ministry of Defence Police Act 1987 (c. 4) applies,
- (b) if a request has been made under paragraph (a), (b) or (d) of subsection (3A) of that section in relation to a terrorist investigation and it is a place where he has the powers and privileges of a constable by virtue of that subsection as a result of the request, or
- (c) if a request has been made under paragraph (c) of that subsection in relation to a terrorist investigation and it is a place in, on or in the vicinity of policed premises.
- (1C) But a designation under section 33 may not be made by—
- (a) a member of the British Transport Police Force, or
- (b) a member of the Ministry of Defence Police,
- in any other case.”

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*Status: Point in time view as at 24/07/2006.*

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31 In section 44 (power to authorise stopping and searching), after subsection (4) insert—

“(4A) In a case (within subsection (4)(a), (b) or (c)) in which the specified area or place is in, on or in the vicinity of policed premises, an authorisation may also be given by a member of the British Transport Police Force who is of at least the rank of assistant chief constable.

(4B) In a case in which the specified area or place is a place to which section 2(2) of the Ministry of Defence Police Act 1987 applies, an authorisation may also be given by a member of the Ministry of Defence Police who is of at least the rank of assistant chief constable.

(4C) But an authorisation may not be given by—

- (a) a member of the British Transport Police Force, or
- (b) a member of the Ministry of Defence Police,

in any other case.”

32 In section 121—

(a) after the definition of “article” insert—

““British Transport Police Force” means the constables appointed under section 53 of the British Transport Commission Act 1949 (c. xxix),”

and

(b) after the definition of “organisation” insert—

““policed premises”, in relation to England and Wales, has the meaning given by section 53(3) of the British Transport Commission Act 1949 and, in relation to Scotland, means those places where members of the British Transport Police Force have the powers, protection and privileges of a constable under section 53(4)(a) of that Act (as it relates to Scotland).”

33 In section 122—

(a) after the entry relating to the expression “Authorised officer” insert—

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“British Transport Police Force	Section 121”,
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and

(b) after the entry relating to the expression “organisation” insert—

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“Policed premises	Section 121”.
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## SCHEDULE 8

Section 125

## REPEALS AND REVOCATION

## PART 1

## TERRORIST PROPERTY

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<i>Short Title and Chapter</i>	<i>Extent of Repeal</i>
Access to Justice Act 1999 (c. 22)	In Schedule 2, in paragraph 2(2), the “or” at the end of paragraph (b), and in paragraph 2(3) the “or” at the end of paragraph (i).
Terrorism Act 2000 (c. 11)	Sections 24 to 31. In section 122, the entries for “Authorised officer” and “Cash”.

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## PART 2

## FREEZING ORDERS

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<i>Short title and chapter</i>	<i>Extent of repeal</i>
Emergency Laws (Re-enactments and Repeals) Act 1964 (c. 60)	Section 2. In section 7(1) the words “, and any general direction given under section 2 of this Act,”. In section 14(1) and (2) the words “or direction” and “, section 2”.
Finance Act 1968 (c. 44)	Section 55.

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These repeals have effect subject to section 16(2).

## PART 3

## IMMIGRATION AND ASYLUM

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<i>Short title and chapter</i>	<i>Extent of repeal</i>
Immigration and Asylum Act 1999 (c. 33)	In section 143, subsections (3) to (8) and (14).

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## PART 4

## RACE AND RELIGION

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<i>Short title and chapter</i>	<i>Extent of repeal or revocation</i>
Public Order Act 1986 (c. 64)	In section 17 the words “in Great Britain”.

*Status: Point in time view as at 24/07/2006.*

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Public Order (Northern Ireland) Order 1987 (S.I. 1987/463 (N.I. 7))	In Article 8 in the definition of fear and the definition of hatred the words “in Northern Ireland”.
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This repeal and this revocation have effect subject to section 42.

## PART 5

### CIVIL NUCLEAR SECURITY

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#### Commencement Information

**II** Sch. 8 Part 5 partly in force; Sch. 8 Part 5 in force at Royal Assent for specified purposes, see s. 127

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Nuclear Installations Act 1965 (c. 57)	In Schedule 1, paragraphs 5 and 6.
Atomic Energy Authority (Special Constables) Act 1976 (c. 23)	Section 3. In section 4(2), the definitions of “specified body corporate” and “designated company”.

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## PART 6

### POLICE POWERS

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#### Commencement Information

**I2** Sch. 8 Part 6 partly in force; Sch. 8 Part 6 in force at Royal Assent for specified purposes, see s. 127; Sch. 8 Pt. 6 in force for S. for specified purposes at 7.1.2002 by S.I. 2001/4104, art. 2

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<i>Short title and chapter</i>	<i>Extent of repeal</i>
British Transport Commission Act 1962 (c. xlii)	Section 43(3).
Ministry of Defence Police Act 1987 (c. 4)	In section 2, subsection (2)(d), in subsection (3), the words “, but only” and, in subsection (4), the words “as they have effect in the United Kingdom”.
Criminal Justice and Public Order Act 1994 (c. 33)	In section 60, subsection (4A) and, in subsection (8), paragraph (b) and the word “or” immediately preceding it.
Crime and Disorder Act 1998 (c. 37)	Section 25(1).

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*Status: Point in time view as at 24/07/2006.*

**Changes to legislation:** *Anti-terrorism, Crime and Security Act 2001 is up to date with all changes known to be in force on or before 20 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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## PART 7

### MISCELLANEOUS

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#### Commencement Information

**I3** [Sch. 8 Part 7](#) partly in force; [Sch. 8 Part 7](#) in force at Royal Assent for specified purposes, see [s. 127](#)

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#### *Short title and chapter*

Terrorism Act 2000 (c. 11)

#### *Extent of repeal*

In section 55, the definition of “nuclear weapon”.

In Schedule 5, paragraph 18(e).

In Schedule 7, in paragraph 17(4) the “or” at the end of paragraph (b).

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**Status:**

Point in time view as at 24/07/2006.

**Changes to legislation:**

Anti-terrorism, Crime and Security Act 2001 is up to date with all changes known to be in force on or before 20 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.