



# Terrorism Act 2000

## 2000 CHAPTER 11

### PART III

#### TERRORIST PROPERTY

##### *Interpretation*

#### **14 Terrorist property.**

- (1) In this Act “terrorist property” means—
- (a) money or other property which is likely to be used for the purposes of terrorism (including any resources of a proscribed organisation),
  - (b) proceeds of the commission of acts of terrorism, and
  - (c) proceeds of acts carried out for the purposes of terrorism.
- (2) In subsection (1)—
- (a) a reference to proceeds of an act includes a reference to any property which wholly or partly, and directly or indirectly, represents the proceeds of the act (including payments or other rewards in connection with its commission), and
  - (b) the reference to an organisation’s resources includes a reference to any money or other property which is applied or made available, or is to be applied or made available, for use by the organisation.

##### *Offences*

#### **15 Fund-raising.**

- (1) A person commits an offence if he—
- (a) invites another to provide money or other property, and
  - (b) intends that it should be used, or has reasonable cause to suspect that it may be used, for the purposes of terrorism.

*Status: Point in time view as at 22/04/2011.*

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- (2) A person commits an offence if he—
- (a) receives money or other property, and
  - (b) intends that it should be used, or has reasonable cause to suspect that it may be used, for the purposes of terrorism.
- (3) A person commits an offence if he—
- (a) provides money or other property, and
  - (b) knows or has reasonable cause to suspect that it will or may be used for the purposes of terrorism.
- (4) In this section a reference to the provision of money or other property is a reference to its being given, lent or otherwise made available, whether or not for consideration.

**Modifications etc. (not altering text)**

C1 S. 15 applied (19.2.2001) by [S.I. 2001/192, reg. 3](#)

**16 Use and possession.**

- (1) A person commits an offence if he uses money or other property for the purposes of terrorism.
- (2) A person commits an offence if he—
- (a) possesses money or other property, and
  - (b) intends that it should be used, or has reasonable cause to suspect that it may be used, for the purposes of terrorism.

**Modifications etc. (not altering text)**

C2 S. 16 applied (19.2.2001) by [S.I. 2001/192, reg. 3](#)

**17 Funding arrangements.**

A person commits an offence if—

- (a) he enters into or becomes concerned in an arrangement as a result of which money or other property is made available or is to be made available to another, and
- (b) he knows or has reasonable cause to suspect that it will or may be used for the purposes of terrorism.

**Modifications etc. (not altering text)**

C3 S. 17 applied (19.2.2001) by [S.I. 2001/192, reg. 3](#)

**18 Money laundering.**

- (1) A person commits an offence if he enters into or becomes concerned in an arrangement which facilitates the retention or control by or on behalf of another person of terrorist property—

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- (a) by concealment,
  - (b) by removal from the jurisdiction,
  - (c) by transfer to nominees, or
  - (d) in any other way.
- (2) It is a defence for a person charged with an offence under subsection (1) to prove that he did not know and had no reasonable cause to suspect that the arrangement related to terrorist property.

**Modifications etc. (not altering text)**

C4 S. 18 applied (19.2.2001) by S.I. 2001/192, reg. 3

**19 Disclosure of information: duty.**

- (1) This section applies where a person—
- (a) believes or suspects that another person has committed an offence under any of sections 15 to 18, and
  - (b) bases his belief or suspicion on information which [<sup>F1</sup>comes to his attention—
    - (i) in the course of a trade, profession or business, or
    - (ii) in the course of his employment (whether or not in the course of a trade, profession or business).]

[<sup>F2</sup>(1A) But this section does not apply if the information came to the person in the course of a business in the regulated sector.]

- (2) The person commits an offence if he does not disclose to a constable as soon as is reasonably practicable—
- (a) his belief or suspicion, and
  - (b) the information on which it is based.
- (3) It is a defence for a person charged with an offence under subsection (2) to prove that he had a reasonable excuse for not making the disclosure.
- (4) Where—
- (a) a person is in employment,
  - (b) his employer has established a procedure for the making of disclosures of the matters specified in subsection (2), and
  - (c) he is charged with an offence under that subsection,
- it is a defence for him to prove that he disclosed the matters specified in that subsection in accordance with the procedure.
- (5) Subsection (2) does not require disclosure by a professional legal adviser of—
- (a) information which he obtains in privileged circumstances, or
  - (b) a belief or suspicion based on information which he obtains in privileged circumstances.
- (6) For the purpose of subsection (5) information is obtained by an adviser in privileged circumstances if it comes to him, otherwise than with a view to furthering a criminal purpose—

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- (a) from a client or a client's representative, in connection with the provision of legal advice by the adviser to the client,
  - (b) from a person seeking legal advice from the adviser, or from the person's representative, or
  - (c) from any person, for the purpose of actual or contemplated legal proceedings.
- (7) For the purposes of subsection (1)(a) a person shall be treated as having committed an offence under one of sections 15 to 18 if—
- (a) he has taken an action or been in possession of a thing, and
  - (b) he would have committed an offence under one of those sections if he had been in the United Kingdom at the time when he took the action or was in possession of the thing.
- [<sup>F3</sup>(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 [<sup>F4</sup>member of the staff of the Serious Organised Crime Agency] authorised for the purposes of this section by the Director General of [<sup>F5</sup>that Agency].]
- (8) A person guilty of an offence under this section shall be liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding five years, to a fine or to both, or
  - (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.

#### Textual Amendments

- F1** Words in s. 19(1)(b) substituted (16.2.2009) by Counter-Terrorism Act 2008 (c. 28), **ss. 77(2), 100** (with s. 101(2)); S.I. 2009/58, **art. 2(e)**
- F2** S. 19(1A) inserted (20.12.2001) by 2001 c. 24, s. 3, **Sch. 2 Pt. 3 para. 5(3)**; S.I. 2001/4019, **art. 2(1)(c)**
- F3** S. 19(7A)(7B) inserted (20.12.2001) by 2001 c. 24, s. 3, **Sch. 2 Pt. 3 para. 5(4)**; S.I. 2001/4019, **art. 2(1)(c)**
- F4** Words in s. 19(7B) substituted (1.4.2006 subject to art. 4(2)-(7) of the commencing S.I.) by Serious Organised Crime and Police Act 2005 (c. 15), s. 59, **Sch. 4 para. 126(a)**; S.I. 2006/378, **art. 4(1)**, Sch.
- F5** Words in s. 19(7B) substituted (1.4.2006 subject to art. 4(2)-(7) of the commencing S.I.) by Serious Organised Crime and Police Act 2005 (c. 15), s. 59, **Sch. 4 para. 126(b)**; S.I. 2006/378, **art. 4(1)**, Sch.

#### Modifications etc. (not altering text)

- C5** S. 19 applied (19.2.2001) by S.I. 2001/192, **reg. 3**  
S. 19 restricted (19.2.2001) by S.I. 2001/192, **reg. 4**
- C6** S. 19(2) modified (16.2.2009) by Counter-Terrorism Act 2008 (c. 28), **ss. 77(4), 100** (with s. 101(2)); S.I. 2009/58, **art. 2(e)**

## 20 Disclosure of information: permission.

- (1) A person may disclose to a constable—
- (a) a suspicion or belief that any money or other property is terrorist property or is derived from terrorist property;
  - (b) any matter on which the suspicion or belief is based.

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- (2) A person may make a disclosure to a constable in the circumstances mentioned in section 19(1) and (2).
- (3) Subsections (1) and (2) shall have effect notwithstanding any restriction on the disclosure of information imposed by statute or otherwise.
- (4) Where—
  - (a) a person is in employment, and
  - (b) his employer has established a procedure for the making of disclosures of the kinds mentioned in subsection (1) and section 19(2),subsections (1) and (2) shall have effect in relation to that person as if any reference to disclosure to a constable included a reference to disclosure in accordance with the procedure.
- [<sup>F6</sup>(5) References to a constable include references to a [<sup>F7</sup>member of the staff of the Serious Organised Crime Agency] authorised for the purposes of this section by the Director General of [<sup>F8</sup>that Agency] .]

#### Textual Amendments

- F6** S. 20(5) inserted (20.12.2001) by 2001 c. 24, s. 3, **Sch. 2 Pt. 3 para. 5(5)**; S.I. 2001/4019, **art. 2(1)(e)**
- F7** Words in s. 20(5) substituted (1.4.2006 subject to art. 4(2)-(7) of the commencing S.I.) by **Serious Organised Crime and Police Act 2005 (c. 15)**, s. 59, **Sch. 4 para. 127(a)**; S.I. 2006/378, **art. 4(1)**, Sch.
- F8** Words in s. 20(5) substituted (1.4.2006 subject to art. 4(2)-(7) of the commencing S.I.) by **Serious Organised Crime and Police Act 2005 (c. 15)**, s. 59, **Sch. 4 para. 127(b)**; S.I. 2006/378, **art. 4(1)**, Sch.

#### Modifications etc. (not altering text)

- C7** S. 20 applied (19.2.2001) by S.I. 2001/192, **reg. 3**

## 21 Cooperation with police.

- (1) A person does not commit an offence under any of sections 15 to 18 if he is acting with the express consent of a constable.
- (2) Subject to subsections (3) and (4), a person does not commit an offence under any of sections 15 to 18 by involvement in a transaction or arrangement relating to money or other property if he discloses to a constable—
  - (a) his suspicion or belief that the money or other property is terrorist property, and
  - (b) the information on which his suspicion or belief is based.
- (3) Subsection (2) applies only where a person makes a disclosure—
  - (a) after he becomes concerned in the transaction concerned,
  - (b) on his own initiative, and
  - (c) as soon as is reasonably practicable.
- (4) Subsection (2) does not apply to a person if—
  - (a) a constable forbids him to continue his involvement in the transaction or arrangement to which the disclosure relates, and
  - (b) he continues his involvement.

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- (5) It is a defence for a person charged with an offence under any of sections 15(2) and (3) and 16 to 18 to prove that—
- (a) he intended to make a disclosure of the kind mentioned in subsections (2) and (3), and
  - (b) there is reasonable excuse for his failure to do so.
- (6) Where—
- (a) a person is in employment, and
  - (b) his employer has established a procedure for the making of disclosures of the same kind as may be made to a constable under subsection (2),
- this section shall have effect in relation to that person as if any reference to disclosure to a constable included a reference to disclosure in accordance with the procedure.
- (7) A reference in this section to a transaction or arrangement relating to money or other property includes a reference to use or possession.

**Modifications etc. (not altering text)**

**C8** S. 21 applied (19.2.2001) by S.I. 2001/192, reg. 3

**C9** S. 21(3) modified (16.2.2009) by Counter-Terrorism Act 2008 (c. 28), ss. 77(4), 100(5) (with s. 101(2)); S.I. 2009/58, art. 2(e)

**[<sup>F9</sup>21ZA Arrangements with prior consent**

- (1) A person does not commit an offence under any of sections 15 to 18 by involvement in a transaction or an arrangement relating to money or other property if, before becoming involved, the person—
  - (a) discloses to an authorised officer the person's suspicion or belief that the money or other property is terrorist property and the information on which the suspicion or belief is based, and
  - (b) has the authorised officer's consent to becoming involved in the transaction or arrangement.
- (2) A person is treated as having an authorised officer's consent if before the end of the notice period the person does not receive notice from an authorised officer that consent is refused.
- (3) The notice period is the period of 7 working days starting with the first working day after the person makes the disclosure.
- (4) A working day is a day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day that is a bank holiday under the Banking and Financial Dealings Act 1971 (c.80) in the part of the United Kingdom in which the person is when making the disclosure.
- (5) In this section “ authorised officer ” means a member of the staff of the Serious Organised Crime Agency authorised for the purposes of this section by the Director General of that Agency.
- (6) The reference in this section to a transaction or arrangement relating to money or other property includes a reference to use or possession.

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#### Textual Amendments

**F9** Ss. 21ZA-21ZC inserted (26.12.2007) by [The Terrorism Act 2000 and Proceeds of Crime Act 2002 \(Amendment\) Regulations 2007 \(S.I. 2007/3398\)](#), reg. 2, **Sch. 1 para. 2**

### **21ZB Disclosure after entering into arrangements**

- (1) A person does not commit an offence under any of sections 15 to 18 by involvement in a transaction or an arrangement relating to money or other property if, after becoming involved, the person discloses to an authorised officer—
  - (a) the person's suspicion or belief that the money or other property is terrorist property, and
  - (b) the information on which the suspicion or belief is based.
- (2) This section applies only where—
  - (a) there is a reasonable excuse for the person's failure to make the disclosure before becoming involved in the transaction or arrangement, and
  - (b) the disclosure is made on the person's own initiative and as soon as it is reasonably practicable for the person to make it.
- (3) This section does not apply to a person if—
  - (a) an authorised officer forbids the person to continue involvement in the transaction or arrangement to which the disclosure relates, and
  - (b) the person continues that involvement.
- (4) In this section “ authorised officer ” means a member of the staff of the Serious Organised Crime Agency authorised for the purposes of this section by the Director General of that Agency.
- (5) The reference in this section to a transaction or arrangement relating to money or other property includes a reference to use or possession.

#### Textual Amendments

**F9** Ss. 21ZA-21ZC inserted (26.12.2007) by [The Terrorism Act 2000 and Proceeds of Crime Act 2002 \(Amendment\) Regulations 2007 \(S.I. 2007/3398\)](#), reg. 2, **Sch. 1 para. 2**

### **21ZC Reasonable excuse for failure to disclose**

It is a defence for a person charged with an offence under any of sections 15 to 18 to prove that—

- (a) the person intended to make a disclosure of the kind mentioned in section 21ZA or 21ZB, and
- (b) there is a reasonable excuse for the person's failure to do so.]

#### Textual Amendments

**F9** Ss. 21ZA-21ZC inserted (26.12.2007) by [The Terrorism Act 2000 and Proceeds of Crime Act 2002 \(Amendment\) Regulations 2007 \(S.I. 2007/3398\)](#), reg. 2, **Sch. 1 para. 2**

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## **[<sup>F10</sup>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 [<sup>F11</sup>or attempted to commit] 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 [<sup>F12</sup>or relevant professional adviser] and the information or other matter came to him in privileged circumstances [<sup>F13</sup>; or
    - (c) subsection (5A) applies to him.]
- [ This subsection applies to a person if—
- <sup>F14</sup>(5A) (a) the person is employed by, or is in partnership with, a professional legal adviser or relevant professional adviser to provide the adviser with assistance or support,
  - (b) the information or other matter comes to the person in connection with the provision of such assistance or support, and
  - (c) the information or other matter came to the adviser 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.
  - (8) Information or other matter comes to a professional legal adviser [<sup>F15</sup>or relevant professional 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,



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- (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 <sup>F16</sup>member of the staff of the Serious Organised Crime Agency] authorised for the purposes of this section by the Director General of <sup>F17</sup>that Agency].
- [ In this section “ relevant professional adviser ” means an accountant, auditor or tax
- <sup>F18</sup>(15) adviser who is a member of a professional body which is established for accountants, auditors or tax advisers (as the case may be) and which makes provision for—
- (a) testing the competence of those seeking admission to membership of such a body as a condition for such admission; and
  - (b) imposing and maintaining professional and ethical standards for its members, as well as imposing sanctions for non-compliance with those standards.]]

#### Textual Amendments

- F10** S. 21A inserted (20.12.2001) by 2001 c. 24, s. 3, **Sch. 2 Pt. 3 para. 5(2)**; S.I. 2001/4019, **art. 2(1)(c)**
- F11** Words in s. 21A(2) inserted (26.12.2007) by The Terrorism Act 2000 and Proceeds of Crime Act 2002 (Amendment) Regulations 2007 (S.I. 2007/3398), reg. 2, **Sch. 1 para. 3(2)**
- F12** Words in s. 21A(5)(b) inserted (26.12.2007) by The Terrorism Act 2000 and Proceeds of Crime Act 2002 (Amendment) Regulations 2007 (S.I. 2007/3398), reg. 2, **Sch. 1 para. 3(3)(a)**
- F13** S. 21A(5)(c) and word inserted (26.12.2007) by The Terrorism Act 2000 and Proceeds of Crime Act 2002 (Amendment) Regulations 2007 (S.I. 2007/3398), reg. 2, **Sch. 1 para. 3(3)(b)**
- F14** S. 21A(5A) inserted (26.12.2007) by The Terrorism Act 2000 and Proceeds of Crime Act 2002 (Amendment) Regulations 2007 (S.I. 2007/3398), reg. 2, **Sch. 1 para. 3(4)**
- F15** Words in s. 21A(8) inserted (26.12.2007) by The Terrorism Act 2000 and Proceeds of Crime Act 2002 (Amendment) Regulations 2007 (S.I. 2007/3398), reg. 2, **Sch. 1 para. 3(5)**
- F16** Words in s. 21A(14) substituted (1.4.2006 subject to art. 4(2)-(7) of the commencing S.I.) by Serious Organised Crime and Police Act 2005 (c. 15), s. 59, **Sch. 4 para. 128(a)**; S.I. 2006/378, **art. 4(1)**, Sch.

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- F17** Words in s. 21A(14) substituted (1.4.2006 subject to art. 4(2)-(7) of the commencing S.I.) by [Serious Organised Crime and Police Act 2005 \(c. 15\), s. 59, Sch. 4 para. 128\(b\)](#); S.I. 2006/378, [art. 4\(1\)](#), Sch.
- F18** S. 21A(15) inserted (26.12.2007) by [The Terrorism Act 2000 and Proceeds of Crime Act 2002 \(Amendment\) Regulations 2007 \(S.I. 2007/3398\)](#), reg. 2, [Sch. 1 para. 3\(6\)](#)

**Modifications etc. (not altering text)**

- C10** S. 21A(4) modified (16.2.2009) by [Counter-Terrorism Act 2008 \(c. 28\)](#), [ss. 77\(4\)](#), [100\(5\)](#) (with s. [101\(2\)](#)); S.I. 2009/58, [art. 2\(e\)](#)

**[<sup>F19</sup>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 [<sup>F20</sup>or attempted to commit] an offence under any of sections 15 to 18.
- (4) The third condition is that the disclosure is made to a constable or a nominated officer as soon as is practicable after the information or other matter comes to the discloser.
- (5) A disclosure to a nominated officer is a disclosure which—
  - (a) is made to a person nominated by the discloser’s employer to receive disclosures under this section, and
  - (b) is made in the course of the discloser’s employment and in accordance with the procedure established by the employer for the purpose.
- (6) The reference to a business in the regulated sector must be construed in accordance with Schedule 3A.
- (7) The reference to a constable includes a reference to a [<sup>F21</sup>member of the staff of the Serious Organised Crime Agency] authorised for the purposes of this section by the Director General of [<sup>F22</sup>that Agency].]

**Textual Amendments**

- F19** S. 21B inserted (20.12.2001) by [2001 c. 24, s. 3, Sch. 2 Pt. 3 para. 5\(2\)](#); S.I. 2001/4019, [art. 2\(1\)\(c\)](#)
- F20** Words in s. 21B(3) inserted (26.12.2007) by [The Terrorism Act 2000 and Proceeds of Crime Act 2002 \(Amendment\) Regulations 2007 \(S.I. 2007/3398\)](#), reg. 2, [Sch. 1 para. 4](#)
- F21** Words in s. 21B(7) substituted (1.4.2006 subject to art. 4(2)-(7) of the commencing S.I.) by [Serious Organised Crime and Police Act 2005 \(c. 15\), s. 59, Sch. 4 para. 129\(a\)](#); S.I. 2006/378, [art. 4\(1\)](#), Sch.
- F22** Words in s. 21B(7) substituted (1.4.2006 subject to art. 4(2)-(7) of the commencing S.I.) by [Serious Organised Crime and Police Act 2005 \(c. 15\), s. 59, Sch. 4 para. 129\(b\)](#); S.I. 2006/378, [art. 4\(1\)](#), Sch.

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## <sup>F23</sup>21C Disclosures to SOCA

- (1) Where a disclosure is made under a provision of this Part to a constable, the constable must disclose it in full as soon as practicable after it has been made to a member of staff of the Serious Organised Crime Agency authorised for the purposes of that provision by the Director General of that Agency.
- (2) Where a disclosure is made under section 21 (cooperation with police) to a constable, the constable must disclose it in full as soon as practicable after it has been made to a member of staff of the Serious Organised Crime Agency authorised for the purposes of this subsection by the Director General of that Agency.

### Textual Amendments

**F23** Ss. 21C-21H inserted (26.12.2007) by [The Terrorism Act 2000 and Proceeds of Crime Act 2002 \(Amendment\) Regulations 2007 \(S.I. 2007/3398\)](#), reg. 2, [Sch. 1 para. 5](#)

## 21D Tipping off: regulated sector

- (1) A person commits an offence if—
  - (a) the person discloses any matter within subsection (2);
  - (b) the disclosure is likely to prejudice any investigation that might be conducted following the disclosure referred to in that subsection; and
  - (c) the information on which the disclosure is based came to the person in the course of a business in the regulated sector.
- (2) The matters are that the person or another person has made a disclosure under a provision of this Part—
  - (a) to a constable,
  - (b) in accordance with a procedure established by that person's employer for the making of disclosures under that provision,
  - (c) to a nominated officer, or
  - (d) to a member of staff of the Serious Organised Crime Agency authorised for the purposes of that provision by the Director General of that Agency,

of information that came to that person in the course of a business in the regulated sector.

- (3) A person commits an offence if—
  - (a) the person discloses that an investigation into allegations that an offence under this Part has been committed is being contemplated or is being carried out;
  - (b) the disclosure is likely to prejudice that investigation; and
  - (c) the information on which the disclosure is based came to the person in the course of a business in the regulated sector.
- (4) A person guilty of an offence under this section is liable—
  - (a) on summary conviction to imprisonment for a term not exceeding three months, or to a fine not exceeding level 5 on the standard scale, or to both;
  - (b) on conviction on indictment to imprisonment for a term not exceeding two years, or to a fine, or to both.
- (5) This section is subject to—

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- (a) section 21E (disclosures within an undertaking or group etc),
- (b) section 21F (other permitted disclosures between institutions etc), and
- (c) section 21G (other permitted disclosures etc).

#### Textual Amendments

**F23** Ss. 21C-21H inserted (26.12.2007) by [The Terrorism Act 2000 and Proceeds of Crime Act 2002 \(Amendment\) Regulations 2007 \(S.I. 2007/3398\)](#), reg. 2, **Sch. 1 para. 5**

### 21E Disclosures within an undertaking or group etc

- (1) An employee, officer or partner of an undertaking does not commit an offence under section 21D if the disclosure is to an employee, officer or partner of the same undertaking.
- (2) A person does not commit an offence under section 21D in respect of a disclosure by a credit institution or a financial institution if—
  - (a) the disclosure is to a credit institution or a financial institution,
  - (b) the institution to whom the disclosure is made is situated in an EEA State or in a country or territory imposing equivalent money laundering requirements, and
  - (c) both the institution making the disclosure and the institution to whom it is made belong to the same group.
- (3) In subsection (2) “ group ” has the same meaning as in Directive [2002/87/EC](#) of the European Parliament and of the Council of 16<sup>th</sup> December 2002 <sup>F24</sup> on the supplementary supervision of credit institutions, insurance undertakings and investment firms in a financial conglomerate.
- (4) A professional legal adviser or a relevant professional adviser does not commit an offence under section 21D if—
  - (a) the disclosure is to a professional legal adviser or a relevant professional adviser,
  - (b) both the person making the disclosure and the person to whom it is made carry on business in an EEA state or in a country or territory imposing equivalent money laundering requirements, and
  - (c) those persons perform their professional activities within different undertakings that share common ownership, management or control.

#### Textual Amendments

**F23** Ss. 21C-21H inserted (26.12.2007) by [The Terrorism Act 2000 and Proceeds of Crime Act 2002 \(Amendment\) Regulations 2007 \(S.I. 2007/3398\)](#), reg. 2, **Sch. 1 para. 5**

**F24** OJ L 35, 11.2.2003, p.1.

### 21F Other permitted disclosures between institutions etc

- (1) This section applies to a disclosure—
  - (a) by a credit institution to another credit institution,
  - (b) by a financial institution to another financial institution,

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- (c) by a professional legal adviser to another professional legal adviser, or
  - (d) by a relevant professional adviser of a particular kind to another relevant professional adviser of the same kind.
- (2) A person does not commit an offence under section 21D in respect of a disclosure to which this section applies if—
- (a) the disclosure relates to—
    - (i) a client or former client of the institution or adviser making the disclosure and the institution or adviser to whom it is made,
    - (ii) a transaction involving them both, or
    - (iii) the provision of a service involving them both;
  - (b) the disclosure is for the purpose only of preventing an offence under this Part of this Act;
  - (c) the institution or adviser to whom the disclosure is made is situated in an EEA State or in a country or territory imposing equivalent money laundering requirements; and
  - (d) the institution or adviser making the disclosure and the institution or adviser to whom it is made are subject to equivalent duties of professional confidentiality and the protection of personal data (within the meaning of section 1 of the Data Protection Act 1998 <sup>F25</sup>).

#### Textual Amendments

**F23** Ss. 21C-21H inserted (26.12.2007) by [The Terrorism Act 2000 and Proceeds of Crime Act 2002 \(Amendment\) Regulations 2007 \(S.I. 2007/3398\)](#), reg. 2, **Sch. 1 para. 5**

**F25** 1998 c.29.

## 21G Other permitted disclosures etc

- (1) A person does not commit an offence under section 21D if the disclosure is—
- (a) to the authority that is the supervisory authority for that person by virtue of the Money Laundering Regulations 2007 (S.I. 2007/2157); or
  - (b) for the purpose of—
    - (i) the detection, investigation or prosecution of a criminal offence (whether in the United Kingdom or elsewhere),
    - (ii) an investigation under the Proceeds of Crime Act 2002 <sup>F26</sup>, or
    - (iii) the enforcement of any order of a court under that Act.
- (2) A professional legal adviser or a relevant professional adviser does not commit an offence under section 21D if the disclosure—
- (a) is to the adviser's client, and
  - (b) is made for the purpose of dissuading the client from engaging in conduct amounting to an offence.
- (3) A person does not commit an offence under section 21D(1) if the person does not know or suspect that the disclosure is likely to have the effect mentioned in section 21D(1) (b).

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- (4) A person does not commit an offence under section 21D(3) if the person does not know or suspect that the disclosure is likely to have the effect mentioned in section 21D(3)(b).

#### Textual Amendments

- F23** Ss. 21C-21H inserted (26.12.2007) by [The Terrorism Act 2000 and Proceeds of Crime Act 2002 \(Amendment\) Regulations 2007 \(S.I. 2007/3398\)](#), reg. 2, **Sch. 1 para. 5**
- F26** [2002 c.29](#).

## 21H Interpretation of sections 21D to 21G

- (1) The references in sections 21D to 21G—
- (a) to a business in the regulated sector, and
  - (b) to a supervisory authority,
- are to be construed in accordance with Schedule 3A.
- (2) In those sections—
- “ credit institution ” has the same meaning as in Schedule 3A;
  - “ financial institution ” means an undertaking that carries on a business in the regulated sector by virtue of any of paragraphs (b) to (i) of paragraph 1(1) of that Schedule.
- (3) References in those sections to a disclosure by or to a credit institution or a financial institution include disclosure by or to an employee, officer or partner of the institution acting on its behalf.
- (4) For the purposes of those sections a country or territory imposes “equivalent money laundering requirements” if it imposes requirements equivalent to those laid down in Directive [2005/60/EC](#) of the European Parliament and of the Council of 26<sup>th</sup> October 2005<sup>F27</sup> on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing.
- (5) In those sections “ relevant professional adviser ” means an accountant, auditor or tax adviser who is a member of a professional body which is established for accountants, auditors or tax advisers (as the case may be) and which makes provision for—
- (a) testing the competence of those seeking admission to membership of such a body as a condition for such admission; and
  - (b) imposing and maintaining professional and ethical standards for its members, as well as imposing sanctions for non-compliance with those standards.]

#### Textual Amendments

- F23** Ss. 21C-21H inserted (26.12.2007) by [The Terrorism Act 2000 and Proceeds of Crime Act 2002 \(Amendment\) Regulations 2007 \(S.I. 2007/3398\)](#), reg. 2, **Sch. 1 para. 5**
- F27** [OJ L 309, 25.11.2005](#), p.15.

## 22 Penalties.

A person guilty of an offence under any of sections 15 to 18 shall be liable—

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- (a) on conviction on indictment, to imprisonment for a term not exceeding 14 years, to a fine or to both, or
- (b) on summary conviction, to imprisonment for a term not exceeding six months, to a fine not exceeding the statutory maximum or to both.

**Modifications etc. (not altering text)**

C11 S. 22 applied (19.2.2001) by S.I. 2001/192, reg. 3

**[<sup>F28</sup>22A Meaning of “employment”**

In sections 19 to 21B—

- (a) “employment” means any employment (whether paid or unpaid) and includes
  - (i) work under a contract for services or as an office-holder,
  - (ii) work experience provided pursuant to a training course or programme or in the course of training for employment, and
  - (iii) voluntary work;
- (b) “employer” has a corresponding meaning.]

**Textual Amendments**

F28 S. 22A inserted (16.2.2009) by Counter-Terrorism Act 2008 (c. 28), ss. 77(3)(4), 100(5) (with s. 101(2)); S.I. 2009/58, art. 2(e)

*[<sup>F29</sup>Forfeiture*

**Textual Amendments**

F29 S. 23 and preceding cross-heading substituted (18.6.2009) for s. 23 by Counter-Terrorism Act 2008 (c. 28), ss. 34, 100(5) (with s. 101(2)); S.I. 2009/1256, art. 2(c)

**<sup>x1</sup>23 Forfeiture: terrorist property offences**

- (1) The court by or before which a person is convicted of an offence under any of sections 15 to 18 may make a forfeiture order in accordance with the provisions of this section.
- (2) Where a person is convicted of an offence under section 15(1) or (2) or 16, the court may order the forfeiture of any money or other property which, at the time of the offence, the person had in their possession or under their control and which—
  - (a) had been used for the purposes of terrorism, or
  - (b) they intended should be used, or had reasonable cause to suspect might be used, for those purposes.
- (3) Where a person is convicted of an offence under section 15(3) the court may order the forfeiture of any money or other property which, at the time of the offence, the person had in their possession or under their control and which—
  - (a) had been used for the purposes of terrorism, or

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- (b) which, at that time, they knew or had reasonable cause to suspect would or might be used for those purposes.
- (4) Where a person is convicted of an offence under section 17 or 18 the court may order the forfeiture of any money or other property which, at the time of the offence, the person had in their possession or under their control and which—
  - (a) had been used for the purposes of terrorism, or
  - (b) was, at that time, intended by them to be used for those purposes.
- (5) Where a person is convicted of an offence under section 17 the court may order the forfeiture of the money or other property to which the arrangement in question related, and which—
  - (a) had been used for the purposes of terrorism, or
  - (b) at the time of the offence, the person knew or had reasonable cause to suspect would or might be used for those purposes.
- (6) Where a person is convicted of an offence under section 18 the court may order the forfeiture of the money or other property to which the arrangement in question related.
- (7) Where a person is convicted of an offence under any of sections 15 to 18, the court may order the forfeiture of any money or other property which wholly or partly, and directly or indirectly, is received by any person as a payment or other reward in connection with the commission of the offence.

#### **Editorial Information**

- X1** The insertion of the new heading "Forfeiture" in Pt. III on 18.6.2009 gives rise to a change in the structure of this legislation on SLD which breaks the continuity of historical versions of the existing provisions which are now brought under that new heading.

#### **Forfeiture: other terrorism offences and offences with a terrorist connection**

**F30**  
**23A**

- (1) The court by or before which a person is convicted of an offence to which this section applies may order the forfeiture of any money or other property in relation to which the following conditions are met—
  - (a) that it was, at the time of the offence, in the possession or control of the person convicted; and
  - (b) that—
    - (i) it had been used for the purposes of terrorism,
    - (ii) it was intended by that person that it should be used for the purposes of terrorism, or
    - (iii) the court believes that it will be used for the purposes of terrorism unless forfeited.
- (2) This section applies to an offence under—
  - (a) any of the following provisions of this Act—
    - section 54 (weapons training);
    - section 57, 58 or 58A (possessing things and collecting information for the purposes of terrorism);
    - section 59, 60 or 61 (inciting terrorism outside the United Kingdom);
  - (b) any of the following provisions of Part 1 of the Terrorism Act 2006 (c. 11)—



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- section 2 (dissemination of terrorist publications);  
section 5 (preparation of terrorist acts);  
section 6 (training for terrorism);  
sections 9 to 11 (offences involving radioactive devices or materials).
- (3) This section applies to any ancillary offence (as defined in section 94 of the Counter-Terrorism Act 2008) in relation to an offence listed in subsection (2).
- (4) This section also applies to an offence specified in Schedule 2 to the Counter-Terrorism Act 2008 (offences where terrorist connection to be considered) as to which—
- (a) in England and Wales, the court dealing with the offence has determined, in accordance with section 30 of that Act, that the offence has a terrorist connection;
  - (b) in Scotland, it has been proved, in accordance with section 31 of that Act, that the offence has a terrorist connection.
- (5) The Secretary of State may by order amend subsection (2).
- (6) An order adding an offence to subsection (2) applies only in relation to offences committed after the order comes into force.]

#### Textual Amendments

**F30** S. 23A inserted (18.6.2009) by Counter-Terrorism Act 2008 (c. 28), ss. 35(1), 100(5) (with s. 101(2)); S.I. 2009/1256, art. 2(c)

#### **[**<sup>F31</sup>**23B** Forfeiture: supplementary provisions

- (1) Before making an order under section 23 or 23A, a court must give an opportunity to be heard to any person, other than the convicted person, who claims to be the owner or otherwise interested in anything which can be forfeited under that section.
- (2) In considering whether to make an order under section 23 or 23A in respect of any property, a court shall have regard to—
- (a) the value of the property, and
  - (b) the likely financial and other effects on the convicted person of the making of the order (taken together with any other order that the court contemplates making).
- (3) A court in Scotland must not make an order under section 23 or 23A except on the application of the prosecutor—
- (a) in proceedings on indictment, when the prosecutor moves for sentence, and
  - (b) in summary proceedings, before the court sentences the accused;
- and for the purposes of any appeal or review, an order under either of those sections made by a court in Scotland is a sentence.
- (4) Schedule 4 makes further provision in relation to forfeiture orders under section 23 or 23A.]]

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**Textual Amendments**

**F31** S. 23B inserted (18.6.2009) by Counter-Terrorism Act 2008 (c. 28), **ss. 36, 100(5)** (with s. 101(2)); S.I. 2009/1256, **art. 2(c)**

*Seizure of terrorist cash*

<sup>F32</sup>**24** .....

**Textual Amendments**

**F32** S. 24 repealed (20.12.2001) by 2001 c. 24, ss. 1(4), 125, **Sch. 8 Pt. 1**; S.I. 2001/4019, **art. 2(1)(a)(d)**

<sup>F33</sup>**25** .....

**Textual Amendments**

**F33** S. 25 repealed (20.12.2001) by 2001 c. 24, ss. 1(4), 125, **Sch. 8 Pt. 1**; S.I. 2001/4019, **art. 2(1)(a)(d)**

<sup>F34</sup>**26** .....

**Textual Amendments**

**F34** S. 26 repealed (20.12.2001) by 2001 c. 24, ss. 1(4), 125, **Sch. 8 Pt. 1**; S.I. 2001/4019, **art. 2(1)(a)(d)**

<sup>F35</sup>**27** .....

**Textual Amendments**

**F35** S. 27 repealed (20.12.2001) by 2001 c. 24, ss. 1(4), 125, **Sch. 8 Pt. 1**; S.I. 2001/4019, **art. 2(1)(a)(d)**

<sup>F36</sup>**28** .....

**Textual Amendments**

**F36** S. 28 repealed (20.12.2001) by 2001 c. 24, ss. 1(4), 125, **Sch. 8 Pt. 1**; S.I. 2001/4019, **art. 2(1)(a)(d)**

<sup>F37</sup>**29** .....

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**Textual Amendments**

**F37** S. 29 repealed (20.12.2001) by 2001 c. 24, ss. 1(4), 125, **Sch. 8 Pt. 1**; S.I. 2001/4019, **art. 2(1)(a)(d)**

<sup>F38</sup>**30** .....

**Textual Amendments**

**F38** S. 30 repealed (20.12.2001) by 2001 c. 24, ss. 1(4), 125, **Sch. 8 Pt. 1**; S.I. 2001/4019, **art. 2(1)(a)(d)**

<sup>F39</sup>**31** .....

**Textual Amendments**

**F39** S. 31 repealed (20.12.2001) by 2001 c. 24, ss. 1(4), 125, **Sch. 8 Pt. 1**; S.I. 2001/4019, **art. 2(1)(a)(d)**  
(with **art. 2(2)**)

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