

Status: Point in time view as at 01/04/2007.

Changes to legislation: Terrorism Act 2000, SCHEDULE 6A is up to date with all changes known to be in force on or before 19 May 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)

SCHEDULES

[^{F1}SCHEDULE 6A

ACCOUNT MONITORING ORDERS

Textual Amendments

F1 Sch. 6A inserted (20.12.2001) by 2001 c. 24, s. 3, Sch. 2 Pt. 1 para. 1(3); S.I. 2001/4019, art. 2(1)(c)

Introduction

- 1 (1) This paragraph applies for the purposes of this Schedule.
- (2) A judge is—
 - (a) [^{F2}a Circuit judge or a District Judge (Magistrates' Courts),] 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.

Textual Amendments

F2 Words in Sch. 6A para. 1(2)(a) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 65(2), Sch. 4 para. 11; S.I. 2005/910, art. 3(u)

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;
 - (b) may vary the order.

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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.]

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