

Status: Point in time view as at 27/06/2017.

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SCHEDULES

SCHEDULE 1

Section 1

FORFEITURE OF TERRORIST ^[F1]CASH^[F1]PROPERTY^[F1]

Textual Amendments

- F1** Word in Sch. 1 heading substituted (27.4.2017 for specified purposes, 31.1.2018 in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(5)(6), [Sch. 5 para. 16\(2\)](#); S.I. 2018/78, reg. 5(1)(c)

PART 1

INTRODUCTORY ^[F2]: FORFEITURE OF TERRORIST CASH^[F2]

Textual Amendments

- F2** Words in Sch. 1 Pt. 1 heading inserted (27.4.2017 for specified purposes, 31.1.2018 in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(5)(6), [Sch. 5 para. 16\(3\)](#); S.I. 2018/78, reg. 5(1)(c)

Terrorist cash

- 1 (1) This Schedule ^[F3](other than Parts 4A and 4B) 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,
 - ^[F4](f) gaming vouchers,
 - (g) fixed-value casino tokens,
 - (h) betting receipts,]
- 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.

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- (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.
- [^{F5}(5) For the purposes of sub-paragraph (2)—
- (a) “gaming voucher” means a voucher in physical form issued by a gaming machine that represents a right to be paid the amount stated on it;
 - (b) “fixed-value casino token” means a casino token that represents a right to be paid the amount stated on it;
 - (c) “betting receipt” means a receipt in physical form that represents a right to be paid an amount in respect of a bet placed with a person holding a betting licence.
- (6) In sub-paragraph (5)—
- “bet”—
 - (a) in relation to England and Wales and Scotland, has the same meaning as in section 9(1) of the Gambling Act 2005;
 - (b) in relation to Northern Ireland, has the same meaning as in the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 (S.I. 1985/1204 (N.I. 11)) (see Article 2 of that Order);
 - “betting licence”—
 - (a) in relation to England and Wales and Scotland, means a general betting operating licence issued under Part 5 of the Gambling Act 2005;
 - (b) in relation to Northern Ireland, means a bookmaker's licence as defined in Article 2 of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985;
 - “gaming machine”—
 - (a) in relation to England and Wales and Scotland, has the same meaning as in the Gambling Act 2005 (see section 235 of that Act);
 - (b) in relation to Northern Ireland, has the same meaning as in the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 (see Article 2 of that Order).
- (7) In the application of sub-paragraph (5) to Northern Ireland references to a right to be paid an amount are to be read as references to the right that would exist but for Article 170 of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 (gaming and wagering contracts void).]

Textual Amendments

- F3** Words in Sch. 1 para. 1(1) inserted (27.4.2017 for specified purposes, 31.1.2018 in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(5)(6), [Sch. 5 para. 16\(4\)](#); S.I. 2018/78, reg. 5(1)(c)
- F4** Sch. 1 para. 1(2)(f)-(h) inserted (27.4.2017 for specified purposes, 31.1.2018 in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), [ss. 38\(2\)\(a\)](#), 58(1)(6); S.I. 2018/78, reg. 3(u)
- F5** Sch. 1 para. 1(5)-(7) inserted (27.4.2017 for specified purposes, 31.1.2018 in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), [ss. 38\(2\)\(b\)](#), 58(1)(6); S.I. 2018/78, reg. 3(u)

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PART 2

SEIZURE AND DETENTION [F6 OF TERRORIST CASH]

Textual Amendments

- F6** Words in Sch. 1 Pt. 2 heading inserted (27.4.2017 for specified purposes, 31.1.2018 in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(5)(6), [Sch. 5 para. 16\(5\)](#); S.I. 2018/78, reg. 5(1)(c)

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.

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.

[F7(1A) In determining the period of 48 hours specified in sub-paragraph (1) there shall be disregarded—

- (a) any Saturday or Sunday;
- (b) Christmas Day;
- (c) Good Friday;
- (d) any day that is a bank holiday under the Banking and Financial Dealings Act 1971 in the part of the United Kingdom in which the cash is seized;
- (e) any day prescribed under section 8(2) of the Criminal Procedure (Scotland) Act 1995 as a court holiday in the sheriff court district in which the cash is seized.]

- (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 [F8three][F86] 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.

[F9(3A) An application to [F10a magistrates' court,] 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.]

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- (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.
- (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.
- [^{F11}(9) Where an application for an order under sub-paragraph (2) relates to cash seized under paragraph 2(2), the court, sheriff or justice may make the order if satisfied that—
- (a) the condition in sub-paragraph (6), (7) or (8) is met in respect of part of the cash, and
 - (b) it is not reasonably practicable to detain only that part.]

Textual Amendments

- F7** Sch. 1 para. 3(1A) inserted (with application in accordance with s. 83(4) of the amending Act) by [Counter-Terrorism Act 2008 \(c. 28\)](#), **ss. 83(2), 100(5)** (with s. 101(2)); S.I. 2009/58, art. 2(h)
- F8** Word in Sch. 1 para. 3(2)(a) substituted (27.4.2017 for specified purposes, 31.1.2018 in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), **ss. 38(3)(a), 58(1)(6)**; S.I. 2018/78, reg. 3(u)

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- F9** 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**
- F10** Words in Sch. 1 para. 3(3A) inserted (27.4.2017 for specified purposes, 31.1.2018 in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(5)(6), **Sch. 5 para. 16(6)**; S.I. 2018/78, **reg. 5(1)(c)**
- F11** Sch. 1 para. 3(9) inserted (27.4.2017 for specified purposes, 31.1.2018 in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), **ss. 38(3)(b)**, 58(1)(6); S.I. 2018/78, **reg. 3(u)**

Payment of detained cash into an account

- 4 (1) If cash is detained under this Schedule for more than 48 hours [^{F12}(determined in accordance with paragraph 3(1A))], 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.

Textual Amendments

- F12** Words in Sch. 1 para. 4(1) inserted (with application in accordance with s. 83(4) of the amending Act) by [Counter-Terrorism Act 2008 \(c. 28\)](#), **ss. 83(3)**, 100(5) (with s. 101(2)); S.I. 2009/58, **art. 2(h)**

Release of detained cash

- 5 (1) This paragraph applies while any cash is detained under [^{F13}this Schedule][^{F13}any provision of this Schedule other than Part 2A] .
- (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) [^{F14}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.]

Textual Amendments

- F13** Words in Sch. 1 para. 5(1) substituted (27.4.2017 for specified purposes, 31.1.2018 in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(5)(6), **Sch. 5 para. 16(7)**; S.I. 2018/78, **reg. 5(1)(c)**

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F14 Sch. 1 para. 5(4) omitted (27.4.2017 for specified purposes, 31.1.2018 in so far as not already in force) by virtue of [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(5)(6), [Sch. 5 para. 16\(8\)](#); S.I. 2018/78, reg. 5(1)(c)

[^{F15}PART 2A

FORFEITURE OF TERRORIST CASH WITHOUT COURT ORDER

Textual Amendments

F15 Sch. 1 Pt. 2A inserted (27.4.2017 for specified purposes, 30.1.2018 for the insertion of Sch. 1 para. 5A(10), 31.1.2018 in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), [ss. 38\(4\)](#), [58\(1\)\(6\)](#); S.I. 2018/78, [regs. 2\(d\)](#), [3\(u\)](#)

Cash forfeiture notice

- 5A (1) This paragraph applies while any cash is detained in pursuance of an order under paragraph 3(2).
- (2) A senior officer may give a notice for the purpose of forfeiting the cash or any part of it if satisfied that the cash or part is terrorist cash.
- (3) A notice given under sub-paragraph (2) is referred to in this Schedule as a cash forfeiture notice.
- (4) A cash forfeiture notice must—
- state the amount of cash in respect of which it is given,
 - state when and where the cash was seized,
 - confirm that the senior officer is satisfied as mentioned in sub-paragraph (2),
 - specify a period for objecting to the proposed forfeiture and an address to which any objections must be sent, and
 - explain that the cash will be forfeited unless an objection is received at that address within the period for objecting.
- (5) The period for objecting must be at least 30 days starting with the day after the notice is given.
- (6) The Secretary of State must by regulations made by statutory instrument make provision about how a cash forfeiture notice is to be given.
- (7) The regulations may (amongst other things) provide—
- for a cash forfeiture notice to be given to such person or persons, and in such manner, as may be prescribed;
 - for a cash forfeiture notice to be given by publication in such manner as may be prescribed;
 - for circumstances in which, and the time at which, a cash forfeiture notice is to be treated as having been given.
- (8) The regulations must ensure that where a cash forfeiture notice is given it is, if possible, given to every person to whom notice of an order under paragraph 3(2) in respect of the cash has been given.

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- (9) A statutory instrument containing regulations under this paragraph is subject to annulment in pursuance of a resolution of either House of Parliament.
- (10) In this Part of this Schedule—
- “senior officer” means—
- (a) a senior police officer;
 - (b) an officer of Revenue and Customs of a rank designated by the Commissioners for Her Majesty's Revenue and Customs as equivalent to that of a senior police officer;
 - (c) an immigration officer of a rank designated by the Secretary of State as equivalent to that of a senior police officer;
- “senior police officer” means a police officer of at least the rank of superintendent.

Effect of cash forfeiture notice

- 5B (1) This paragraph applies if a cash forfeiture notice is given in respect of any cash.
- (2) The cash is to be detained until—
- (a) the cash is forfeited under this paragraph,
 - (b) the notice lapses under this paragraph, or
 - (c) the cash is released under a power conferred by this Schedule.
- (3) If no objection is made within the period for objecting specified in the notice under paragraph 5A(4)(d), and the notice has not lapsed, the cash is forfeited (subject to paragraph 5D).
- (4) If an objection is made within the period for objecting, the notice lapses.
- (5) If an application is made for the forfeiture of the whole or any part of the cash under paragraph 6, the notice lapses.
- (6) If the cash or any part of it is released under a power conferred by this Schedule, the notice lapses or (as the case may be) lapses in relation to that part.
- (7) An objection may be made by anyone (whether a recipient of the notice or not).
- (8) An objection means a written objection sent to the address specified in the notice; and an objection is made when it is received at the address.
- (9) An objection does not prevent forfeiture of the cash under paragraph 6.
- (10) Nothing in this paragraph affects the validity of an order under paragraph 3(2).

Detention following lapse of cash forfeiture notice

- 5C (1) This paragraph applies if—
- (a) a cash forfeiture notice is given in respect of any cash,
 - (b) the notice lapses under paragraph 5B(4), and
 - (c) the period for which detention of the cash was authorised under paragraph 3(2) has expired.
- (2) The cash may be detained for a further period of up to 48 hours (calculated in accordance with paragraph 3(1A)).

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- (3) But if within that period it is decided that neither of the applications mentioned in sub-paragraph (4) is to be made, the cash must be released.
- (4) The applications are—
 - (a) an application for a further order under paragraph 3(2);
 - (b) an application for forfeiture of the cash under paragraph 6.
- (5) If within that period an application is made for a further order under paragraph 3(2), the cash may be detained until the application is determined or otherwise disposed of.

Application to set aside forfeiture

- 5D
- (1) A person aggrieved by the forfeiture of cash in pursuance of paragraph 5B(3) may apply to a magistrates' court or (in Scotland) the sheriff for an order setting aside the forfeiture of the cash or any part of it.
 - (2) The application must be made before the end of the period of 30 days starting with the day on which the period for objecting ended (“the 30-day period”).
 - (3) But the court or sheriff may give permission for an application to be made after the 30-day period has ended if the court or sheriff thinks that there are exceptional circumstances to explain why the applicant—
 - (a) failed to object to the forfeiture within the period for objecting, and
 - (b) failed to make an application within the 30-day period.
 - (4) On an application under this paragraph the court or sheriff must consider whether the cash to which the application relates could be forfeited under paragraph 6 (ignoring the forfeiture mentioned in sub-paragraph (1)).
 - (5) If the court or sheriff is satisfied that the cash to which the application relates or any part of it could not be forfeited under that paragraph the court or sheriff must set aside the forfeiture of that cash or part.
 - (6) Where the court or sheriff sets aside the forfeiture of any cash—
 - (a) the court or sheriff must order the release of that cash, and
 - (b) the cash is to be treated as never having been forfeited.

Release of cash subject to cash forfeiture notice

- 5E
- (1) This paragraph applies while any cash is detained under paragraph 5B or 5C.
 - (2) The person from whom the cash was seized may apply to a magistrates' court or (in Scotland) the sheriff for the cash to be released.
 - (3) On an application under sub-paragraph (2), the court or sheriff may direct the release of the cash or any part of it if not satisfied that the cash to be released is terrorist cash.
 - (4) An authorised officer may release the cash or any part of it if satisfied that the detention of the cash to be released is no longer justified.

Application of cash forfeited under cash forfeiture notice

- 5F
- (1) Cash forfeited in pursuance of paragraph 5B(3), and any accrued interest on it—

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- (a) if first detained in pursuance of an order under paragraph 3(2) made by a magistrates' court or a justice of the peace, is to be paid into the Consolidated Fund;
 - (b) if first detained in pursuance of an order under paragraph 3(2) made 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 application under paragraph 5D may be made (ignoring the possibility of an application by virtue of paragraph 5D(3)), or
 - (b) if an application is made within that period, before the application is determined or otherwise disposed of.]

PART 3

FORFEITURE [^{F16}OF TERRORIST CASH]

Textual Amendments

- F16** Words in Sch. 1 Pt. 3 heading inserted (27.4.2017 for specified purposes, 31.1.2018 in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(5)(6), [Sch. 5 para. 16\(9\)](#); [S.I. 2018/78](#), reg. 5(1)(c)

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.

[^{F17}Appeal against decision in forfeiture proceedings]

Textual Amendments

- F17** Sch. 1 paras. 7, 7A substituted for Sch. 1 para. 7 (with application in accordance with s. 84(2) of the amending Act) by [Counter-Terrorism Act 2008 \(c. 28\)](#), [ss. 84\(1\), 100\(5\)](#) (with s. 101(2)); [S.I. 2009/58](#), art. 2(h)

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- 7 (1) A party to proceedings for an order under paragraph 6 (“a forfeiture order”) who is aggrieved by a forfeiture order made in the proceedings or by the decision of the court or sheriff not to make a forfeiture order may appeal—
- (a) in England and Wales, to the Crown Court;
 - (b) in Scotland, to the sheriff principal;
 - (c) in Northern Ireland, to a county court.
- (2) The appeal must be brought before the end of the period of 30 days beginning with the date on which the order is made or, as the case may be, the decision is given.
- This is subject to paragraph 7A (extended time for appealing in certain cases of deproscription).
- (3) The court or sheriff principal hearing the appeal may make any order that appears to the court or sheriff principal to be appropriate.
- (4) If an appeal against a forfeiture order is upheld, the court or sheriff principal may order the release of [^{F18}the whole or any part of] the cash.

Textual Amendments

F18 Words in Sch. 1 para. 7(4) inserted (27.4.2017 for specified purposes, 31.1.2018 in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), ss. **38(5)**, [58\(1\)\(6\)](#); [S.I. 2018/78](#), reg. [3\(u\)](#)

Extended time for appealing in certain cases where deproscription order made

- 7A (1) This paragraph applies where—
- (a) a successful application for a forfeiture order relies (wholly or partly) on the fact that an organisation is proscribed,
 - (b) an application under section 4 of the Terrorism Act 2000 for a deproscription order in respect of the organisation is refused by the Secretary of State,
 - (c) the forfeited cash is seized under this Schedule on or after the date of the refusal of that application,
 - (d) an appeal against that refusal is allowed under section 5 of that Act,
 - (e) a deproscription order is made accordingly, and
 - (f) 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).
- (2) Where this paragraph applies, an appeal under paragraph 7 above against the forfeiture order may be brought at any time before the end of the period of 30 days beginning with the date on which the deproscription order comes into force.
- (3) In this paragraph a “deproscription order” means an order under section 3(3)(b) or (8) of the Terrorism Act 2000.]

Application of forfeited cash

- 8 (1) Cash forfeited under [^{F19}this Schedule][^{F19}paragraph 6] , 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.

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- (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.

Textual Amendments

F19 Words in Sch. 1 para. 8(1) substituted (27.4.2017 for specified purposes, 31.1.2018 in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(5)(6), [Sch. 5 para. 16\(10\)](#); S.I. 2018/78, reg. 5(1)(c)

PART 4

MISCELLANEOUS [^{F20}: TERRORIST CASH]

Textual Amendments

F20 Words in Sch. 1 Pt. 4 heading inserted (27.4.2017 for specified purposes, 31.1.2018 in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(5)(6), [Sch. 5 para. 16\(11\)](#); S.I. 2018/78, reg. 5(1)(c)

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.
- [^{F21}(4) If sub-paragraph (5) applies, the court or sheriff may order the cash to be released to the applicant or to the person from whom it was seized.
- (5) This sub-paragraph applies where—
- (a) the applicant is not the person from whom the cash claimed was seized,
 - (b) it appears to the court or sheriff that the cash belongs to the applicant,
 - (c) the court or sheriff is satisfied that the release condition is met in relation to the cash, and
 - (d) no objection to the making of an order under sub-paragraph (4) has been made by the person from whom the cash was seized.

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- (6) The release condition is met—
- (a) in relation to cash detained under paragraph 3, if the conditions in that paragraph for the detention of the cash are no longer met,
 - (b) in relation to cash detained under paragraph 5B or 5C, if the cash is not terrorist cash, and
 - (c) in relation to cash detained pending the conclusion of proceedings in pursuance of an application under paragraph 6, if the court or sheriff decides not to make an order under that paragraph in relation to the cash.]

Textual Amendments

- F21** Sch. 1 para. 9(4)-(6) inserted (27.4.2017 for specified purposes, 31.1.2018 in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), **ss. 38(6)**, [58\(1\)\(6\)](#); [S.I. 2018/78](#), [reg. 3\(u\)](#)

[^{F22}Restrictions on release

Textual Amendments

- F22** Sch. 1 para. 9A and cross-heading inserted (27.4.2017 for specified purposes, 31.1.2018 in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), [s. 58\(5\)\(6\)](#), **Sch. 5 para. 16(12)**; [S.I. 2018/78](#), [reg. 5\(1\)\(c\)](#)

- 9A Cash is not to be released under any power or duty conferred or imposed by this Schedule (and so is to continue to be detained)—
- (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.]

Compensation

- 10 (1) If no forfeiture order is made in respect of any cash detained under this Schedule, [^{F23}and the cash is not otherwise forfeited in pursuance of a cash forfeiture notice,] 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 [^{F24}(determined in accordance with paragraph 3(1A))], 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.
- (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

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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 [^{F25}the Police Service of Scotland, it is to be paid by the Scottish Police Authority,]
 - (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.
- [^{F26}(7A) If the cash was seized by a counter-terrorism financial investigator, the compensation is to be paid as follows—
- (a) in the case of a counter-terrorism financial investigator who was—
 - (i) a member of the civilian staff of a police force (including the metropolitan police force), within the meaning of Part 1 of the Police Reform and Social Responsibility Act 2011, or
 - (ii) a member of staff of the City of London police force,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 counter-terrorism financial investigator who was a member of staff of the Police Service of Northern Ireland, it is to be paid out of money provided by the Chief Constable of the Police Service of Northern Ireland.]
- (8) If the cash was seized by an immigration officer, the compensation is to be paid by the Secretary of State.
- [^{F27}(8A) If any cash is detained under this Schedule and part only of the cash is forfeited in pursuance of a cash forfeiture notice, this paragraph has effect in relation to the other part.]
- (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.

Textual Amendments

- F23** Words in Sch. 1 para. 10(1) inserted (27.4.2017 for specified purposes, 31.1.2018 in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(5)(6), [Sch. 5 para. 16\(13\)](#); S.I. 2018/78, reg. 5(1)(c)
- F24** Words in Sch. 1 para. 10(2) inserted (with application in accordance with s. 83(4) of the amending Act) by [Counter-Terrorism Act 2008 \(c. 28\)](#), ss. 83(3), 100(5) (with s. 101(2)); S.I. 2009/58, art. 2(h)
- F25** Words in Sch. 1 para. 10(7)(b) substituted (1.4.2013) by [The Police and Fire Reform \(Scotland\) Act 2012 \(Consequential Provisions and Modifications\) Order 2013 \(S.I. 2013/602\)](#), art. 1(2), [Sch. 2 para. 37\(4\)](#)

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- F26** Sch. 1 para. 10(7A) inserted (27.4.2017 for specified purposes, 27.6.2017 in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), [ss. 41\(6\)\(a\)](#), [58\(4\)\(6\)](#)
- F27** Sch. 1 para. 10(8A) inserted (27.4.2017 for specified purposes, 31.1.2018 in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), [s. 58\(5\)\(6\)](#), [Sch. 5 para. 16\(14\)](#); [S.I. 2018/78](#), [reg. 5\(1\)\(c\)](#)

[^{F28}PART 4A

FORFEITURE OF TERRORIST ASSETS

Textual Amendments

- F28** Sch. 1 Pt. 4A inserted (27.4.2017 for specified purposes, 30.1.2018 for the insertion of Sch. 1 para. 10G(9), 31.1.2018 in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), [s. 58\(1\)\(6\)](#), [Sch. 3 para. 2](#); [S.I. 2018/78](#), [regs. 2\(h\)](#), [3\(cc\)](#)

Definition of “listed asset”

- 10A (1) In this Part of this Schedule, a “listed asset” means an item of property that falls within one of the following descriptions of property—
- (a) precious metals;
 - (b) precious stones;
 - (c) watches;
 - (d) artistic works;
 - (e) face-value vouchers;
 - (f) postage stamps.
- (2) The Secretary of State may by regulations made by statutory instrument amend sub-paragraph (1)—
- (a) by removing a description of property;
 - (b) by adding a description of tangible personal (or corporeal moveable) property.
- (3) A statutory instrument containing regulations under sub-paragraph (2) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- (4) In this paragraph—
- (a) “precious metal” means gold, silver or platinum (whether in an unmanufactured or a manufactured state);
 - (b) “artistic work” means a piece of work falling within section 4(1)(a) of the Copyright, Designs and Patents Act 1988;
 - (c) “face-value voucher” means a voucher in physical form that represents a right to receive goods or services to the value of an amount stated on it.

Seizure of listed assets

- 10B (1) An authorised officer may seize any item of property if the authorised officer has reasonable grounds for suspecting that—
- (a) it is a listed asset, and

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- (b) it is within subsection (1)(a) or (b) of section 1 or it is property earmarked as terrorist property.
- (2) An authorised officer may also seize any item of property if—
- (a) the authorised officer has reasonable grounds for suspecting the item to be a listed asset,
 - (b) the authorised officer has reasonable grounds for suspecting that part of the item is within subsection (1)(a) or (b) of section 1 or is property earmarked as terrorist property, and
 - (c) it is not reasonably practicable to seize only that part.

Initial detention of seized property

- 10C (1) Property seized under paragraph 10B may be detained for an initial period of 48 hours.
- (2) Sub-paragraph (1) authorises the detention of property only for so long as an authorised officer continues to have reasonable grounds for suspicion in relation to that property as described in paragraph 10B(1) or (2) (as the case may be).
- (3) In calculating a period of hours for the purposes of this paragraph, no account shall be taken of—
- (a) any Saturday or Sunday,
 - (b) Christmas Day,
 - (c) Good Friday,
 - (d) any day that is a bank holiday under the Banking and Financial Dealings Act 1971 in the part of the United Kingdom within which the property is seized, or
 - (e) any day prescribed under section 8(2) of the Criminal Procedure (Scotland) Act 1995 as a court holiday in a sheriff court in the sheriff court district within which the property is seized.

Further detention of seized property

- 10D (1) The period for which property seized under paragraph 10B, or any part of that property, may be detained may be extended by an order made—
- (a) in England and Wales or Northern Ireland, by a magistrates' court;
 - (b) in Scotland, by the sheriff.
- (2) An order under sub-paragraph (1) may not authorise the detention of any property—
- (a) beyond the end of the period of 6 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 2 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 (1) extending a particular period of detention.
- (4) An application to a magistrates' court, a justice of the peace or the sheriff to make the first order under sub-paragraph (1) extending a particular period of detention—

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- (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 representatives 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.
- (5) An application for an order under sub-paragraph (1) may be made—
 - (a) in relation to England and Wales and Northern Ireland, by the Commissioners for Her Majesty's Revenue and Customs or an authorised officer;
 - (b) in relation to Scotland, by a procurator fiscal.
- (6) The court, sheriff or justice may make the order if satisfied, in relation to the item of property to be further detained, that—
 - (a) it is a listed asset, and
 - (b) condition 1, condition 2 or condition 3 is met.
- (7) Condition 1 is that there are reasonable grounds for suspecting that the property 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 property is connected, or
 - (b) proceedings against any person for an offence with which the property is connected have been started and have not been concluded.
- (8) Condition 2 is that there are reasonable grounds for suspecting that the property 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 property is connected, or
 - (b) proceedings against any person for an offence with which the property is connected have been started and have not been concluded.
- (9) Condition 3 is that there are reasonable grounds for suspecting that the property 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 property is connected, or
 - (b) proceedings against any person for an offence with which the property is connected have been started and have not been concluded.
- (10) Where an application for an order under sub-paragraph (1) relates to an item of property seized under paragraph 10B(2), the court, sheriff or justice may make the order if satisfied that—
 - (a) the item of property is a listed asset,
 - (b) condition 1, 2 or 3 is met in respect of part of the item, and
 - (c) it is not reasonably practicable to detain only that part.

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- (11) An order under sub-paragraph (1) must provide for notice to be given to persons affected by it.

Testing and safekeeping of property seized under paragraph 10B

- 10E (1) An authorised officer may carry out (or arrange for the carrying out of) tests on any item of property seized under paragraph 10B for the purpose of establishing whether it is a listed asset.
- (2) An authorised officer must arrange for any item of property seized under paragraph 10B to be safely stored throughout the period during which it is detained under this Part of this Schedule.

Release of detained property

- 10F (1) This paragraph applies while any property is detained under this Part of this Schedule.
- (2) A magistrates' court or (in Scotland) the sheriff may direct the release of the whole or any part of the property if satisfied, on an application by the person from whom the property was seized, that the conditions in paragraph 10C or 10D (as the case may be) for the detention of the property are no longer met in relation to the property to be released.
- (3) An authorised officer or (in Scotland) a procurator fiscal may, after notifying the magistrates' court, sheriff or justice under whose order property is being detained, release the whole or any part of it if satisfied that the detention of the property to be released is no longer justified.
- (4) But property is not to be released under this paragraph—
- (a) if an application for its release under paragraph 10O 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 property is connected, until the proceedings are concluded.

See also paragraph 10G(7).

Forfeiture

- 10G (1) While property is detained under this Part of 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 for Her Majesty's Revenue and Customs or an authorised officer;
 - (b) to the sheriff, by the Scottish Ministers.
- (2) The court or sheriff may order the forfeiture of the property or any part of it if satisfied that—
- (a) the property is a listed asset, and
 - (b) what is to be forfeited is within subsection (1)(a) or (b) of section 1 or is property earmarked as terrorist property.

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- (3) An order under sub-paragraph (2) made by a magistrates' court may provide for payment under paragraph 10N of reasonable legal expenses that a person has reasonably incurred, or may reasonably incur, in respect of—
 - (a) the proceedings in which the order is made, or
 - (b) any related proceedings under this Part of this Schedule.
- (4) A sum in respect of a relevant item of expenditure is not payable under paragraph 10N in pursuance of provision under sub-paragraph (3) unless—
 - (a) the person who applied for the order under sub-paragraph (2) agrees to its payment, or
 - (b) the court has assessed the amount allowed in respect of that item and the sum is paid in respect of the assessed amount.
- (5) For the purposes of sub-paragraph (4)—
 - (a) a “relevant item of expenditure” is an item of expenditure to which regulations under section 286B of the Proceeds of Crime Act 2002 would apply if the order under sub-paragraph (2) had instead been a recovery order made under section 266 of that Act;
 - (b) an amount is “allowed” in respect of a relevant item of expenditure if it would have been allowed by those regulations;
 - (c) if the person who applied for the order under sub-paragraph (2) was an authorised officer, that person may not agree to the payment of a sum unless the person is a senior officer or is authorised to do so by a senior officer.
- (6) Sub-paragraph (2) ceases to apply on the transfer of an application made under this paragraph in accordance with paragraph 10J(1)(a) or (b).
- (7) Where an application for the forfeiture of any property is made under this paragraph, the property is to be detained (and may not be released under any power conferred by this Part of this Schedule) until any proceedings in pursuance of the application (including any proceedings on appeal) are concluded.
- (8) Where the property to which the application relates is being detained under this Part of this Schedule as part of an item of property, having been seized under paragraph 10B(2), sub-paragraph (7) is to be read as if it required the continued detention of the whole of the item of property.
- (9) For the purposes of sub-paragraph (5)(c), a “senior officer” means—
 - (a) in relation to an application made by a constable or a counter-terrorism financial investigator, a senior police officer;
 - (b) in relation to an application made by an officer of Revenue and Customs, such an officer of a rank designated by the Commissioners for Her Majesty's Revenue and Customs as equivalent to that of a senior police officer;
 - (c) in relation to an application made by an immigration officer, such an officer of a rank designated by the Secretary of State as equivalent to that of a senior police officer.
- (10) In sub-paragraph (9), a “senior police officer” means a police officer of at least the rank of superintendent.

Associated and joint property

- 10H (1) Paragraphs 10I and 10J apply if—

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- (a) an application is made under paragraph 10G in respect of property detained under this Part of this Schedule,
 - (b) the court or sheriff is satisfied that the property is a listed asset,
 - (c) the court or sheriff is satisfied that all or part of the property is within subsection (1)(a) or (b) of section 1 or is property earmarked as terrorist property, and
 - (d) there exists property that is associated with the property in relation to which the court or sheriff is satisfied as mentioned in paragraph (c).
- (2) Paragraphs 10I and 10J also apply in England and Wales and Northern Ireland if—
- (a) an application is made under paragraph 10G in respect of property detained under this Part of this Schedule,
 - (b) the court is satisfied that the property is a listed asset,
 - (c) the court is satisfied that all or part of the property is property earmarked as terrorist property, and
 - (d) the property in relation to which the court or sheriff is satisfied as mentioned in paragraph (c) belongs to joint tenants and one of the tenants is an excepted joint owner.
- (3) In this paragraph and paragraphs 10I and 10J “associated property” means property of any of the following descriptions that is not itself the forfeitable property—
- (a) any interest in the forfeitable property;
 - (b) any other interest in the property in which the forfeitable property subsists;
 - (c) if the forfeitable property is a tenancy in common, the tenancy of the other tenant;
 - (d) if (in Scotland) the forfeitable property is owned in common, the interest of the other owner;
 - (e) if the forfeitable property is part of a larger property, but not a separate part, the remainder of that property.

References to property being associated with forfeitable property are to be read accordingly.

- (4) In this paragraph and paragraphs 10I and 10J the “forfeitable property” means the property in relation to which the court or sheriff is satisfied as mentioned in subparagraph (1)(c) or (2)(c) (as the case may be).
- (5) For the purposes of this paragraph and paragraphs 10I and 10J—
- (a) an excepted joint owner is a joint tenant who obtained the property in circumstances in which it would not (as against him or her) be earmarked, and
 - (b) references to the excepted joint owner's share of property are to so much of the property as would have been his or hers if the joint tenancy had been severed.

Agreements about associated and joint property

- 10I (1) Where—
- (a) this paragraph applies, and
 - (b) the person who applied for the order under paragraph 10G (on the one hand) and the person who holds the associated property or who is the excepted joint owner (on the other hand) agree,

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- the magistrates' court or sheriff may, instead of making an order under paragraph 10G(2), make an order requiring the person who holds the associated property or who is the excepted joint owner to make a payment to a person identified in the order.
- (2) The amount of the payment is (subject to sub-paragraph (3)) to be the amount which the persons referred to in sub-paragraph (1)(b) agree represents—
 - (a) in a case where this paragraph applies by virtue of paragraph 10H(1), the value of the forfeitable property;
 - (b) in a case where this paragraph applies by virtue of paragraph 10H(2), the value of the forfeitable property less the value of the excepted joint owner's share.
 - (3) The amount of the payment may be reduced if the person who applied for the order under paragraph 10G agrees that the other party to the agreement has suffered loss as a result of the seizure of the forfeitable property and any associated property under paragraph 10B and its subsequent detention.
 - (4) The reduction that is permissible by virtue of sub-paragraph (3) is such amount as the parties to the agreement agree is reasonable, having regard to the loss suffered and any other relevant circumstances.
 - (5) An order under sub-paragraph (1) may, so far as required for giving effect to the agreement, include provision for vesting, creating or extinguishing any interest in property.
 - (6) An order under sub-paragraph (1) made by a magistrates' court may provide for payment under sub-paragraph (11) of reasonable legal expenses that a person has reasonably incurred, or may reasonably incur, in respect of—
 - (a) the proceedings in which the order is made, or
 - (b) any related proceedings under this Part of this Schedule.
 - (7) A sum in respect of a relevant item of expenditure is not payable under sub-paragraph (11) in pursuance of provision under sub-paragraph (6) unless—
 - (a) the person who applied for the order under paragraph 10G agrees to its payment, or
 - (b) the court has assessed the amount allowed in respect of that item and the sum is paid in respect of the assessed amount.
 - (8) For the purposes of sub-paragraph (7)—
 - (a) a “relevant item of expenditure” is an item of expenditure to which regulations under section 286B of the Proceeds of Crime Act 2002 would apply if the order under sub-paragraph (1) had instead been a recovery order made under section 266 of that Act;
 - (b) an amount is “allowed” in respect of a relevant item of expenditure if it would have been allowed by those regulations.
 - (9) If there is more than one item of associated property or more than one excepted joint owner, the total amount to be paid under sub-paragraph (1), and the part of that amount which is to be provided by each person who holds any such associated property or who is an excepted joint owner, is to be agreed between both (or all) of them and the person who applied for the order under paragraph 10G.
 - (10) If the person who applied for the order under paragraph 10G was an authorised officer, that person may enter into an agreement for the purposes of any provision

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of this paragraph only if the person is a senior officer or is authorised to do so by a senior officer.

- (11) An amount received under an order under sub-paragraph (1) must be applied as follows—
- (a) first, it must be applied in making any payment of legal expenses which, after giving effect to sub-paragraph (7), are payable under this sub-paragraph in pursuance of provision under sub-paragraph (6);
 - (b) second, it must be applied in payment or reimbursement of any reasonable costs incurred in storing or insuring the forfeitable property and any associated property whilst detained under this Part of this Schedule;
 - (c) third, it must be paid—
 - (i) if the order was made by a magistrates' court, into the Consolidated Fund;
 - (ii) if the order was made by the sheriff, into the Scottish Consolidated Fund.

Associated and joint property: default of agreement

- 10J (1) Where this paragraph applies and there is no agreement under paragraph 10I, the magistrates' court or sheriff—
- (a) must transfer the application made under paragraph 10G to the relevant court if satisfied that the value of the forfeitable property and any associated property is £10,000 or more;
 - (b) may transfer the application made under paragraph 10G to the relevant court if satisfied that the value of the forfeitable property and any associated property is less than £10,000.
- (2) The “relevant court” is—
- (a) the High Court, where the application under paragraph 10G was made to a magistrates' court;
 - (b) the Court of Session, where the application under paragraph 10G was made to the sheriff.
- (3) Where (under sub-paragraph (1)(a) or (b)) an application made under paragraph 10G is transferred to the relevant court, the relevant court may order the forfeiture of the property to which the application relates, or any part of that property, if satisfied that—
- (a) the property is a listed asset, and
 - (b) what is to be forfeited is within subsection (1)(a) or (b) of section 1 or is property earmarked as terrorist property.
- (4) An order under sub-paragraph (3) made by the High Court may include provision of the type that may be included in an order under paragraph 10G(2) made by a magistrates' court by virtue of paragraph 10G(3).
- (5) If provision is included in an order of the High Court by virtue of sub-paragraph (4) of this paragraph, paragraph 10G(4) and (5) apply with the necessary modifications.
- (6) The relevant court may, as well as making an order under sub-paragraph (3), make an order—
- (a) providing for the forfeiture of the associated property or (as the case may be) for the excepted joint owner's interest to be extinguished, or

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- (b) providing for the excepted joint owner's interest to be severed.
- (7) Where (under sub-paragraph (1)(b)) the magistrates' court or sheriff decides not to transfer an application made under paragraph 10G to the relevant court, the magistrates' court or sheriff may, as well as making an order under paragraph 10G(2), make an order—
 - (a) providing for the forfeiture of the associated property or (as the case may be) for the excepted joint owner's interest to be extinguished, or
 - (b) providing for the excepted joint owner's interest to be severed.
- (8) An order under sub-paragraph (6) or (7) may be made only if the relevant court, the magistrates' court or the sheriff (as the case may be) thinks it just and equitable to do so.
- (9) An order under sub-paragraph (6) or (7) must provide for the payment of an amount to the person who holds the associated property or who is an excepted joint owner.
- (10) In making an order under sub-paragraph (6) or (7), and including provision in it by virtue of sub-paragraph (9), the relevant court, the magistrates' court or the sheriff (as the case may be) must have regard to—
 - (a) the rights of any person who holds the associated property or who is an excepted joint owner and the value to that person of that property or (as the case may) of that person's share (including any value that cannot be assessed in terms of money), and
 - (b) the interest of the person who applied for the order under paragraph 10G in realising the value of the forfeitable property.
- (11) If the relevant court, the magistrates' court or the sheriff (as the case may be) is satisfied that—
 - (a) the person who holds the associated property or who is an excepted joint owner has suffered loss as a result of the seizure of the forfeitable property and any associated property under paragraph 10B and its subsequent detention, and
 - (b) the circumstances are exceptional,
 an order under sub-paragraph (6) or (7) may require the payment of compensation to that person.
- (12) The amount of compensation to be paid by virtue of sub-paragraph (11) is the amount the relevant court, the magistrates' court or the sheriff (as the case may be) thinks reasonable, having regard to the loss suffered and any other relevant circumstances.
- (13) Compensation to be paid by virtue of sub-paragraph (11) is to be paid in the same way that compensation is to be paid under paragraph 10P.

Paragraphs 10G to 10J: appeals

- 10K (1) Any party to proceedings for an order for the forfeiture of property under paragraph 10G may appeal against—
 - (a) the making of an order under paragraph 10G;
 - (b) the making of an order under paragraph 10J(7);
 - (c) a decision not to make an order under paragraph 10G unless the reason that no order was made is that an order was instead made under paragraph 10I;
 - (d) a decision not to make an order under paragraph 10J(7).

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Paragraphs (c) and (d) do not apply if the application for the order under paragraph 10G was transferred in accordance with paragraph 10J(1)(a) or (b).

- (2) Where an order under paragraph 10I is made by a magistrates' court, any party to the proceedings for the order (including any party to the proceedings under paragraph 10G that preceded the making of the order) may appeal against a decision to include, or not to include, provision in the order under sub-paragraph (6) of paragraph 10I.
- (3) An appeal under this paragraph lies—
 - (a) in relation to England and Wales, to the Crown Court;
 - (b) in relation to Scotland, to the Sheriff Appeal Court;
 - (c) in relation to Northern Ireland, to a county court.
- (4) An appeal under this paragraph must be made before the end of the period of 30 days starting with the day on which the court makes the order or decision.
- (5) Sub-paragraph (4) is subject to paragraph 10L.
- (6) The court hearing the appeal may make any order it thinks appropriate.
- (7) If the court upholds an appeal against an order forfeiting property, it may order the release of the whole or any part of the property.

Extended time for appealing in certain cases where deproscription order made

- 10L (1) This paragraph applies where—
- (a) a successful application for an order under paragraph 10G relies (wholly or partly) on the fact that an organisation is proscribed,
 - (b) an application under section 4 of the Terrorism Act 2000 for a deproscription order in respect of the organisation is refused by the Secretary of State,
 - (c) the property forfeited by the order under paragraph 10G was seized under this Part of this Schedule on or after the date of the refusal of that application,
 - (d) an appeal against that refusal is allowed under section 5 of the Terrorism Act 2000,
 - (e) a deproscription order is made accordingly, and
 - (f) if the order is made in reliance on section 123(5) of the Terrorism Act 2000, a resolution is passed by each House of Parliament under section 123(5)(b) of that Act.
- (2) Where this paragraph applies, an appeal under paragraph 10K against the making of an order under paragraph 10G, and against the making (in addition) of any order under paragraph 10J(7), may be brought at any time before the end of the period of 30 days beginning with the date on which the deproscription order comes into force.
- (3) In this paragraph a “deproscription order” means an order under section 3(3)(b) or (8) of the Terrorism Act 2000.

Realisation of forfeited property

- 10M (1) If property is forfeited under paragraph 10G or 10J, an authorised officer must realise the property or make arrangements for its realisation.
- (2) But the property is not to be realised—

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- (a) before the end of the period within which an appeal may be made (whether under paragraph 10K or otherwise), or
 - (b) if an appeal is made within that period, before the appeal is determined or otherwise disposed of.
- (3) The realisation of property under sub-paragraph (1) must be carried out, so far as practicable, in the manner best calculated to maximise the amount obtained for the property.

Proceeds of realisation

- 10N (1) The proceeds of property realised under paragraph 10M must be applied as follows—
- (a) first, they must be applied in making any payment required to be made by virtue of paragraph 10J(9);
 - (b) second, they must be applied in making any payment of legal expenses which, after giving effect to paragraph 10G(4) (including as applied by paragraph 10J(5)), are payable under this sub-paragraph in pursuance of provision under paragraph 10G(3) or, as the case may be, 10J(4);
 - (c) third, they must be applied in payment or reimbursement of any reasonable costs incurred in storing or insuring the property whilst detained under this Part of this Schedule and in realising the property;
 - (d) fourth, they must be paid—
 - (i) if the property was forfeited by a magistrates' court or the High Court, into the Consolidated Fund;
 - (ii) if the property was forfeited by the sheriff or the Court of Session, into the Scottish Consolidated Fund.
- (2) If what is realised under paragraph 10M represents part only of an item of property seized under paragraph 10B and detained under this Part of this Schedule, the reference in sub-paragraph (1)(c) to costs incurred in storing or insuring the property is to be read as a reference to costs incurred in storing or insuring the whole of the item of property.

Victims

- 10O (1) A person who claims that any property detained under this Part of this Schedule, or any part of it, belongs to him or her may apply for the property or part to be released.
- (2) An application under sub-paragraph (1) is to be made—
- (a) in England and Wales or Northern Ireland, to a magistrates' court;
 - (b) in Scotland, to the sheriff.
- (3) The application may be made in the course of proceedings under paragraph 10D or 10G or at any other time.
- (4) The court or sheriff may order the property to which the application relates to be released to the applicant if it appears to the court or sheriff that—
- (a) the applicant was deprived of the property to which the application relates, or of property which it represents, by criminal conduct,
 - (b) the property the applicant was deprived of was not, immediately before the applicant was deprived of it, property obtained by or in return for criminal conduct and nor did it then represent such property, and

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- (c) the property belongs to the applicant.
- (5) If sub-paragraph (6) applies, the court or sheriff may order the property to which the application relates to be released to the applicant or to the person from whom it was seized.
- (6) This sub-paragraph applies where—
 - (a) the applicant is not the person from whom the property to which the application relates was seized,
 - (b) it appears to the court or sheriff that the property belongs to the applicant,
 - (c) the court or sheriff is satisfied that the release condition is met in relation to the property, and
 - (d) no objection to the making of an order under sub-paragraph (5) has been made by the person from whom the property was seized.
- (7) The release condition is met—
 - (a) in relation to property detained under paragraph 10C or 10D, if the conditions in paragraph 10C or (as the case may be) 10D for the detention of the property are no longer met, and
 - (b) in relation to property detained under paragraph 10G, if the court or sheriff decides not to make an order under that paragraph in relation to the property.

Compensation

- 10P (1) If no order under paragraph 10G, 10I or 10J is made in respect of any property detained under this Part of this Schedule, the person to whom the property belongs or from whom it was seized may make an application for compensation.
- (2) An application under sub-paragraph (1) is to be made—
 - (a) in England and Wales or Northern Ireland, to a magistrates' court;
 - (b) in Scotland, to the sheriff.
 - (3) If the court or sheriff is satisfied that the applicant has suffered loss as a result of the detention of the property and that the circumstances are exceptional, the court or sheriff may order compensation to be paid to the applicant.
 - (4) The amount of compensation to be paid is the amount the court or sheriff thinks reasonable, having regard to the loss suffered and any other relevant circumstances.
 - (5) If the property was seized by an officer of Revenue and Customs, the compensation is to be paid by the Commissioners for Her Majesty's Revenue and Customs.
 - (6) If the property 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 the Police Service of Scotland, it is to be paid by the Scottish Police Authority;
 - (c) in the case of a police officer within the meaning of the Police (Northern Ireland) Act 2000, it is to be paid out of money provided by the Chief Constable of the Police Service of Northern Ireland.
 - (7) If the property was seized by a counter-terrorism financial investigator, the compensation is to be paid as follows—

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- (a) in the case of a counter-terrorism financial investigator who was—
- (i) a member of the civilian staff of a police force (including the metropolitan police force), within the meaning of Part 1 of the Police Reform and Social Responsibility Act 2011, or
 - (ii) a member of staff of the City of London police force,
- 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 counter-terrorism financial investigator who was a member of staff of the Police Service of Northern Ireland, it is to be paid out of money provided by the Chief Constable of the Police Service of Northern Ireland.
- (8) If the property was seized by an immigration officer, the compensation is to be paid by the Secretary of State.
- (9) If an order under paragraph 10G, 10I or 10J is made in respect only of a part of any property detained under this Part, 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 10O.]

[^{F29}PART 4B

FORFEITURE OF TERRORIST MONEY HELD IN [^{F30}CERTAIN] ACCOUNTS

Textual Amendments

- F29** Sch. 1 Pt. 4B inserted (27.4.2017 for specified purposes, 30.1.2018 for the insertion of Sch. 1 para. 10X so far as not already in force, 31.1.2018 in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(1)(6), [Sch. 4 para. 2](#); S.I. 2018/78, regs. 2(i), 3(dd)
- F30** Word in Sch. 1 Pt. 4B heading substituted (retrospectively) by [Financial Services Act 2021 \(c. 22\)](#), s. 33(2), [Sch. 12 para. 3](#) (with s. 33(4))

Application for account freezing order

- 10Q (1) This paragraph applies if an enforcement officer has reasonable grounds for suspecting that money held in an account maintained with a [^{F31}relevant financial institution]—
- (a) is within subsection (1)(a) or (b) of section 1, or
 - (b) is property earmarked as terrorist property.
- [In this Part of this Schedule, “relevant financial institution” means—
- ^{F32}(1A) (a) a bank,
- (b) a building society,
 - (c) an electronic money institution, or
 - (d) a payment institution.]
- (2) Where this paragraph applies the enforcement officer may apply to the relevant court for an account freezing order in relation to the account in which the money is held.
- (3) But—

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- (a) an enforcement officer may not apply for an account freezing order unless the officer is a senior officer or is authorised to do so by a senior officer, and
 - (b) the senior officer must consult the Treasury before making the application for the order or (as the case may be) authorising the application to be made, unless in the circumstances it is not reasonably practicable to do so.
- (4) For the purposes of this Part of this Schedule—
- (a) an account freezing order is an order that, subject to any exclusions (see paragraph 10U), prohibits each person by or for whom the account to which the order applies is operated from making withdrawals or payments from the account;
 - (b) an account is operated by or for a person if the person is an account holder or a signatory or identified as a beneficiary in relation to the account.
- (5) An application for an account freezing order may be made without notice if the circumstances of the case are such that notice of the application would prejudice the taking of any steps under this Part of this Schedule to forfeit money that is within subsection (1)(a) or (b) of section 1 or is property earmarked as terrorist property.
- (6) The money referred to in sub-paragraph (1) may be all or part of the credit balance of the account.
- (7) In this Part of this Schedule—
- “bank” has the meaning given by paragraph 10R;
 - “building society” has the same meaning as in the Building Societies Act 1986;
 - [^{F33}“electronic money institution” has the same meaning as in the Electronic Money Regulations 2011 (S.I. 2011/99) (see regulation 2 of those Regulations);]
 - “enforcement officer” means—
 - (a) a constable, or
 - (b) a counter-terrorism financial investigator;
 - [^{F33}“payment institution” means an authorised payment institution or a small payment institution (each as defined in regulation 2 of the Payment Services Regulations 2017 (S.I. 2017/752));]
 - “relevant court”—
 - (a) in England and Wales and Northern Ireland, means a magistrates' court, and
 - (b) in Scotland, means the sheriff;
 - “senior officer” means a police officer of at least the rank of superintendent.

Textual Amendments

- F31** Words in Sch. 1 para. 10Q(1) substituted (retrospectively) by [Financial Services Act 2021 \(c. 22\), s. 33\(2\)](#), [Sch. 12 para. 4\(2\)](#) (with s. 33(4))
- F32** Sch. 1 para. 10Q(1A) inserted (retrospectively) by [Financial Services Act 2021 \(c. 22\), s. 33\(2\)](#), [Sch. 12 para. 4\(3\)](#) (with s. 33(4))
- F33** Words in Sch. 1 para. 10Q(1A) inserted (retrospectively) by [Financial Services Act 2021 \(c. 22\), s. 33\(2\)](#), [Sch. 12 para. 4\(4\)](#) (with s. 33(4))

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Meaning of “bank”

- 10R (1) “Bank” means an authorised deposit-taker, other than a building society, that has its head office or a branch in the United Kingdom.
- (2) In sub-paragraph (1), “authorised deposit-taker” means—
- (a) a person who has permission under Part 4A of the Financial Services and Markets Act 2000 to accept deposits;
 - (b) a person who—
 - (i) is specified, or is within a class of persons specified, by an order under section 38 of that Act (exemption orders), and
 - (ii) accepts deposits;
 - (c) an EEA firm of the kind mentioned in paragraph 5(b) of Schedule 3 to that Act that has permission under paragraph 15 of that Schedule (as a result of qualifying for authorisation under paragraph 12(1) of that Schedule) to accept deposits.
- (3) A reference in sub-paragraph (2) to a person or firm with permission to accept deposits does not include a person or firm with permission to do so only for the purposes of, or in the course of, an activity other than accepting deposits.

Making of account freezing order

- 10S (1) This paragraph applies where an application for an account freezing order is made under paragraph 10Q in relation to an account.
- (2) The relevant court may make the order if satisfied that there are reasonable grounds for suspecting that money held in the account (whether all or part of the credit balance of the account)—
- (a) is within subsection (1)(a) or (b) of section 1, or
 - (b) is property earmarked as terrorist property.
- (3) An account freezing order ceases to have effect at the end of the period specified in the order (which may be varied under paragraph 10T) unless it ceases to have effect at an earlier or later time in accordance with the provision made by paragraphs 10W(6)(c), 10Y(2) to (7), 10Z2(6) to (8) and 10Z3.
- (4) The period specified by the relevant court for the purposes of sub-paragraph (3) (whether when the order is first made or on a variation under paragraph 10T) may not exceed the period of 2 years, starting with the day on which the account freezing order is (or was) made.
- (5) An account freezing order must provide for notice to be given to persons affected by the order.

Variation and setting aside of account freezing order

- 10T (1) The relevant court may at any time vary or set aside an account freezing order on an application made by—
- (a) an enforcement officer, or
 - (b) any person affected by the order.
- (2) But an enforcement officer may not make an application under sub-paragraph (1) unless the officer is a senior officer or is authorised to do so by a senior officer.

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- (3) Before varying or setting aside an account freezing order the court must (as well as giving the parties to the proceedings an opportunity to be heard) give such an opportunity to any person who may be affected by its decision.
- (4) In relation to Scotland, the references in this paragraph to setting aside an order are to be read as references to recalling it.

Exclusions

- 10U (1) The power to vary an account freezing order includes (amongst other things) power to make exclusions from the prohibition on making withdrawals or payments from the account to which the order applies.
- (2) Exclusions from the prohibition may also be made when the order is made.
 - (3) An exclusion may (amongst other things) make provision for the purpose of enabling a person by or for whom the account is operated—
 - (a) to meet the person's reasonable living expenses, or
 - (b) to carry on any trade, business, profession or occupation.
 - (4) An exclusion may be made subject to conditions.
 - (5) Where a magistrates' court exercises the power to make an exclusion for the purpose of enabling a person to meet legal expenses that the person has incurred, or may incur, in respect of proceedings under this Schedule, it must ensure that the exclusion—
 - (a) is limited to reasonable legal expenses that the person has reasonably incurred or that the person reasonably incurs,
 - (b) specifies the total amount that may be released for legal expenses in pursuance of the exclusion, and
 - (c) is made subject to the same conditions as would be the required conditions (see section 286A of the Proceeds of Crime Act 2002) if the order had been made under section 245A of that Act (in addition to any conditions imposed under sub-paragraph (4)).
 - (6) A magistrates' court, in deciding whether to make an exclusion for the purpose of enabling a person to meet legal expenses in respect of proceedings under this Schedule—
 - (a) must have regard to the desirability of the person being represented in any proceedings under this Schedule in which the person is a participant, and
 - (b) must disregard the possibility that legal representation of the person in any such proceedings might, were an exclusion not made—
 - (i) be made available under arrangements made for the purposes of Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012, or
 - (ii) be funded by the Northern Ireland Legal Services Commission.
 - (7) The sheriff's power to make exclusions may not be exercised for the purpose of enabling any person to meet any legal expenses in respect of proceedings under this Schedule.
 - (8) The power to make exclusions must, subject to sub-paragraph (6), be exercised with a view to ensuring, so far as practicable, that there is not undue prejudice to the

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taking of any steps under this Part of this Schedule to forfeit money that is within subsection (1)(a) or (b) of section 1 or is property earmarked as terrorist property.

Restriction on proceedings and remedies

- 10V (1) If a court in which proceedings are pending in respect of an account maintained with a [^{F34}relevant financial institution] is satisfied that an account freezing order has been applied for or made in respect of the account, it may either stay the proceedings or allow them to continue on any terms it thinks fit.
- (2) Before exercising the power conferred by sub-paragraph (1), the court must (as well as giving the parties to any of the proceedings concerned an opportunity to be heard) give such an opportunity to any person who may be affected by the court's decision.
- (3) In relation to Scotland, the reference in sub-paragraph (1) to staying the proceedings is to be read as a reference to sisting the proceedings.

Textual Amendments

- F34** Words in Sch. 1 para. 10V(1) substituted (retrospectively) by [Financial Services Act 2021 \(c. 22\)](#), s. 33(2), [Sch. 12 para. 5](#) (with s. 33(4))

Account forfeiture notice

- 10W (1) This paragraph applies while an account freezing order has effect.
- (2) A senior officer may give a notice for the purpose of forfeiting money held in the frozen account (whether all or part of the credit balance of the account) if satisfied that the money—
- (a) is within subsection (1)(a) or (b) of section 1, or
 - (b) is property earmarked as terrorist property.
- (3) A notice given under sub-paragraph (2) is referred to in this Part of this Schedule as an account forfeiture notice.
- (4) An account forfeiture notice must—
- (a) state the amount of money held in the frozen account which it is proposed be forfeited,
 - (b) confirm that the senior officer is satisfied as mentioned in sub-paragraph (2),
 - (c) specify a period for objecting to the proposed forfeiture and an address to which any objections must be sent, and
 - (d) explain that the money will be forfeited unless an objection is received at that address within the period for objecting.
- (5) The period for objecting must be at least 30 days starting with the day after the notice is given.
- (6) If no objection is made within the period for objecting, and the notice has not lapsed under paragraph 10Y—
- (a) the amount of money stated in the notice is forfeited (subject to paragraph 10Z),

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- (b) the [^{F35}relevant financial institution] with which the frozen account is maintained must transfer that amount of money into an interest-bearing account nominated by an enforcement officer, and
 - (c) immediately after the transfer has been made, the account freezing order made in relation to the frozen account ceases to have effect.
- (7) An objection may be made by anyone (whether a recipient of the notice or not).
- (8) An objection means a written objection sent to the address specified in the notice; and an objection is made when it is received at the address.
- (9) An objection does not prevent forfeiture of the money held in the frozen account under paragraph 10Z2.

Textual Amendments

F35 Words in Sch. 1 para. 10W(6)(b) substituted (retrospectively) by [Financial Services Act 2021 \(c. 22\)](#), s. 33(2), [Sch. 12 para. 6](#) (with s. 33(4))

Giving of account forfeiture notice

- 10X (1) The Secretary of State must by regulations made by statutory instrument make provision about how an account forfeiture notice is to be given.
- (2) The regulations may (amongst other things) provide—
- (a) for an account forfeiture notice to be given to such person or persons, and in such manner, as may be prescribed;
 - (b) for circumstances in which, and the time at which, an account forfeiture notice is to be treated as having been given.
- (3) The regulations must ensure that where an account forfeiture notice is given it is, if possible, given to every person to whom notice of the account freezing order was given.
- (4) A statutory instrument containing regulations under this paragraph is subject to annulment in pursuance of a resolution of either House of Parliament.

Lapse of account forfeiture notice

- 10Y (1) An account forfeiture notice lapses if—
- (a) an objection is made within the period for objecting specified in the notice under paragraph 10W(4)(c),
 - (b) an application is made under paragraph 10Z2 for the forfeiture of money held in the frozen account, or
 - (c) an order is made under paragraph 10T setting aside (or recalling) the relevant account freezing order.
- (2) If an account forfeiture notice lapses under sub-paragraph (1)(a), the relevant account freezing order ceases to have effect at the end of the period of 48 hours starting with the making of the objection (“the 48-hour period”).
- (3) If within the 48-hour period an application is made—

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- (a) for a variation of the relevant account freezing order under paragraph 10T so as to extend the period specified in the order, or
 - (b) for forfeiture of money held in the frozen account under paragraph 10Z2, the order continues to have effect until the relevant time (and then ceases to have effect).
- (4) In the case of an application of the kind mentioned in sub-paragraph (3)(a), the relevant time means—
- (a) if an extension is granted, the time determined in accordance with paragraph 10S(3), or
 - (b) if an extension is not granted, the time when the application is determined or otherwise disposed of.
- (5) In the case of an application of the kind mentioned in sub-paragraph (3)(b), the relevant time is the time determined in accordance with paragraph 10Z2(6).
- (6) If within the 48-hour period it is decided that no application of the kind mentioned in sub-paragraph (3)(a) or (b) is to be made, an enforcement officer must, as soon as possible, notify the [^{F36}relevant financial institution] with which the frozen account is maintained of that decision.
- (7) [^{F37}If the relevant financial institution] is notified in accordance with sub-paragraph (6) before the expiry of the 48-hour period, the relevant account freezing order ceases to have effect [^{F38}on the institution] being so notified.
- (8) In relation to an account forfeiture notice—
- (a) “the frozen account” is the account in which the money to which the account forfeiture notice relates is held;
 - (b) “the relevant account freezing order” is the account freezing order made in relation to the frozen account.
- (9) In calculating a period of 48 hours for the purposes of this paragraph no account is to be taken of—
- (a) any Saturday or Sunday,
 - (b) Christmas Day,
 - (c) Good Friday, or
 - (d) any day that is a bank holiday under the Banking and Financial Dealings Act 1971 in the part of the United Kingdom in which the account freezing order was made.

Textual Amendments

- F36** Words in Sch. 1 para. 10Y(6) substituted (retrospectively) by [Financial Services Act 2021 \(c. 22\)](#), s. 33(2), [Sch. 12 para. 7\(2\)](#) (with s. 33(4))
- F37** Words in Sch. 1 para. 10Y(7) substituted (retrospectively) by [Financial Services Act 2021 \(c. 22\)](#), s. 33(2), [Sch. 12 para. 7\(3\)\(a\)](#) (with s. 33(4))
- F38** Words in Sch. 1 para. 10Y(7) substituted (retrospectively) by [Financial Services Act 2021 \(c. 22\)](#), s. 33(2), [Sch. 12 para. 7\(3\)\(b\)](#) (with s. 33(4))

Status: Point in time view as at 27/06/2017.

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Application to set aside forfeiture

- 10Z (1) A person aggrieved by the forfeiture of money in pursuance of paragraph 10W(6)(a) may apply to the relevant court for an order setting aside the forfeiture of the money or any part of it.
- (2) The application must be made before the end of the period of 30 days starting with the day on which the period for objecting ended (“the 30-day period”).
- (3) But the relevant court may give permission for an application to be made after the 30-day period has ended if it thinks that there are exceptional circumstances to explain why the applicant—
- (a) failed to object to the forfeiture within the period for objecting, and
 - (b) failed to make an application within the 30-day period.
- (4) On an application under this paragraph the relevant court must consider whether the money to which the application relates could be forfeited under paragraph 10Z2 (ignoring the forfeiture mentioned in sub-paragraph (1)).
- (5) If the relevant court is satisfied that the money to which the application relates or any part of it could not be forfeited under that paragraph it must set aside the forfeiture of that money or part.
- (6) Where the relevant court sets aside the forfeiture of any money—
- (a) it must order the release of that money, and
 - (b) the money is to be treated as never having been forfeited.
- (7) Where money is released by virtue of sub-paragraph (6)(a), there must be added to the money on its release any interest accrued on it whilst in the account referred to in paragraph 10W(6)(b).

Application of money forfeited under account forfeiture notice

- 10Z1 (1) Money forfeited in pursuance of paragraph 10W(6)(a), and any interest accrued on it whilst in the account referred to in paragraph 10W(6)(b)—
- (a) if, before being forfeited, the money was held in an account in relation to which an account freezing order made by a magistrates' court had effect, is to be paid into the Consolidated Fund;
 - (b) if, before being forfeited, the money was held in an account in relation to which an account freezing order made by the sheriff had effect, 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 application under paragraph 10Z may be made (ignoring the possibility of an application by virtue of paragraph 10Z(3)), or
 - (b) if an application is made within that period, before the application is determined or otherwise disposed of.

Forfeiture order

- 10Z2 (1) This paragraph applies while an account freezing order has effect.
- (2) An application for the forfeiture of money held in the frozen account (whether all or part of the credit balance of the account) may be made—

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- (a) to a magistrates' court, by an enforcement officer, or
 - (b) to the sheriff, by the Scottish Ministers.
- (3) The court or sheriff may order the forfeiture of the money or any part of it if satisfied that the money or part—
- (a) is within subsection (1)(a) or (b) of section 1, or
 - (b) is property earmarked as terrorist property.
- (4) But in the case of property earmarked as terrorist property which belongs to joint tenants, one of whom is an excepted joint owner, an order by a magistrates' court may not apply to so much of it as the court thinks is attributable to the excepted joint owner's share.
- (5) For the purposes of sub-paragraph (4)—
- (a) an excepted joint owner is a joint tenant who obtained the property in circumstances in which it would not (as against him or her) be earmarked, and
 - (b) references to the excepted joint owner's share of property are to so much of the property as would have been his or hers if the joint tenancy had been severed.
- (6) Where an application is made under sub-paragraph (2), the account freezing order is to continue to have effect until the time referred to in sub-paragraph (7)(b) or (8).
- (7) Where money held in a frozen account is ordered to be forfeited under sub-paragraph (3)—
- (a) the ^{F39}[relevant financial institution] with which the frozen account is maintained must transfer that amount of money into an interest-bearing account nominated by an enforcement officer, and
 - (b) immediately after the transfer has been made the account freezing order made in relation to the frozen account ceases to have effect.
- (8) Where, other than by the making of an order under sub-paragraph (3), an application under sub-paragraph (2) is determined or otherwise disposed of, the account freezing order ceases to have effect immediately after that determination or other disposal.

Textual Amendments

F39 Words in Sch. 1 para. 10Z2(7)(a) substituted (retrospectively) by [Financial Services Act 2021 \(c. 22\)](#), s. 33(2), [Sch. 12 para. 8](#) (with s. 33(4))

Continuation of account freezing order pending appeal

- 10Z3 (1) This paragraph applies where, on an application under sub-paragraph (2) of paragraph 10Z2 in relation to an account to which an account freezing order applies, the court or sheriff decides—
- (a) to make an order under sub-paragraph (3) of that paragraph in relation to part only of the money to which the application related, or
 - (b) not to make an order under sub-paragraph (3) of that paragraph.

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- (2) The person who made the application under paragraph 10Z2(2) may apply without notice to the court or sheriff that made the decision referred to in sub-paragraph (1) (a) or (b) for an order that the account freezing order is to continue to have effect.
- (3) Where the court or sheriff makes an order under sub-paragraph (2) the account freezing order is to continue to have effect until—
 - (a) the end of the period of 48 hours starting with the making of the order under sub-paragraph (2), or
 - (b) if within that period of 48 hours an appeal is brought under paragraph 10Z4 against the decision referred to in sub-paragraph (1)(a) or (b), the time when the appeal is determined or otherwise disposed of.
- (4) Sub-paragraph (9) of paragraph 10Y applies for the purposes of sub-paragraph (3) as it applies for the purposes of that paragraph.

Appeal against decision under paragraph 10Z2

- 10Z4 (1) Any party to proceedings for an order for the forfeiture of money under paragraph 10Z2 who is aggrieved by an order under that paragraph or by the decision of the court not to make such an order may appeal—
- (a) from an order or decision of a magistrates' court in England and Wales, to the Crown Court;
 - (b) from an order or decision of the sheriff, to the Sheriff Appeal Court;
 - (c) from an order or decision of a magistrates' court in Northern Ireland, to a county court.
- (2) An appeal under sub-paragraph (1) must be made before the end of the period of 30 days starting with the day on which the court makes the order or decision.
 - (3) Sub-paragraph (2) is subject to paragraph 10Z5.
 - (4) The court hearing the appeal may make any order it thinks appropriate.
 - (5) If the court upholds an appeal against an order forfeiting the money, it may order the release of the whole or any part of the money.
 - (6) Where money is released by virtue of sub-paragraph (5), there must be added to the money on its release any interest accrued on it whilst in the account referred to in paragraph 10Z2(7)(a).

Extended time for appealing in certain cases where deproscription order made

- 10Z5 (1) This paragraph applies where—
- (a) a successful application for an order under paragraph 10Z2 relies (wholly or partly) on the fact that an organisation is proscribed,
 - (b) an application under section 4 of the Terrorism Act 2000 for a deproscription order in respect of the organisation is refused by the Secretary of State,
 - (c) the money forfeited by the order under paragraph 10Z2 was made subject to an account freezing order on or after the date of the refusal of that application,
 - (d) an appeal against that refusal is allowed under section 5 of the Terrorism Act 2000,
 - (e) a deproscription order is made accordingly, and

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- (f) if the order is made in reliance on section 123(5) of the Terrorism Act 2000, a resolution is passed by each House of Parliament under section 123(5)(b) of that Act.
- (2) Where this paragraph applies, an appeal under paragraph 10Z4 against the making of an order under paragraph 10Z2 may be brought at any time before the end of the period of 30 days beginning with the date on which the deproscription order comes into force.
- (3) In this paragraph a “deproscription order” means an order under section 3(3)(b) or (8) of the Terrorism Act 2000.

Application of money forfeited under account forfeiture order

- 10Z6 (1) Money forfeited by an order under paragraph 10Z2, and any interest accrued on it whilst in the account referred to in sub-paragraph (7)(a) of that paragraph—
- (a) if forfeited by a magistrates' court, is to be paid into the Consolidated Fund, and
 - (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 10Z4 may be made, or
 - (b) if a person appeals under that paragraph, before the appeal is determined or otherwise disposed of.

Compensation

- 10Z7 (1) This paragraph applies if—
- (a) an account freezing order is made, and
 - (b) none of the money held in the account to which the order applies is forfeited in pursuance of an account forfeiture notice or by an order under paragraph 10Z2.
- (2) Where this paragraph applies a person by or for whom the account to which the account freezing order applies is operated may make an application to the relevant court for compensation.
- (3) If the relevant court is satisfied that the applicant has suffered loss as a result of the making of the account freezing order and that the circumstances are exceptional, the relevant court may order compensation to be paid to the applicant.
- (4) The amount of compensation to be paid is the amount the relevant court thinks reasonable, having regard to the loss suffered and any other relevant circumstances.
- (5) If the account freezing order was applied for 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 the Police Service of Scotland, it is to be paid by the Scottish Police Authority;

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- (c) in the case of a police officer within the meaning of the Police (Northern Ireland) Act 2000, it is to be paid out of money provided by the Chief Constable of the Police Service of Northern Ireland.
- (6) If the account freezing order was applied for by a counter-terrorism financial investigator, the compensation is to be paid as follows—
 - (a) in the case of an investigator who was—
 - (i) a member of the civilian staff of a police force (including the metropolitan police force), within the meaning of Part 1 of the Police Reform and Social Responsibility Act 2011, or
 - (ii) a member of staff of the City of London police force,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 an investigator who was a member of staff of the Police Service of Northern Ireland, it is to be paid out of money provided by the Chief Constable of the Police Service of Northern Ireland.]

[^{F40}PART 4C

OFFENCES

Textual Amendments

F40 Sch. 1 Pt. 4C inserted (E.W.N.I.) (27.4.2017 for specified purposes, 27.6.2017 in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), ss. [42\(2\)](#), [58\(4\)\(6\)](#)

Offences in relation to counter-terrorism financial investigators

- 10Z8 (1) A person commits an offence if the person assaults a counter-terrorism financial investigator who is acting in the exercise of a power under this Schedule.
- (2) A person commits an offence if the person resists or wilfully obstructs a counter-terrorism financial investigator who is acting in the exercise of a power under this Schedule.
- (3) A person guilty of an offence under sub-paragraph (1) is liable—
- (a) on summary conviction in England and Wales, to imprisonment for a term not exceeding 51 weeks, or to a fine, or to both;
 - (b) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 6 months, or to a fine not exceeding level 5 on the standard scale, or to both.
- (4) A person guilty of an offence under sub-paragraph (2) is liable—
- (a) on summary conviction in England and Wales, to imprisonment for a term not exceeding 51 weeks, or to a fine not exceeding level 3 on the standard scale, or to both;
 - (b) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 1 month, or to a fine not exceeding level 3 on the standard scale, or to both.

Status: Point in time view as at 27/06/2017.

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- (5) In relation to an offence committed before the coming into force of section 281(5) of the Criminal Justice Act 2003 (alteration of penalties for certain summary offences: England and Wales)—
- (a) the reference to 51 weeks in sub-paragraph (3)(a) is to be read as a reference to 6 months;
 - (b) the reference to 51 weeks in sub-paragraph (4)(a) is to be read as a reference to 1 month.]

[^{F41}PART 4D

PROCEEDINGS UNDER THIS SCHEDULE

Textual Amendments

- F41** Sch. 1 Pt. 4D inserted (27.4.2017 for specified purposes) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(5)(6), [Sch. 5 para. 16\(15\)](#)

Powers for prosecutors to appear in proceedings

- 10Z9 (1) The Director of Public Prosecutions or the Director of Public Prosecutions for Northern Ireland may appear for a person mentioned in sub-paragraph (2) in proceedings under this Schedule if the Director—
- (a) is asked by, or on behalf of, the person to do so, and
 - (b) considers it appropriate to do so.
- (2) The persons referred to in sub-paragraph (1) are—
- (a) a constable;
 - (b) a counter-terrorism financial investigator;
 - (c) the Commissioners for Her Majesty's Revenue and Customs;
 - (d) an officer of Revenue and Customs;
 - (e) an immigration officer.
- (3) The Director of Public Prosecutions may authorise a person (generally or specifically) to carry out the functions of the Director under sub-paragraph (1) if the person is—
- (a) a member of the Director's staff;
 - (b) a person providing services under arrangements made by the Director.
- (4) The Director of Public Prosecutions and the Director of Public Prosecutions for Northern Ireland may charge fees for the provision of services under this paragraph.]

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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.
- (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.

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- (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.

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), [^{F42}or in pursuance of a service compensation order under the Armed Forces Act 2006,] and
 - (b) apart from this sub-paragraph, the sum received would be earmarked as terrorist property,
- the property ceases to be earmarked.
- (4) If—

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- (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—
- (a) in pursuance of a requirement of the [^{F43}Financial Conduct Authority, the Prudential Regulation Authority or the Bank of England under or by virtue of] section 384(5) of the Financial Services and Markets Act 2000 (c. 8) (power ^{F44}... 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.

Textual Amendments

- F42** Words in Sch. 1 para. 16(3)(a) inserted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 16 para. 196](#); S.I. 2009/812, art. 3(a) (b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F43** Words in Sch. 1 para. 16(6) substituted (1.4.2013) by [Financial Services Act 2012 \(c. 21\)](#), s. 122(3), [Sch. 18 para. 93\(a\)](#) (with [Sch. 20](#)); S.I. 2013/423, art. 3, Sch.
- F44** Words in Sch. 1 para. 16(6) omitted (1.4.2013) by virtue of [Financial Services Act 2012 \(c. 21\)](#), s. 122(3), [Sch. 18 para. 93\(b\)](#) (with [Sch. 20](#)); S.I. 2013/423, art. 3, Sch.

Modifications etc. (not altering text)

- C1** Sch. 1 para. 16(3) modified (24.4.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [The Armed Forces Act 2006 \(Transitional Provisions etc\) Order 2009 \(S.I. 2009/1059\)](#), art. 1(3), [Sch. 1 para. 50](#)

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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.
- (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—
- [^{F45}“account forfeiture notice” (in Part 4B) has the meaning given by paragraph 10W(3),]
- [^{F45}“account freezing order” (in Part 4B) has the meaning given by paragraph 10Q(4)(a),]
- “authorised officer” means a constable [^{F46}, a counter-terrorism financial investigator], a customs officer or an immigration officer,
- [^{F45}“bank” (in Part 4B) has the meaning given by paragraph 10R,]

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[^{F45}“building society” (in Part 4B) has the meaning given by paragraph 10Q(7),]

“cash” has the meaning given by paragraph 1,

[^{F47}“cash forfeiture notice” has the meaning given by paragraph 5A(3),]

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

[^{F48}“counter-terrorism financial investigator” is to be read in accordance with section 63F of the Terrorism Act 2000,]

“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),

[^{F49}“electronic money institution” (in Part 4B) has the meaning given by paragraph 10Q(7),]

[^{F45}“enforcement officer” (in Part 4B) has the meaning given by paragraph 10Q(7),]

“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),

[^{F50}“listed asset” has the meaning given by paragraph 10A,]

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

[^{F49}“payment institution” (in Part 4B) has the meaning given by paragraph 10Q(7),]

“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),

[^{F45}“relevant court” (in Part 4B) has the meaning given by paragraph 10Q(7),]

[^{F49}“relevant financial institution” (in Part 4B) has the meaning given by paragraph 10Q(1A),]

[^{F47}“senior officer” (in Part 2A) has the meaning given by paragraph 5A(10),]

[^{F45}“senior officer” (in Part 4B) has the meaning given by paragraph 10Q(7),]

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

Status: Point in time view as at 27/06/2017.

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“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.
- (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 [^{F51}otherwise than in circumstances where the proceedings are continued without a jury] .
- [^{F52}(7) References (in Part 4B) to an account being operated by or for a person are to be read in accordance with paragraph 10Q(4)(b).]

Textual Amendments

- F45** Words in Sch. 1 para. 19(1) inserted (27.4.2017 for specified purposes, 31.1.2018 in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(1)(6), [Sch. 4 para. 3\(2\)](#); S.I. 2018/78, reg. 3(dd)
- F46** Words in Sch. 1 para. 19(1) inserted (27.4.2017 for specified purposes, 27.6.2017 in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), [ss. 41\(6\)\(b\)\(i\)](#), 58(4)(6)
- F47** Words in Sch. 1 para. 19(1) inserted (27.4.2017 for specified purposes, 31.1.2018 in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), [ss. 38\(7\)](#), 58(1)(6); S.I. 2018/78, reg. 3(u)
- F48** Words in Sch. 1 para. 19(1) inserted (27.4.2017 for specified purposes, 27.6.2017 in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), [ss. 41\(6\)\(b\)\(ii\)](#), 58(4)(6)
- F49** Words in Sch. 1 para. 19(1) inserted (retrospectively) by [Financial Services Act 2021 \(c. 22\)](#), s. 33(2), [Sch. 12 para. 9](#) (with s. 33(4))
- F50** Words in Sch. 1 para. 19(1) inserted (27.4.2017 for specified purposes, 31.1.2018 in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(1)(6), [Sch. 3 para. 3](#); S.I. 2018/78, reg. 3(cc)
- F51** 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\(c\)](#)
- F52** Sch. 1 para. 19(7) inserted (27.4.2017 for specified purposes, 31.1.2018 in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(1)(6), [Sch. 4 para. 3\(3\)](#); S.I. 2018/78, reg. 3(dd)

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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;
 - (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.

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- (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.
- (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;

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- (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—
- (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—

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- (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.
- (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—

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- “(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.”
- (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 ”.

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- (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.
- (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.

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- (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.

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.

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- (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—

“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—

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- (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.
 - (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.

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- (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;
 - (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;

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- (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
 - (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).

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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;
 - (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.

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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.

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

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- (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—
 - (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—

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- [^{F53}(a) on summary conviction—
- (i) in England and Wales, to imprisonment for a term not exceeding 12 months (or, in relation to offences committed before section 154(1) of the Criminal Justice Act 2003 comes into force, 6 months) or to a fine, or to both;
 - (ii) in Scotland, to imprisonment for a term not exceeding 12 months, or to a fine not exceeding the statutory maximum, or to both;
 - (iii) in Northern Ireland, 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 7 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 [^{F54}—
- (a) on summary conviction—
- (i) in England and Wales, to imprisonment for a term not exceeding 12 months (or, in relation to offences committed before section 154(1) of the Criminal Justice Act 2003 comes into force, 6 months) or to a fine, or to both;
 - (ii) in Scotland, to imprisonment for a term not exceeding 12 months, or to a fine not exceeding the statutory maximum, or to both;
 - (iii) in Northern Ireland, 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.]

Textual Amendments

- F53** Sch. 3 para. 7(6)(a)(b) substituted (31.1.2017 for specified purposes, 1.4.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), **ss. 145(2)**, 183(3)(5)(e) (with s. 145(10)); S.I. 2017/482, reg. 2
- F54** Words in Sch. 3 para. 7(7) substituted (31.1.2017 for specified purposes, 1.4.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), **ss. 145(3)**, 183(3)(5)(e) (with s. 145(10)); S.I. 2017/482, reg. 2

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

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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.

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);

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- (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);
- (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 [F55(1)] 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.

[F56(2) Sub-paragraph (1) does not apply if, or to the extent that, particulars of the reason would not be required to be disclosed to the applicant in proceedings to set aside the freezing order.]

Textual Amendments

- F55** Sch. 3 para. 11(2) inserted (27.11.2008) by [Counter-Terrorism Act 2008 \(c. 28\)](#), **ss. 70, 100(2)** (with [s. 101\(2\)](#))
- F56** Sch. 3 para. 11 renumbered as Sch. 3 para. 11(1) (27.11.2008) by [Counter-Terrorism Act 2008 \(c. 28\)](#), **ss. 70, 100(2)** (with [s. 101\(2\)](#))

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.

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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 F57

Textual Amendments

F57 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.

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 F58

Textual Amendments

F58 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 F59

Textual Amendments

F59 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 F60

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Textual Amendments

F60 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 **F61**

Textual Amendments

F61 Sch. 4 para. 13 repealed (1.10.2007) by Equality Act 2006 (c. 3), ss. 40, 91, 93, Sch. 3 para. 61(a), Sch. 4 (with s. 92); S.I. 2007/2603, art. 2(c)(d) (subject to art. 3)

Race Relations Act 1976 (c. 74)

14 **F62**

Textual Amendments

F62 Sch. 4 para. 14 repealed (1.10.2007) by Equality Act 2006 (c. 3), ss. 40, 91, 93, Sch. 3 para. 61(a), Sch. 4 (with s. 92); S.I. 2007/2603, art. 2(c)(d) (subject to art. 3)

Energy Act 1976 (c. 76)

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

National Health Service Act 1977 (c. 49)

16 **F63**

Textual Amendments

F63 Sch. 4 para. 16 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), ss. 2, 6, 8(2), Sch. 1 para. 220, Sch. 4 (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

Estate Agents Act 1979 (c. 38)

17 **F64**

Textual Amendments

F64 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)

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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 [^{F65}449] of the Companies Act 1985.

Textual Amendments

F65 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

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 ^{F66}

Textual Amendments

F66 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)

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Companies Act 1989 (c. 40)

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

Broadcasting Act 1990 (c. 42)

29 F67

Textual Amendments

F67 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 F68

Textual Amendments

F68 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 F69

Textual Amendments

F69 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.

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Pensions Act 1995 (c. 26)

37 F70

Textual Amendments

F70 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)

F71 41

Textual Amendments

F71 Sch. 4 para. 41 omitted (1.4.2015) by virtue of [Local Audit and Accountability Act 2014 \(c. 2\)](#), s. 49(1), [Sch. 12 para. 48\(a\)](#); S.I. 2015/841, art. 3(x)

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.

Landmines Act 1998 (c. 33)

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

Health Act 1999 (c. 8)

45 F72

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Textual Amendments

- F72** Sch. 4 para. 45 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), ss. 2, 6, 8(2), [Sch. 1 para. 220](#), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

Disability Rights Commission Act 1999 (c. 17)

46 **F73**

Textual Amendments

- F73** Sch. 4 para. 46 repealed (1.10.2007) by [Equality Act 2006 \(c. 3\)](#), ss. 40, 91, 93, [Sch. 3 para. 61\(a\)](#), [Sch. 4](#) (with s. 92); S.I. 2007/2603, [art. 2\(c\)\(d\)](#) (subject to [art. 3](#))

Access to Justice Act 1999 (c. 22)

F74 47

Textual Amendments

- F74** Sch. 4 para. 47 omitted (1.4.2013) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 5 para. 57\(a\)](#); S.I. 2013/453, [art. 3\(h\)](#) (with savings and transitional provisions in S.I. 2013/534, [art. 6](#))

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)

F75 51

Textual Amendments

- F75** Sch. 4 para. 51 omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), [Sch. 12 para. 162\(a\)](#); S.I. 2011/2329, [art. 3](#)

Utilities Act 2000 (c. 27)

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

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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.

[^{F76}53A Paragraph 8(1) of [^{F77}Schedule 10 to the National Health Service Act 2006] .]

Textual Amendments

F76 Sch. 4 para. 53A inserted (1.4.2004 for E.W.) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\)](#), ss. 34, 199(1)(4), **Sch. 4 para. 120**; S.I. 2004/759, **art. 2**

F77 Words in Sch. 4 para. 53A substituted (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), ss. 2, 8, **Sch. 1 para. 221** (with Sch. 3 Pt. 1)

^{F78}*Equality Act 2006*

Textual Amendments

F78 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.]

[^{F79}53C Paragraph 5 of Schedule 22 to the National Health Service Act 2006]

Textual Amendments

F79 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)

[^{F80}53D Section 56(2) of the Postal Services Act 2011.]

Textual Amendments

F80 Sch. 4 para. 53D inserted (1.10.2011) by [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), **Sch. 12 para. 162(b)**; S.I. 2011/2329, art. 3

[^{F81}53E Sections 34(2) and 35 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012.]

Textual Amendments

F81 Sch. 4 para. 53E inserted (1.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 5 para. 57(b)**; S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)

[^{F82}53F Paragraph 2 of Schedule 11 to the Local Audit and Accountability Act 2014.]

Status: Point in time view as at 27/06/2017.

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Textual Amendments

- F82** Sch. 4 para. 53F inserted (1.4.2015) by [Local Audit and Accountability Act 2014 \(c. 2\)](#), s. 49(1), **Sch. 12 para. 48(b)**; S.I. 2015/841, art. 3(x)

Modifications etc. (not altering text)

- C2** Sch. 4 para. 53F applied (with modifications) (E.W.) (10.2.2015) by [The Local Audit \(Appointing Person\) Regulations 2015 \(S.I. 2015/192\)](#), reg. 1(1), Sch. para. 17 (with reg. 1(2))
- C3** Sch. 4 para. 53F applied (with modifications) (E.W.) (10.2.2015) by [The Local Audit \(Smaller Authorities\) Regulations 2015 \(S.I. 2015/184\)](#), reg. 1, Sch. para. 34

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.

^{F83} Access to Justice (Northern Ireland) Order 2003

Textual Amendments

- F83** Sch. 4 Pt. 2 para. 57 and cross-heading substituted (N.I.) (1.4.2015) by [Access to Justice \(Northern Ireland\) Order 2003 \(S.I. 2003/435\)](#), art. 1(2), **Sch. 4 para. 18** (with art. 45); S.R. 2015/194, art. 2, Sch. (with art. 3)

- 57 Article 32(1) of the Access to Justice (Northern Ireland) Order 2003.]

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))

- ^{F84}59

Status: Point in time view as at 27/06/2017.

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Textual Amendments

F84 Sch. 4 para. 59 repealed (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), Sch. 1 para. 190, [Sch. 2 \(with art. 10\)](#)

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

[^{F85}Dobrava/Belgrade virus]

Eastern equine encephalitis virus

Ebola virus

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[^{F86}Everglades virus]
[^{F87}Getah virus]
[^{F88}Guanarito virus]
Hantaan virus
[^{F89}Hendra virus (Equine morbillivirus)]
[^{F90}Herpes simiae (B virus)]
[^{F91}Influenza viruses (pandemic strains)]
Japanese encephalitis virus
Junin virus
[^{F92}Kyasanur Forest virus]
Lassa fever virus
[^{F93}Louping ill virus]
Lymphocytic choriomeningitis virus
Machupo virus
Marburg virus
[^{F94}Mayaro virus]
[^{F95}Middleburg virus]
[^{F96}Mobala virus]
Monkey pox virus
[^{F97}Mucambo virus]
[^{F98}Murray Valley encephalitis virus]
[^{F99}Ndumu virus]
[^{F100}Nipah virus]
[^{F101}Omsk haemorrhagic fever virus]
[^{F102}Polio virus]
[^{F103}Powassan virus]
[^{F104}Rabies virus]
Rift Valley fever virus
[^{F105}Rocio virus]
[^{F106}Sabia virus]
[^{F107}Sagiyama virus]
[^{F108}SARS Coronavirus]
[^{F109}Sin Nombre virus]
[^{F110}St Louis encephalitis virus]
Tick-borne encephalitis virus (Russian Spring-Summer encephalitis virus)
Variola virus
Venezuelan equine encephalitis virus
Western equine encephalitis virus
[^{F111}West Nile fever virus.]
Yellow fever virus

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Textual Amendments

- F85** Words in Sch. 5 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. 3**
- F86** Words in Sch. 5 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. 3**
- F87** Words in Sch. 5 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. 3**
- F88** Words in Sch. 5 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. 3**
- F89** Words in Sch. 5 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. 3**
- F90** Words in Sch. 5 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. 3**
- F91** Words in Sch. 5 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. 3**
- F92** Words in Sch. 5 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. 3**
- F93** Words in Sch. 5 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. 3**
- F94** Words in Sch. 5 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. 3**
- F95** Words in Sch. 5 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. 3**
- F96** Words in Sch. 5 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. 3**
- F97** Words in Sch. 5 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. 3**
- F98** Words in Sch. 5 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. 3**
- F99** Words in Sch. 5 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. 3**
- F100** Words in Sch. 5 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. 3**
- F101** Words in Sch. 5 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. 3**
- F102** Words in Sch. 5 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. 3**
- F103** Words in Sch. 5 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. 3**
- F104** Words in Sch. 5 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. 3**
- F105** Words in Sch. 5 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. 3**
- F106** Words in Sch. 5 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. 3**
- F107** Words in Sch. 5 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. 3**
- F108** Sch. 5: entry added (1.10.2012) by The Schedule 5 to the Anti-terrorism, Crime and Security Act 2001 (Modification) Order 2012 (S.I. 2012/1466), arts. 1, **2(a)**
- F109** Words in Sch. 5 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. 3**

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F110 Words in Sch. 5 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. 3](#)

F111 Words in Sch. 5 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. 3](#)

Textual Amendments

F85 Words in Sch. 5 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. 3](#)

F86 Words in Sch. 5 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. 3](#)

F87 Words in Sch. 5 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. 3](#)

F88 Words in Sch. 5 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. 3](#)

F89 Words in Sch. 5 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. 3](#)

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F91 Words in Sch. 5 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. 3](#)

F92 Words in Sch. 5 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. 3](#)

F93 Words in Sch. 5 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. 3](#)

F94 Words in Sch. 5 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. 3](#)

F95 Words in Sch. 5 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. 3](#)

F96 Words in Sch. 5 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. 3](#)

F97 Words in Sch. 5 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. 3](#)

F98 Words in Sch. 5 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. 3](#)

F99 Words in Sch. 5 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. 3](#)

F100 Words in Sch. 5 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. 3](#)

F101 Words in Sch. 5 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. 3](#)

F102 Words in Sch. 5 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. 3](#)

F103 Words in Sch. 5 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. 3](#)

F104 Words in Sch. 5 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. 3](#)

F105 Words in Sch. 5 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. 3](#)

F106 Words in Sch. 5 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. 3](#)

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- F107** Words in Sch. 5 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. 3**
- F108** Sch. 5: entry added (1.10.2012) by The Schedule 5 to the Anti-terrorism, Crime and Security Act 2001 (Modification) Order 2012 (S.I. 2012/1466), arts. 1, **2(a)**
- F109** Words in Sch. 5 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. 3**
- F110** Words in Sch. 5 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. 3**
- F111** Words in Sch. 5 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. 3**

RICKETTSIAE

- F112**
- Coxiella burnetii
Rickettsia prowazeki
Rickettsia rickettsii
[^{F113}Rickettsia typhi (mooseri).]

Textual Amendments

- F112** Words in Sch. 5 omitted (2.4.2007) by virtue of The Schedule 5 to the Anti-terrorism, Crime and Security Act 2001 (Modification) Order 2007 (S.I. 2007/929), **art. 4(a)**
- F113** Words in Sch. 5 added (2.4.2007) by The Schedule 5 to the Anti-terrorism, Crime and Security Act 2001 (Modification) Order 2007 (S.I. 2007/929), **art. 4(b)**

Textual Amendments

- F112** Words in Sch. 5 omitted (2.4.2007) by virtue of The Schedule 5 to the Anti-terrorism, Crime and Security Act 2001 (Modification) Order 2007 (S.I. 2007/929), **art. 4(a)**
- F113** Words in Sch. 5 added (2.4.2007) by The Schedule 5 to the Anti-terrorism, Crime and Security Act 2001 (Modification) Order 2007 (S.I. 2007/929), **art. 4(b)**

BACTERIA

- Bacillus anthracis
Brucella abortus
[^{F114}Brucella canis]
Brucella melitensis
Brucella suis
Burkholderia mallei (Pseudomonas mallei)
Burkholderia pseudomallei (Pseudomonas pseudomallei)
Chlamydophila psittaci
Clostridium botulinum
F115 ...
[^{F116}Enterohaemorrhagic Escherichia coli, serotype O157 and verotoxin producing strains]

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Francisella tularensis

[^{F117}Multiple-drug resistant Salmonella paratyphi]

F115
...

[^{F118}Salmonella paratyphi A, B, C]

Salmonella typhi

[^{F119}Shigella boydii]

Shigella dysenteriae

[^{F120}Shigella flexneri.]

Vibrio cholerae

Yersinia pestis

Textual Amendments

- F114** Words in Sch. 5 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. 5](#)
- F115** Sch. 5: entries omitted (1.10.2012) by virtue of The Schedule 5 to the Anti-terrorism, Crime and Security Act 2001 (Modification) Order 2012 (S.I. 2012/1466), [arts. 1, 2\(b\)](#)
- F116** Words in Sch. 5 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. 5](#)
- F117** Words in Sch. 5 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. 5](#)
- F118** Words in Sch. 5 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. 5](#)
- F119** Words in Sch. 5 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. 5](#)
- F120** Words in Sch. 5 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. 5](#)

Textual Amendments

- F114** Words in Sch. 5 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. 5](#)
- F115** Sch. 5: entries omitted (1.10.2012) by virtue of The Schedule 5 to the Anti-terrorism, Crime and Security Act 2001 (Modification) Order 2012 (S.I. 2012/1466), [arts. 1, 2\(b\)](#)
- F116** Words in Sch. 5 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. 5](#)
- F117** Words in Sch. 5 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. 5](#)
- F118** Words in Sch. 5 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. 5](#)
- F119** Words in Sch. 5 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. 5](#)
- F120** Words in Sch. 5 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. 5](#)

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F121
...

Textual Amendments

F121 Sch. 5: list omitted (1.10.2012) by virtue of [The Schedule 5 to the Anti-terrorism, Crime and Security Act 2001 \(Modification\) Order 2012 \(S.I. 2012/1466\)](#), arts. 1, **2(c)**

TOXINS

[^{F122}Abrin]

F123

Botulinum toxins

[^{F124}Clostridium perfringens epsilon toxin

Clostridium perfringens enterotoxin]

Conotoxin

F125

[^{F126}Modeccin toxin]

Ricin

Saxitoxin

Shiga [^{F127}and shiga-like toxins]

F128

[^{F129}Staphylococcal enterotoxins]

Tetrodotoxin

F130

[^{F131}Viscum Album Lectin 1 (Viscumin)]

[^{F132}Volkensin toxin.]

Textual Amendments

F122 Word in Sch. 5 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. 7(2)**

F123 Words in Sch. 5 omitted (2.4.2007) by virtue of [The Schedule 5 to the Anti-terrorism, Crime and Security Act 2001 \(Modification\) Order 2007 \(S.I. 2007/929\)](#), **art. 7(5)**

F124 Words in Sch. 5 substituted (2.4.2007) by [The Schedule 5 to the Anti-terrorism, Crime and Security Act 2001 \(Modification\) Order 2007 \(S.I. 2007/929\)](#), **art. 7(4)**

F125 Words in Sch. 5 omitted (2.4.2007) by virtue of [The Schedule 5 to the Anti-terrorism, Crime and Security Act 2001 \(Modification\) Order 2007 \(S.I. 2007/929\)](#), **art. 7(5)**

F126 Words in Sch. 5 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. 7(2)**

F127 Words in Sch. 5 substituted (2.4.2007) by [The Schedule 5 to the Anti-terrorism, Crime and Security Act 2001 \(Modification\) Order 2007 \(S.I. 2007/929\)](#), **art. 7(3)**

F128 Words in Sch. 5 omitted (2.4.2007) by virtue of [The Schedule 5 to the Anti-terrorism, Crime and Security Act 2001 \(Modification\) Order 2007 \(S.I. 2007/929\)](#), **art. 7(5)**

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- F129** Words in Sch. 5 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. 7\(2\)](#)
- F130** Words in Sch. 5 omitted (2.4.2007) by virtue of The Schedule 5 to the Anti-terrorism, Crime and Security Act 2001 (Modification) Order 2007 (S.I. 2007/929), [art. 7\(5\)](#)
- F131** Words in Sch. 5 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. 7](#)
- F132** Words in Sch. 5 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. 7](#)

Textual Amendments

- F122** Word in Sch. 5 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. 7\(2\)](#)
- F123** Words in Sch. 5 omitted (2.4.2007) by virtue of The Schedule 5 to the Anti-terrorism, Crime and Security Act 2001 (Modification) Order 2007 (S.I. 2007/929), [art. 7\(5\)](#)
- F124** Words in Sch. 5 substituted (2.4.2007) by The Schedule 5 to the Anti-terrorism, Crime and Security Act 2001 (Modification) Order 2007 (S.I. 2007/929), [art. 7\(4\)](#)
- F125** Words in Sch. 5 omitted (2.4.2007) by virtue of The Schedule 5 to the Anti-terrorism, Crime and Security Act 2001 (Modification) Order 2007 (S.I. 2007/929), [art. 7\(5\)](#)
- F126** Words in Sch. 5 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. 7\(2\)](#)
- F127** Words in Sch. 5 substituted (2.4.2007) by The Schedule 5 to the Anti-terrorism, Crime and Security Act 2001 (Modification) Order 2007 (S.I. 2007/929), [art. 7\(3\)](#)
- F128** Words in Sch. 5 omitted (2.4.2007) by virtue of The Schedule 5 to the Anti-terrorism, Crime and Security Act 2001 (Modification) Order 2007 (S.I. 2007/929), [art. 7\(5\)](#)
- F129** Words in Sch. 5 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. 7\(2\)](#)
- F130** Words in Sch. 5 omitted (2.4.2007) by virtue of The Schedule 5 to the Anti-terrorism, Crime and Security Act 2001 (Modification) Order 2007 (S.I. 2007/929), [art. 7\(5\)](#)
- F131** Words in Sch. 5 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. 7](#)
- F132** Words in Sch. 5 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. 7](#)

[^{F133}NOTES]

Textual Amendments

- F133** Sch. 5: Notes substituted (2.4.2007) by The Schedule 5 to the Anti-terrorism, Crime and Security Act 2001 (Modification) Order 2007 (S.I. 2007/929), [art. 8](#)

- ^{F134} Any reference in this Schedule to a micro-organism includes:
- (a) intact micro-organisms;
 - (b) micro-organisms which have been genetically modified by any means, but retain the ability to cause serious harm to human health;
 - (c) any nucleic acid deriving from a micro-organism listed in this Schedule (synthetic or naturally derived, contiguous or fragmented, in host chromosomes or in expression vectors) that can encode infectious or replication competent forms of any of the listed micro-organisms;

Status: Point in time view as at 27/06/2017.

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 26 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)

- (d) any nucleic acid sequence derived from the micro-organism which when inserted into any other living organism alters or enhances that organism's ability to cause serious harm to human health.]

Textual Amendments

F134 Sch. 5: Notes substituted (2.4.2007) by The Schedule 5 to the Anti-terrorism, [Crime and Security Act 2001 \(Modification\) Order 2007 \(S.I. 2007/929\)](#), **art. 8**

- [^{F1352} Any reference in this Schedule to a toxin includes:
- (a) any nucleic acid sequence coding for the toxin, and
 - (b) any genetically modified micro-organism containing any such sequence.]

Textual Amendments

F135 Sch. 5: Notes substituted (2.4.2007) by The Schedule 5 to the Anti-terrorism, [Crime and Security Act 2001 \(Modification\) Order 2007 \(S.I. 2007/929\)](#), **art. 8**

- [^{F1363} Any reference in this Schedule to a toxin excludes any non-toxigenic subunit.]

Textual Amendments

F136 Sch. 5: Notes substituted (2.4.2007) by The Schedule 5 to the Anti-terrorism, [Crime and Security Act 2001 \(Modification\) Order 2007 \(S.I. 2007/929\)](#), **art. 8**

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.

Status: Point in time view as at 27/06/2017.

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 26 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)

Procedure

- 4 (1) The Commission shall sit at such times and in such places as the Lord Chancellor may direct [^{F137} 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 [^{F138}Part 3 of the Constitutional Reform Act 2005) or is or has been a member of the Judicial Committee of the Privy Council;] and
 - (c) the chairman or another member nominated by him shall preside and report the Commission's decision.
- [^{F139}(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)—
- (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

F137 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)

F138 Words in Sch. 6 para. 4(3)(b) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), s. 148\(1\), Sch. 17 para. 31](#); [S.I. 2009/1604, art. 2\(e\)](#)

F139 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);

Status: Point in time view as at 27/06/2017.

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 26 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)

- (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.
- 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 [^{F140}Advocate 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.

Status: Point in time view as at 27/06/2017.

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 26 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

F140 Words in Sch. 6 para. 6(2)(c) substituted (12.4.2010) by [Counter-Terrorism Act 2008 \(c. 28\), s. 91\(2\)\(3\)](#) (with [s. 101\(2\)](#))

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—
- (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;

Status: Point in time view as at 27/06/2017.

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 26 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)

- (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 ”.
- (3) In subsection (2), after “constable” insert “ or a member of the British Transport Police Force ”.
- 6 F141

Textual Amendments

F141 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(jjj)(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.

Status: Point in time view as at 27/06/2017.

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 26 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)*

F1429

Textual Amendments

F142 Sch. 7 para. 9 repealed (13.5.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), ss. **112(2)(b)**, 185(1) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 3, Sch. para. 8

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.”

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.”

Status: Point in time view as at 27/06/2017.

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 26 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)

- (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—
- “(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

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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 F143

Textual Amendments

F143 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 F144

Textual Amendments

F144 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

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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.”

F145 31

Textual Amendments

F145 Sch. 7 para. 31 repealed (10.7.2012) by [Protection of Freedoms Act 2012 \(c. 9\)](#), s. 120, [Sch. 10 Pt. 4](#) (with s. 97); S.I. 2012/1205, art. 4(1)

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—

“British Transport Police Force Section 121”,

and

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

Status: Point in time view as at 27/06/2017.

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 26 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)

PART 4

RACE AND RELIGION

<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”.
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”.

This repeal and this revocation have effect subject to section 42.

PART 5

CIVIL NUCLEAR SECURITY

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](#)

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”.

PART 6

POLICE POWERS

Commencement Information

12 [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](#)

<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.

Status: Point in time view as at 27/06/2017.

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 26 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)

Crime and Disorder Act 1998 (c. 37)

Section 25(1).

PART 7

MISCELLANEOUS

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

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).

Status:

Point in time view as at 27/06/2017.

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 26 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.