



Counter-Terrorism Act 2008

2008 CHAPTER 28

PART 6

FINANCIAL RESTRICTIONS PROCEEDINGS

CHAPTER 1

APPLICATION TO SET ASIDE FINANCIAL RESTRICTIONS DECISION

63 Application to set aside financial restrictions decision

- (1) This section applies to any decision of the Treasury in connection with the exercise of any of their functions under—
 - (a) the UN terrorism orders,
 - [^{F1}(aa) the Al-Qaida and Taliban (Asset-Freezing) Regulations 2010 (S.I. 2010/1197),]
 - (b) Part 2 of the Anti-terrorism, Crime and Security Act 2001 (c. 24) (freezing orders), or
 - (c) Schedule 7 to this Act (terrorist financing, money laundering and certain other activities: financial restrictions).
- (2) Any person affected by the decision may apply to the High Court or, in Scotland, the Court of Session to set aside the decision.
- (3) In determining whether the decision should be set aside the court shall apply the principles applicable on an application for judicial review.
- (4) If the court decides that a decision should be set aside it may make any such order, or give any such relief, as may be made or given in proceedings for judicial review.
- (5) Without prejudice to the generality of subsection (4), if the court sets aside a decision of the Treasury—
 - (a) to give a direction under any of the UN terrorism orders,

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Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism Act 2008, Chapter 1. (See end of Document for details)

- (b) to make a freezing order under Part 2 of the Anti-terrorism, Crime and Security Act 2001 (c. 24), or
 - (c) to give a direction or make an order under Schedule 7 to this Act,
- the court must quash the relevant direction or order.
- (6) This section applies whether the decision of the Treasury was made before or after the commencement of this section.
 - (7) After the commencement of this section an application to set aside a decision of the Treasury to which this section applies must be made under this section.
 - (8) This section does not apply to any decision of the Treasury to make an order under paragraph 8 or 28(6) of Schedule 7 to this Act.

Textual Amendments

- F1** S. 63(1)(aa) inserted (8.4.2010) by [The Al-Qaida and Taliban \(Asset-Freezing\) Regulations 2010 \(S.I. 2010/1197\)](#), reg. 1(1), [Sch. 2 para. 1](#) (with reg. 13)

64 UN terrorism orders

- (1) For the purposes of section 63 the UN terrorism orders are—
 - (a) the Terrorism (United Nations Measures) Order 2001 (S.I. 2001/3365);
 - (b) the Al-Qa'ida and Taliban (United Nations Measures) Order 2002 (S.I. 2002/111);
 - (c) the Terrorism (United Nations Measures) Order 2006 (S.I. 2006/2657);
 - (d) the Al-Qaida and Taliban (United Nations Measures) Order 2006 (S.I. 2006/2952).
 - [^{F2}(e) the Terrorism (United Nations Measures) Order 2009 ([S.I. 2009/1747](#)).]
- (2) The Treasury may by order amend subsection (1) by—
 - (a) adding other Orders in Council made under section 1 of the United Nations Act 1946 (c. 45),
 - (b) providing that a reference to a specified Order in Council is to that order as amended by a further Order in Council (made after the passing of this Act), or
 - (c) removing an Order in Council.
- (3) An order under subsection (2) is subject to negative resolution procedure.

Textual Amendments

- F2** S. 64(1)(e) inserted (10.8.2009) by [Financial Restrictions Proceedings \(UN Terrorism Orders\) Order 2009 \(S.I. 2009/1911\)](#), arts. 1(2), [2\(3\)](#)

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Changes to legislation:

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