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STATUTORY INSTRUMENTS

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**2017 No. 157**

**The Terrorist Asset-Freezing etc. Act 2010  
(Overseas Territories) (Amendment) Order 2017**

**Amendments to the principal Order**

4.—(1) Schedule 2 is amended as follows.

(2) In paragraph 1, after ““governor””, insert “, except where the word “Treasury” is introduced by any of the subsequent modifications”.

(3) For paragraph 4, substitute—

“4. For section 1, substitute—

“1. In this Part “designated person” means—

- (a) a person designated by the Treasury in accordance with this Part as it applies in the United Kingdom;
- (b) a person included in the list provided for by Article 2(3) of Council Regulation (EC) 2580/2001 of 27 December 2001<sup>(1)</sup> on specific restrictive measures directed against certain persons and entities with a view to combating terrorism; or
- (c) a person designated by the Governor for the purposes of this Part.”

(4) In paragraph 5—

- (a) renumber the existing text as subparagraph (2); and
- (b) before subparagraph (2) (as renumbered), insert—

“(1) After section 2(1), insert—

“(1A) Before making a final designation under subsection (1), the Governor must consult the Secretary of State.”.

(5) After paragraph 5, insert—

“5A. In section 4, after subsection (2), insert—

“(2A) Before renewing (or further renewing) a final designation, the Governor must consult the Secretary of State.”.

5B. In section 5(1), after “may” insert “, after consulting the Secretary of State,”.

(6) For paragraph 6, substitute—

“6. In section 6—

- (a) after subsection (1), insert—

“(1A) Before making an interim designation under subsection (1), the Governor must consult the Secretary of State.”; and

- (b) in subsection (2), for “(4)” substitute “(8)”.

- 6A.** In section 9(1), after “may” insert “, after consulting the Secretary of State.”.
- (7) After paragraph 7, insert—
- “**7A.** In sections 11(3), 12(2) and 13(3), for “sections 16 and 17” substitute “sections 16, 17 and 17A”.
- “**7B.** In sections 14(2) and 15(3), for “section 17” substitute “sections 17 and 17A”.”.
- (8) For paragraph 9, substitute—
- “**9.** In section 17—
- (a) omit subsection (2); and
- (b) after subsection (4), insert—
- “(4A) Before granting, varying or revoking a licence, the Governor must—
- (a) where the licence relates to a person referred to in section 1(a) or (b), consult the Treasury; and
- (b) where the licence relates to a person referred to in section 1(c), consult the Secretary of State.”.
- 9A.** After section 17, insert—
- “**Licences granted outside the Territory**
- 17A.** The prohibitions in sections 11 to 15 do not apply to anything done—
- (a) outside the Territory; and
- (b) under the authority of a licence granted in accordance with any provisions of the law in force in the place where it is done corresponding with the provisions of this Act.”.
- 9B.** In sections 20(4) and 21(3), after “section 17” insert “or a licence referred to in section 17A(b)”.”.
- (9) In paragraph 19—
- (a) in subparagraph (2), after “12 months”, insert “and for “the statutory maximum” substitute “£5,000 or its equivalent””; and
- (b) in subparagraph (3), for ““statutory maximum”” substitute “£5,000 or its equivalent”.
- (10) In paragraph 22, before subparagraph (1), insert—
- “(1ZA) In section 36(1), for “England and Wales” substitute “the Territory” and omit “by a magistrates’ court”.”.
- (11) For paragraph 23, substitute—
- “**23.**—(1) For the heading to section 37, substitute “Proceedings”.
- (2) For section 37(1), substitute—
- “(1ZA) Proceedings against a person for an offence under this Part may be taken before the appropriate court in the Territory having jurisdiction in the place where that person is for the time being.
- (1) Proceedings for an offence under this Part must not be instituted in the Territory except with the consent of the principal public officer of the Territory responsible for criminal prosecutions.”.”.
- (12) In paragraph 24(3), for “section 38(5) and (6)” substitute “section 38(4)(b), (5) and (6)”.
- (13) For paragraph 26(2), substitute—

“(2) Omit section 42(3) and (4).”.

(14) For paragraph 28, substitute—

“**28.** In section 45, omit subsection (1).”.