

*Status: Point in time view as at 13/04/2006.*

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## SCHEDULES

### SCHEDULE 1 **U.K.**

Section 20

#### CONVENTION OFFENCES

##### *Explosives offences*

- 1 (1) Subject to sub-paragraph (3), an offence under any of sections 28 to 30 of the Offences against the Person Act 1861 (c. 100) (causing injury by explosions, causing explosions and handling or placing explosives).
- (2) Subject to sub-paragraph (3), an offence under any of the following provisions of the Explosive Substances Act 1883 (c. 3)—
  - (a) section 2 (causing an explosion likely to endanger life);
  - (b) section 3 (preparation of explosions);
  - (c) section 5 (ancillary offences).
- (3) An offence in or as regards Scotland is a Convention offence by virtue of this paragraph only if it consists in—
  - (a) the doing of an act as an act of terrorism; or
  - (b) an action for the purposes of terrorism.

#### **Commencement Information**

**I1** Sch. 1 para. 1 in force at 13.4.2006 by S.I. 2006/1013, art. 2(2)(a)

##### *Biological weapons*

- 2 An offence under section 1 of the Biological Weapons Act 1974 (c. 6) (development etc. of biological weapons).

#### **Commencement Information**

**I2** Sch. 1 para. 2 in force at 13.4.2006 by S.I. 2006/1013, art. 2(2)(a)

##### *Offences against internationally protected persons*

- 3 (1) Subject to sub-paragraph (4), an offence mentioned in section 1(1)(a) of the Internationally Protected Persons Act 1978 (c. 17) (attacks against protected persons committed outside the United Kingdom) which is committed (whether in the United Kingdom or elsewhere) in relation to a protected person.
- (2) Subject to sub-paragraph (4), an offence mentioned in section 1(1)(b) of that Act (attacks on relevant premises etc.) which is committed (whether in the United Kingdom or elsewhere) in connection with an attack—

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- (a) on relevant premises or on a vehicle ordinarily used by a protected person, and
  - (b) at a time when a protected person is in or on the premises or vehicle.
- (3) Subject to sub-paragraph (4), an offence under section 1(3) of that Act (threats etc. in relation to protected persons).
- (4) An offence in or as regards Scotland is a Convention offence by virtue of this paragraph only if it consists in—
- (a) the doing of an act as an act of terrorism; or
  - (b) an action for the purposes of terrorism.
- (5) Expressions used in this paragraph and section 1 of that Act have the same meanings in this paragraph as in that section.

**Commencement Information**

**I3** Sch. 1 para. 3 in force at 13.4.2006 by S.I. 2006/1013, art. 2(2)(a)

*Hostage-taking*

- 4 An offence under section 1 of the Taking of Hostages Act 1982 (c. 28) (hostage-taking).

**Commencement Information**

**I4** Sch. 1 para. 4 in force at 13.4.2006 by S.I. 2006/1013, art. 2(2)(a)

*Hijacking and other offences against aircraft*

- 5 Offences under any of the following provisions of the Aviation Security Act 1982 (c. 36)—
- (a) section 1 (hijacking);
  - (b) section 2 (destroying, damaging or endangering safety of aircraft);
  - (c) section 3 (other acts endangering or likely to endanger safety of aircraft);
  - (d) section 6(2) (ancillary offences).

**Commencement Information**

**I5** Sch. 1 para. 5 in force at 13.4.2006 by S.I. 2006/1013, art. 2(2)(a)

*Offences involving nuclear material*

- 6 (1) An offence mentioned in section 1(1) of the Nuclear Material (Offences) Act 1983 (c. 18) (offences in relation to nuclear material committed outside the United Kingdom) which is committed (whether in the United Kingdom or elsewhere) in relation to or by means of nuclear material.
- (2) An offence under section 2 of that Act (offence involving preparatory acts and threats in relation to nuclear material).

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(3) In this paragraph “nuclear material” has the same meaning as in that Act.

**Commencement Information**

**I6** Sch. 1 para. 6 in force at 13.4.2006 by S.I. 2006/1013, art. 2(2)(a)

*Offences under the Aviation and Maritime Security Act 1990 (c. 31)*

- 7 Offences under any of the following provisions of the Aviation and Maritime Security Act 1990—
- (a) section 1 (endangering safety at aerodromes);
  - (b) section 9 (hijacking of ships);
  - (c) section 10 (seizing or exercising control of fixed platforms);
  - (d) section 11 (destroying ships or fixed platforms or endangering their safety);
  - (e) section 12 (other acts endangering or likely to endanger safe navigation);
  - (f) section 13 (offences involving threats relating to ships or fixed platforms);
  - (g) section 14 (ancillary offences).

**Commencement Information**

**I7** Sch. 1 para. 7 in force at 13.4.2006 by S.I. 2006/1013, art. 2(2)(a)

*Offences involving chemical weapons*

- 8 An offence under section 2 of the Chemical Weapons Act 1996 (c. 6) (use, development etc. of chemical weapons).

**Commencement Information**

**I8** Sch. 1 para. 8 in force at 13.4.2006 by S.I. 2006/1013, art. 2(2)(a)

*Terrorist funds*

- 9 An offence under any of the following provisions of the Terrorism Act 2000 (c. 11)
- (a) section 15 (terrorist fund-raising);
  - (b) section 16 (use or possession of terrorist funds);
  - (c) section 17 (funding arrangements for terrorism);
  - (d) section 18 (money laundering of terrorist funds).

**Commencement Information**

**I9** Sch. 1 para. 9 in force at 13.4.2006 by S.I. 2006/1013, art. 2(2)(a)

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*Directing terrorist organisations*

- 10 An offence under section 56 of the Terrorism Act 2000 (directing a terrorist organisation).

**Commencement Information**

**I10** Sch. 1 para. 10 in force at 13.4.2006 by S.I. 2006/1013, art. 2(2)(a)

*Offences involving nuclear weapons*

- 11 An offence under section 47 of the Anti-terrorism, Crime and Security Act 2001 (c. 24) (use, development etc. of nuclear weapons).

**Commencement Information**

**I11** Sch. 1 para. 11 in force at 13.4.2006 by S.I. 2006/1013, art. 2(2)(a)

*Conspiracy etc.*

- 12 Any of the following offences—
- (a) conspiracy to commit a Convention offence;
  - (b) inciting the commission of a Convention offence;
  - (c) attempting to commit a Convention offence;
  - (d) aiding, abetting, counselling or procuring the commission of a Convention offence.

**Commencement Information**

**I12** Sch. 1 para. 12 in force at 13.4.2006 by S.I. 2006/1013, art. 2(2)(a)

SCHEDULE 2 **U.K.**

Section 28

SEIZURE AND FORFEITURE OF TERRORIST PUBLICATIONS

*Application of Schedule*

- 1 This Schedule applies where an article—
- (a) has been seized under the authority of a warrant under section 28; and
  - (b) is being retained in the custody of a constable (“the relevant constable”).

**Commencement Information**

**I13** Sch. 2 para. 1 in force at 13.4.2006 by S.I. 2006/1013, art. 2(2)(b)

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### *Notice of seizure*

- 2 (1) The relevant constable must give notice of the article's seizure to—
- (a) every person whom he believes to have been the owner of the article, or one of its owners, at the time of the seizure; and
  - (b) if there is no such person or it is not reasonably practicable to give him notice, every person whom the relevant constable believes to have been an occupier at that time of the premises where the article was seized.
- (2) The notice must set out what has been seized and the grounds for the seizure.
- (3) The notice may be given to a person only by—
- (a) delivering it to him personally;
  - (b) addressing it to him and leaving it for him at the appropriate address; or
  - (c) addressing it to him and sending it to him at that address by post.
- (4) But where it is not practicable to give a notice in accordance with sub-paragraph (3), a notice given by virtue of sub-paragraph (1)(b) to the occupier of the premises where the article was seized may be given by—
- (a) addressing it to “the occupier” of those premises, without naming him; and
  - (b) leaving it for him at those premises or sending it to him at those premises by post.
- (5) An article may be treated or condemned as forfeited under this Schedule only if—
- (a) the requirements of this paragraph have been complied with in the case of that article; or
  - (b) it was not reasonably practicable for them to be complied with.
- (6) In this paragraph “the appropriate address”, in relation to a person, means—
- (a) in the case of a body corporate, its registered or principal office in the United Kingdom;
  - (b) in the case of a firm, the principal office of the partnership;
  - (c) in the case of an unincorporated body or association, the principal office of the body or association; and
  - (d) in any other case, his usual or last known place of residence in the United Kingdom or his last known place of business in the United Kingdom.
- (7) In the case of—
- (a) a company registered outside the United Kingdom,
  - (b) a firm carrying on business outside the United Kingdom, or
  - (c) an unincorporated body or association with offices outside the United Kingdom,

the references in this paragraph to its principal office include references to its principal office within the United Kingdom (if any).

#### **Commencement Information**

**I14** Sch. 2 para. 2 in force at 13.4.2006 by S.I. 2006/1013, art. 2(2)(b)

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### *Notice of claim*

- 3 (1) A person claiming that the seized article is not liable to forfeiture may give notice of his claim to a constable at any police station in the police area in which the premises where the seizure took place are located.
- (2) Oral notice is not sufficient for these purposes.

#### **Commencement Information**

**I15** Sch. 2 para. 3 in force at 13.4.2006 by S.I. 2006/1013, art. 2(2)(b)

- 4 (1) A notice of claim may not be given more than one month after—
- (a) the day of the giving of the notice of seizure; or
  - (b) if no such notice has been given, the day of the seizure.
- (2) A notice of claim must specify—
- (a) the name and address of the claimant; and
  - (b) in the case of a claimant who is outside the United Kingdom, the name and address of a solicitor in the United Kingdom who is authorised to accept service, and to act, on behalf of the claimant.
- (3) Service upon a solicitor so specified is to be taken to be service on the claimant for the purposes of any proceedings by virtue of this Schedule.
- (4) In a case in which notice of the seizure was given to different persons on different days, the reference in this paragraph to the day on which that notice was given is a reference—
- (a) in relation to a person to whom notice of the seizure was given, to the day on which that notice was given to that person; and
  - (b) in relation to any other person, to the day on which notice of the seizure was given to the last person to be given such a notice.

#### **Commencement Information**

**I16** Sch. 2 para. 4 in force at 13.4.2006 by S.I. 2006/1013, art. 2(2)(b)

### *Automatic forfeiture in a case where no claim is made*

- 5 The article is to be treated as forfeited if, by the end of the period for the giving of a notice of claim in respect of it—
- (a) no such notice has been given; or
  - (b) the requirements of paragraphs 3 and 4 have not been complied with in relation to the only notice or notices of claim that have been given.

#### **Commencement Information**

**I17** Sch. 2 para. 5 in force at 13.4.2006 by S.I. 2006/1013, art. 2(2)(b)

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### *Forfeiture by the court in other cases*

- 6
- (1) Where a notice of claim in respect of an article is duly given in accordance with paragraphs 3 and 4, the relevant constable must decide whether to take proceedings to ask the court to condemn the article as forfeited.
  - (2) The decision whether to take such proceedings must be made as soon as reasonably practicable after the giving of the notice of claim.
  - (3) If the relevant constable takes such proceedings and the court—
    - (a) finds that the article was liable to forfeiture at the time of its seizure, and
    - (b) is not satisfied that its forfeiture would be inappropriate,the court must condemn the article as forfeited.
  - (4) If that constable takes such proceedings and the court—
    - (a) finds that the article was not liable to forfeiture at the time of its seizure, or
    - (b) is satisfied that its forfeiture would be inappropriate,the court must order the return of the article to the person who appears to the court to be entitled to it.
  - (5) If the relevant constable decides not to take proceedings for condemnation in a case in which a notice of claim has been given, he must return the article to the person who appears to him to be the owner of the article, or to one of the persons who appear to him to be owners of it.
  - (6) An article required to be returned in accordance with sub-paragraph (5) must be returned as soon as reasonably practicable after the decision not to take proceedings for condemnation.

#### **Commencement Information**

**I18** Sch. 2 para. 6 in force at 13.4.2006 by S.I. 2006/1013, art. 2(2)(b)

### *Forfeiture proceedings*

- 7
- Proceedings by virtue of this Schedule are civil proceedings and may be instituted—
- (a) in England or Wales, either in the High Court or in a magistrates' court;
  - (b) in Scotland, either in the Court of Session or in the sheriff court; and
  - (c) in Northern Ireland, either in the High Court or in a court of summary jurisdiction.

#### **Commencement Information**

**I19** Sch. 2 para. 7 in force at 13.4.2006 by S.I. 2006/1013, art. 2(2)(b)

- 8
- Proceedings by virtue of this Schedule in—
- (a) a magistrates' court in England or Wales,
  - (b) the sheriff court in Scotland, or
  - (c) a court of summary jurisdiction in Northern Ireland,
- may be instituted in that court only if it has jurisdiction in relation to the place where the article to which they relate was seized.

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**Commencement Information**

**I20** Sch. 2 para. 8 in force at 13.4.2006 by S.I. 2006/1013, art. 2(2)(b)

- 9 (1) In proceedings by virtue of this Schedule that are instituted in England and Wales or Northern Ireland, the claimant or his solicitor must make his oath that, at the time of the seizure, the seized article was, or was to the best of his knowledge and belief, the property of the claimant.
- (2) In any such proceedings instituted in the High Court—
- (a) the court may require the claimant to give such security for the costs of the proceedings as may be determined by the court; and
  - (b) the claimant must comply with any such requirement.
- (3) If a requirement of this paragraph is not complied with, the court must find against the claimant.

**Commencement Information**

**I21** Sch. 2 para. 9 in force at 13.4.2006 by S.I. 2006/1013, art. 2(2)(b)

- 10 (1) In the case of proceedings by virtue of this Schedule that are instituted in a magistrates' court in England or Wales, either party may appeal against the decision of that court to the Crown Court.
- (2) In the case of such proceedings that are instituted in a court of summary jurisdiction in Northern Ireland, either party may appeal against the decision of that court to the county court.
- (3) This paragraph does not affect any right to require the statement of a case for the opinion of the High Court.

**Commencement Information**

**I22** Sch. 2 para. 10 in force at 13.4.2006 by S.I. 2006/1013, art. 2(2)(b)

- 11 Where an appeal has been made (whether by case stated or otherwise) against the decision of the court in proceedings by virtue of this Schedule in relation to an article, the article is to be left in the custody of a constable pending the final determination of the matter.

**Commencement Information**

**I23** Sch. 2 para. 11 in force at 13.4.2006 by S.I. 2006/1013, art. 2(2)(b)

*Effect of forfeiture*

- 12 Where an article is treated or condemned as forfeited under this Schedule, the forfeiture is to be treated as having taken effect as from the time of the seizure.



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**Commencement Information**

**I24** Sch. 2 para. 12 in force at 13.4.2006 by S.I. 2006/1013, art. 2(2)(b)

*Disposal of unclaimed property*

- 13 (1) This paragraph applies where the article seized under the authority of a warrant under section 28 is required to be returned to a person.
- (2) If—
- (a) the article is (without having been returned) still in the custody of a constable after the end of the period of 12 months beginning with the day after the requirement to return it arose, and
  - (b) it is not practicable to dispose of the article by returning it immediately to the person to whom it is required to be returned,
- the constable may dispose of it in any manner he thinks fit.

**Commencement Information**

**I25** Sch. 2 para. 13 in force at 13.4.2006 by S.I. 2006/1013, art. 2(2)(b)

*Provisions as to proof*

- 14 In proceedings arising out of the seizure of an article, the fact, form and manner of the seizure is to be taken, without further evidence and unless the contrary is shown, to have been as set forth in the process.

**Commencement Information**

**I26** Sch. 2 para. 14 in force at 13.4.2006 by S.I. 2006/1013, art. 2(2)(b)

- 15 In proceedings, the condemnation by a court of an article as forfeited under this Schedule may be proved by the production of either—
- (a) the order of condemnation; or
  - (b) a certified copy of the order purporting to be signed by an officer of the court by which the order was made.

**Commencement Information**

**I27** Sch. 2 para. 15 in force at 13.4.2006 by S.I. 2006/1013, art. 2(2)(b)

*Special provisions as to certain claimants*

- 16 (1) This paragraph applies where, at the time of the seizure of the article, it was—
- (a) the property of a body corporate;
  - (b) the property of two or more partners; or
  - (c) the property of more than five persons.

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- (2) The oath required by paragraph 9, and any other thing required by this Schedule or by rules of court to be done by an owner of the article, may be sworn or done by—
- (a) a person falling within sub-paragraph (3); or
  - (b) a person authorised to act on behalf of a person so falling.
- (3) The persons falling within this sub-paragraph are—
- (a) where the owner is a body corporate, the secretary or some duly authorised officer of that body;
  - (b) where the owners are in partnership, any one or more of the owners;
  - (c) where there are more than five owners and they are not in partnership, any two or more of the owners acting on behalf of themselves and any of their co-owners who are not acting on their own behalf.

**Commencement Information**

**I28** Sch. 2 para. 16 in force at 13.4.2006 by S.I. 2006/1013, art. 2(2)(b)

*Saving for owner's rights*

- 17 Neither the imposition of a requirement by virtue of this Schedule to return an article to a person nor the return of an article to a person in accordance with such a requirement affects—
- (a) the rights in relation to that article of any other person; or
  - (b) the right of any other person to enforce his rights against the person to whom it is returned.

**Commencement Information**

**I29** Sch. 2 para. 17 in force at 13.4.2006 by S.I. 2006/1013, art. 2(2)(b)

*Interpretation of Schedule*

- 18 In this Schedule—
- “article” has the same meaning as in Part 1 of this Act;
- “the court” is to be construed in accordance with paragraph 7.

**Commencement Information**

**I30** Sch. 2 para. 18 in force at 13.4.2006 by S.I. 2006/1013, art. 2(2)(b)

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SCHEDULE 3 **U.K.**

Section 37

REPEALS

**Commencement Information**

**I31** Sch. 3 in force at 13.4.2006 for specified purposes by S.I. 2006/1013, art. 2(2)(e)

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Terrorism Act 2000 (c. 11)	In section 5(4), the words “by or in respect of an organisation”. In section 9(4), the word “and” at the end of paragraph (b). In section 63A(1)(b), the words “section 54 or”. Section 126. In Schedule 5, in each of paragraphs 1(5) and 28(4), the “and” at the end of paragraph (b). In Schedule 8, in paragraph 36(1), the words “to a judicial authority”.
Justice (Northern Ireland) Act 2002 (c. 26)	In Schedule 7, paragraph 35.
Criminal Justice Act 2003 (c. 44)	Section 45(8). Section 306(2) and (3).

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