

Status: Point in time view as at 31/01/2018.

Changes to legislation: There are currently no known outstanding effects for the Anti-terrorism, Crime and Security Act 2001, PART 1. (See end of Document for details)

SCHEDULES

SCHEDULE 2

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—

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

Applications

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

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

Rules of court

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

Effect of orders

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

Statements

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