



# Terrorism Act 2000

## 2000 CHAPTER 11

### PART III

#### TERRORIST PROPERTY

##### *[<sup>F1</sup>Forfeiture*

#### Textual Amendments

- F1** 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
  - (b) which, at that time, they knew or had reasonable cause to suspect would or might be used for those purposes.

*Status: Point in time view as at 01/10/2009.*

*Changes to legislation: Terrorism Act 2000, Cross Heading: Forfeiture is up to date with all changes known to be in force on or before 22 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)*

- (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**

**F2**  
**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)—
    - section 2 (dissemination of terrorist publications);
    - section 5 (preparation of terrorist acts);

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- 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

- F2** 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)

#### **F3** 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.]]

#### Textual Amendments

- F3** 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)

**Status:**

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