



Prevention of Terrorism (Temporary Provisions) Act 1989

1989 CHAPTER 4

PART III

FINANCIAL ASSISTANCE FOR TERRORISM

9 Contributions towards acts of terrorism

- (1) A person is guilty of an offence if he—
- (a) solicits or invites any other person to give, lend or otherwise make available, whether for consideration or not, any money or other property; or
 - (b) receives or accepts from any other person, whether for consideration or not, any money or other property,
- intending that it shall be applied or used for the commission of, or in furtherance of or in connection with, acts of terrorism to which this section applies or having reasonable cause to suspect that it may be so used or applied.
- (2) A person is guilty of an offence if he—
- (a) gives, lends or otherwise makes available to any other person, whether for consideration or not, any money or other property; or
 - (b) enters into or is otherwise concerned in an arrangement whereby money or other property is or is to be made available to another person,
- knowing or having reasonable cause to suspect that it will or may be applied or used as mentioned in subsection (1) above.
- (3) The acts of terrorism to which this section applies are—
- (a) acts of terrorism connected with the affairs of Northern Ireland; and
 - (b) subject to subsection (4) below, acts of terrorism of any other description except acts connected solely with the affairs of the United Kingdom or any part of the United Kingdom other than Northern Ireland.

- (4) Subsection (3)(b) above does not apply to an act done or to be done outside the United Kingdom unless it constitutes or would constitute an offence triable in the United Kingdom.
- (5) In proceedings against a person for an offence under this section in relation to an act within subsection (3)(b) above done or to be done outside the United Kingdom—
 - (a) the prosecution need not prove that that person knew or had reasonable cause to suspect that the act constituted or would constitute such an offence as is mentioned in subsection (4) above; but
 - (b) it shall be a defence to prove that he did not know and had no reasonable cause to suspect that the facts were such that the act constituted or would constitute such an offence.

10 Contributions to resources of proscribed organisations

- (1) A person is guilty of an offence if he—
 - (a) solicits or invites any other person to give, lend or otherwise make available, whether for consideration or not, any money or other property for the benefit of a proscribed organisation;
 - (b) gives, lends or otherwise makes available or receives or accepts, whether for consideration or not, any money or other property for the benefit of such an organisation; or
 - (c) enters into or is otherwise concerned in an arrangement whereby money or other property is or is to be made available for the benefit of such an organisation.
- (2) In proceedings against a person for an offence under subsection (1)(b) above it is a defence to prove that he did not know and had no reasonable cause to suspect that the money or property was for the benefit of a proscribed organisation; and in proceedings against a person for an offence under subsection (1)(c) above it is a defence to prove that he did not know and had no reasonable cause to suspect that the arrangement related to a proscribed organisation.
- (3) In this section and sections 11 and 13 below “proscribed organisation” includes a proscribed organisation for the purposes of section 21 of the Northern Ireland (Emergency Provisions) Act 1978.

11 Assisting in retention or control of terrorist funds

- (1) A person is guilty of an offence if he enters into or is otherwise concerned in an arrangement whereby the retention or control by or on behalf of another person of terrorist funds is facilitated, whether by concealment, removal from the jurisdiction, transfer to nominees or otherwise.
- (2) In proceedings against a person for an offence under this section it is a defence to prove that he did not know and had no reasonable cause to suspect that the arrangement related to terrorist funds.
- (3) In this section and section 12 below “terrorist funds” means—
 - (a) funds which may be applied or used for the commission of, or in furtherance of or in connection with, acts of terrorism to which section 9 above applies;

- (b) the proceeds of the commission of such acts of terrorism or of activities engaged in in furtherance of or in connection with such acts; and
 - (c) the resources of a proscribed organisation.
- (4) Paragraph (b) of subsection (3) includes any property which in whole or in part directly or indirectly represents such proceeds as are mentioned in that paragraph; and paragraph (c) of that subsection includes any money or other property which is or is to be applied or made available for the benefit of a proscribed organisation.

12 Disclosure of information about terrorist funds

- (1) A person may notwithstanding any restriction on the disclosure of information imposed by contract disclose to a constable a suspicion or belief that any money or other property is or is derived from terrorist funds or any matter on which such a suspicion or belief is based.
- (2) A person who enters into or is otherwise concerned in any such transaction or arrangement as is mentioned in section 9, 10 or 11 above does not commit an offence under that section if he is acting with the express consent of a constable or if—
- (a) he discloses to a constable his suspicion or belief that the money or other property concerned is or is derived from terrorist funds or any matter on which such a suspicion or belief is based; and
 - (b) the disclosure is made after he enters into or otherwise becomes concerned in the transaction or arrangement in question but is made on his own initiative and as soon as it is reasonable for him to make it,
- but paragraphs (a) and (b) above do not apply in a case where, having disclosed any such suspicion, belief or matter to a constable and having been forbidden by a constable to enter into or otherwise be concerned in the transaction or arrangement in question, he nevertheless does so.
- (3) In proceedings against a person for an offence under section 9(1)(b) or (2), 10(1)(b) or (c) or 11 above it is a defence to prove—
- (a) that he intended to disclose to a constable such a suspicion, belief or matter as is mentioned in paragraph (a) of subsection (2) above; and
 - (b) that there is a reasonable excuse for his failure to make the disclosure as mentioned in paragraph (b) of that subsection.

13 Penalties and forfeiture

- (1) A person guilty of an offence under section 9, 10 or 11 above is liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding fourteen years or a fine or both;
 - (b) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both.
- (2) Subject to the provisions of this section, the court by or before which a person is convicted of an offence under section 9(1) or (2)(a) above may order the forfeiture of any money or other property—
- (a) which, at the time of the offence, he had in his possession or under his control; and
 - (b) which, at that time—

Status: This is the original version (as it was originally enacted).

- (i) in the case of an offence under subsection (1) of section 9, he intended should be applied or used, or had reasonable cause to suspect might be applied or used, as mentioned in that subsection;
 - (ii) in the case of an offence under subsection (2)(a) of that section, he knew or had reasonable cause to suspect would or might be applied or used as mentioned in subsection (1) of that section.
- (3) Subject to the provisions of this section, the court by or before which a person is convicted of an offence under section 9(2)(b), 10(1)(c) or 11 above may order the forfeiture of the money or other property to which the arrangement in question related and which, in the case of an offence under section 9(2)(b), he knew or had reasonable cause to suspect would or might be applied or used as mentioned in section 9(1) above.
- (4) Subject to the provisions of this section, the court by or before which a person is convicted of an offence under section 10(1)(a) or (b) above may order the forfeiture of any money or other property which, at the time of the offence, he had in his possession or under his control for the use or benefit of a proscribed organisation.
- (5) The court shall not under this section make an order forfeiting any money or other property unless the court considers that the money or property may, unless forfeited, be applied or used as mentioned in section 9(1) above but the court may, in the absence of evidence to the contrary, assume that any money or property may be applied or used as there mentioned.
- (6) Where a person other than the convicted person claims to be the owner of or otherwise interested in anything which can be forfeited by an order under this section, the court shall, before making such an order in respect of it, give him an opportunity to be heard.
- (7) A court in Scotland shall not make an order under subsection (2), (3) or (4) above except on the application of the prosecutor when he moves for sentence; and for the purposes of any appeal or review an order under any of those subsections made by a court in Scotland is a sentence.
- (8) Schedule 4 to this Act shall have effect in relation to orders under this section.