Terrorism Act 2000

2000 CHAPTER 11

An Act to make provision about terrorism; and to make temporary provision for Northern Ireland about the prosecution and punishment of certain offences, the preservation of peace and the maintenance of order. [20th July 2000]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Modifications etc. (not altering text)

C1 Act modified (21.2.2009) by The Banking Act 2009 (Parts 2 and 3 Consequential Amendments) Order 2009 (S.I. 2009/317), art. 3, **Sch.**

C2 Act modified (1.12.1997 as notified in the London Gazette issue number 55144) by S.I. 1994/1405, **art. 7** (as amended: (26.10.2006) by S.I. 2006/2627, **art. 2**; (14.11.2007) by S.I. 2007/2908, **art. 2(4)**; (2.1.2008) by S.I. 2007/3579, **art. 3**; and (16.4.2015) by S.I. 2015/856, arts. 1, **6**)

C3 Act applied (with modifications) (8.2.2011) by The Investment Bank Special Administration Regulations 2011 (S.I. 2011/245), reg. 1, **Sch. 6 Pt. 1** (with reg. 27(a))

C4 Act modified (18.3.2011) by Terrorism Act 2000 (Remedial) Order 2011 (S.I. 2011/631), arts. 1, 2-4, **Sch. 1** (with art. 6)

PART I

INTRODUCTORY

1 Terrorism: interpretation.

(1) In this Act "terrorism" means the use or threat of action where—

(a) the action falls within subsection (2),

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(b) the use or threat is designed to influence the government **[**[F1]or an international governmental organisation**]** or to intimidate the public or a section of the public, and

(c) the use or threat is made for the purpose of advancing a political, religious **[**[F2], racial**]** or ideological cause.

(2) Action falls within this subsection if it—

(a) involves serious violence against a person,

(b) involves serious damage to property,

(c) endangers a person's life, other than that of the person committing the action,

(d) creates a serious risk to the health or safety of the public or a section of the public, or

(e) is designed seriously to interfere with or seriously to disrupt an electronic system.

(3) The use or threat of action falling within subsection (2) which involves the use of firearms or explosives is terrorism whether or not subsection (1)(b) is satisfied.

(4) In this section—

(a) "action" includes action outside the United Kingdom,

(b) a reference to any person or to property is a reference to any person, or to property, wherever situated,

(c) a reference to the public includes a reference to the public of a country other than the United Kingdom, and

(d) "the government" means the government of the United Kingdom, of a Part of the United Kingdom or of a country other than the United Kingdom.

(5) In this Act a reference to action taken for the purposes of terrorism includes a reference to action taken for the benefit of a proscribed organisation.

Textual Amendments

F1 Words in s. 1(1)(b) inserted (13.4.2006) by Terrorism Act 2006 (c. 11), **s. 34**; S.I. 2006/1013, **art. 2**

F2 Words in s. 1(1)(c) inserted (16.2.2009) by Counter-Terrorism Act 2008 (c. 28), **ss. 75(1)(2)(a)**, 100(5) (with s. 101(2)); S.I. 2009/58, **art. 2(a)**

2 Temporary legislation.

(1) The following shall cease to have effect—

(a) the [M1]Prevention of Terrorism (Temporary Provisions) Act 1989, and

(b) the [M2]Northern Ireland (Emergency Provisions) Act 1996.

(2) Schedule 1 (which preserves certain provisions of the 1996 Act, in some cases with amendment, for a transitional period) shall have effect.

Commencement Information

I1 S. 2 wholly in force at 19.2.2001; s. 2(1)(b)(2) in force at 20.7.2000 see s. 128; s. 2(1)(a) in force at 19.2.2001 by S.I. 2001/421, **art. 2**

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Marginal Citations

M1 1989 c. 4.
M2 1996 c. 22.

PART II

PROSCRIBED ORGANISATIONS

Procedure

3 Proscription.

(1) For the purposes of this Act an organisation is proscribed if—
- (a) it is listed in Schedule 2, or
- (b) it operates under the same name as an organisation listed in that Schedule.

(2) Subsection (1)(b) shall not apply in relation to an organisation listed in Schedule 2 if its entry is the subject of a note in that Schedule.

(3) The Secretary of State may by order—
- (a) add an organisation to Schedule 2;
- (b) remove an organisation from that Schedule;
- (c) amend that Schedule in some other way.

(4) The Secretary of State may exercise his power under subsection (3)(a) in respect of an organisation only if he believes that it is concerned in terrorism.

(5) For the purposes of subsection (4) an organisation is concerned in terrorism if it—
- (a) commits or participates in acts of terrorism,
- (b) prepares for terrorism,
- (c) promotes or encourages terrorism, or
- (d) is otherwise concerned in terrorism.

[F3(5A) The cases in which an organisation promotes or encourages terrorism for the purposes of subsection (5)(c) include any case in which activities of the organisation—
- (a) include the unlawful glorification of the commission or preparation (whether in the past, in the future or generally) of acts of terrorism; or
- (b) are carried out in a manner that ensures that the organisation is associated with statements containing any such glorification.

(5B) The glorification of any conduct is unlawful for the purposes of subsection (5A) if there are persons who may become aware of it who could reasonably be expected to infer that what is being glorified, is being glorified as—
- (a) conduct that should be emulated in existing circumstances, or
- (b) conduct that is illustrative of a type of conduct that should be so emulated.

(5C) In this section—

" glorification " includes any form of praise or celebration, and cognate expressions are to be construed accordingly;

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" statement " includes a communication without words consisting of sounds or images or both. **]**

[[F4](6) Where the Secretary of State believes—

(a) that an organisation listed in Schedule 2 is operating wholly or partly under a name that is not specified in that Schedule (whether as well as or instead of under the specified name), or

(b) that an organisation that is operating under a name that is not so specified is otherwise for all practical purposes the same as an organisation so listed,

he may, by order, provide that the name that is not specified in that Schedule is to be treated as another name for the listed organisation.

(7) Where an order under subsection (6) provides for a name to be treated as another name for an organisation, this Act shall have effect in relation to acts occurring while—

(a) the order is in force, and

(b) the organisation continues to be listed in Schedule 2,

as if the organisation were listed in that Schedule under the other name, as well as under the name specified in the Schedule.

(8) The Secretary of State may at any time by order revoke an order under subsection (6) or otherwise provide for a name specified in such an order to cease to be treated as a name for a particular organisation.

(9) Nothing in subsections (6) to (8) prevents any liability from being established in any proceedings by proof that an organisation is the same as an organisation listed in Schedule 2, even though it is or was operating under a name specified neither in Schedule 2 nor in an order under subsection (6).**]**

Textual Amendments

F3 S. 3(5A)-(5C) inserted (13.4.2006) by Terrorism Act 2006 (c. 11), **s. 21**; S.I. 2006/1013, **art. 2**

F4 S. 3(6)-(9) inserted (13.4.2006) by Terrorism Act 2006 (c. 11), **s. 22(2)**; S.I. 2006/1013, **art. 2**

4 Deproscription: application.

[[F5](1) An application may be made to the Secretary of State for an order under section 3(3) or (8)—

(a) removing an organisation from Schedule 2, or

(b) providing for a name to cease to be treated as a name for an organisation listed in that Schedule.**]**

(2) An application may be made by—

(a) the organisation, or

(b) any person affected by the organisation's proscription **[**[F6]or by the treatment of the name as a name for the organisation.**]** .

(3) The Secretary of State shall make regulations prescribing the procedure for applications under this section.

(4) The regulations shall, in particular—

(a) require the Secretary of State to determine an application within a specified period of time, and

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(b) require an application to state the grounds on which it is made.

Textual Amendments

F5 S. 4(1) substituted (13.4.2006) by Terrorism Act 2006 (c. 11), **s. 22(3)**; S.I. 2006/1013, **art. 2**

F6 Words in s. 4(2)(b) inserted (13.4.2006) by Terrorism Act 2006 (c. 11), **s. 22(4)**; S.I. 2006/1013, **art. 2**

Commencement Information

I2 S. 4 wholly in force at 19.2.2001; s. 4 not in force at Royal Assent see s. 128; s. 4(3)(4) in force at 31.10.2000 by S.I. 2000/2944, **art. 2(a)**; s. 4 in force at 19.2.2002 in so far as not already in force by S.I. 2001/421, **art. 2**

5 Deproscription: appeal.

(1) There shall be a commission, to be known as the Proscribed Organisations Appeal Commission.

(2) Where an application under section 4 has been refused, the applicant may appeal to the Commission.

(3) The Commission shall allow an appeal against a refusal to deproscribe an organisation **[**[F7]or to provide for a name to cease to be treated as a name for an organisation**]** if it considers that the decision to refuse was flawed when considered in the light of the principles applicable on an application for judicial review.

(4) Where the Commission allows an appeal under this section [F8]. . . , it may make an order under this subsection.

(5) Where an order is made under subsection (4) **[**[F9]in respect of an appeal against a refusal to deproscribe an organisation,**]** the Secretary of State shall as soon as is reasonably practicable—

(a) lay before Parliament, in accordance with section 123(4), the draft of an order under section 3(3)(b) removing the organisation from the list in Schedule 2, or

(b) make an order removing the organisation from the list in Schedule 2 in pursuance of section 123(5).

[[F10](5A) Where an order is made under subsection (4) in respect of an appeal against a refusal to provide for a name to cease to be treated as a name for an organisation, the Secretary of State shall, as soon as is reasonably practicable, make an order under section 3(8) providing that the name in question is to cease to be so treated in relation to that organisation.**]**

(6) Schedule 3 (constitution of the Commission and procedure) shall have effect.

Textual Amendments

F7 Words in s. 5(3) inserted (13.4.2006) by Terrorism Act 2006 (c. 11), **s. 22(5)(a)**; S.I. 2006/1013, **art. 2**

F8 Words in s. 5(4) repealed (13.4.2006) by Terrorism Act 2006 (c. 11), ss. {22(5)(b)}, 37(5), {Sch. 3}; S.I. 2006/1013, **art. 2**

F9 Words in s. 5(5) inserted (13.4.2006) by Terrorism Act 2006 (c. 11), **s. 22(5)(c)**; S.I. 2006/1013, **art. 2**

F10 S. 5(5A) inserted (13.4.2006) by Terrorism Act 2006 (c. 11), **s. 22(6)**; S.I. 2006/1013, **art. 2**

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Commencement Information

I3 S. 5 wholly in force at 19.2.2001; s. 5 not in force at Royal Assent see s. 128; s. 5(1) wholly in force and s. 5(6) in force for certain purposes at 31.10.2000 by S.I. 2000/2944, **art. 2(b)**; s. 5 in force at 19.2.2001 in so far as not already in force by S.I. 2001/421, **art. 2**

6 Further appeal.

(1) A party to an appeal under section 5 which the Proscribed Organisations Appeal Commission has determined may bring a further appeal on a question of law to—

(a) the Court of Appeal, if the first appeal was heard in England and Wales,

(b) the Court of Session, if the first appeal was heard in Scotland, or

(c) the Court of Appeal in Northern Ireland, if the first appeal was heard in Northern Ireland.

(2) An appeal under subsection (1) may be brought only with the permission—

(a) of the Commission, or

(b) where the Commission refuses permission, of the court to which the appeal would be brought.

(3) An order under section 5(4) shall not require the Secretary of State to take any action until the final determination or disposal of an appeal under this section (including any appeal to the **[**[F11]Supreme Court**]**).

Textual Amendments

F11 Words in s. 6(3) substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), ss. 40(4), 148, **Sch. 9 para. 71**; S.I. 2009/1604, **art. 2(d)**

7 Appeal: effect on conviction, &c.

(1) This section applies where—

(a) an appeal under section 5 has been allowed in respect of an organisation,

(b) an order has been made under section 3(3)(b) in respect of the organisation in accordance with an order of the Commission under section 5(4) (and, if the order was made in reliance on section 123(5), a resolution has been passed by each House of Parliament under section 123(5)(b)),

(c) a person has been convicted of an offence in respect of the organisation under any of sections 11 to 13, 15 to 19 and 56, and

(d) the activity to which the charge referred took place on or after the date of the refusal to deproscribe against which the appeal under section 5 was brought.

[[F12](1A) This section also applies where—

(a) an appeal under section 5 has been allowed in respect of a name treated as the name for an organisation,

(b) an order has been made under section 3(8) in respect of the name in accordance with an order of the Commission under section 5(4),

(c) a person has been convicted of an offence in respect of the organisation under any of sections 11 to 13, 15 to 19 and 56, and

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(d) the activity to which the charge referred took place on or after the date of the refusal, against which the appeal under section 5 was brought, to provide for a name to cease to be treated as a name for the organisation.**]**

(2) If the person mentioned in subsection (1)(c) **[**[F13]or (1A)(c)**]** was convicted on indictment—

(a) he may appeal against the conviction to the Court of Appeal, and

(b) the Court of Appeal shall allow the appeal.

(3) A person may appeal against a conviction by virtue of subsection (2) whether or not he has already appealed against the conviction.

(4) An appeal by virtue of subsection (2)—

(a) must be brought within the period of 28 days beginning with the date on which the order mentioned in subsection (1)(b) **[**[F14]or (1A)(b)**]** comes into force, and

(b) shall be treated as an appeal under section 1 of the [M3]Criminal Appeal Act 1968 (but does not require leave).

(5) If the person mentioned in subsection (1)(c) **[**[F15]or (1A)(c)**]** was convicted by a magistrates' court—

(a) he may appeal against the conviction to the Crown Court, and

(b) the Crown Court shall allow the appeal.

(6) A person may appeal against a conviction by virtue of subsection (5)—

(a) whether or not he pleaded guilty,

(b) whether or not he has already appealed against the conviction, and

(c) whether or not he has made an application in respect of the conviction under section 111 of the [M4]Magistrates' Courts Act 1980 (case stated).

(7) An appeal by virtue of subsection (5)—

(a) must be brought within the period of 21 days beginning with the date on which the order mentioned in subsection (1)(b) **[**[F16]or (1A)(b)**]** comes into force, and

(b) shall be treated as an appeal under section 108(1)(b) of the [M5]Magistrates' Courts Act 1980.

(8) In section 133(5) of the [M6]Criminal Justice Act 1988 (compensation for miscarriage of justice) after paragraph (b) there shall be inserted—

"or

(c) on an appeal under section 7 of the Terrorism Act 2000".

Textual Amendments

F12 S. 7(1A) inserted (13.4.2006) by Terrorism Act 2006 (c. 11), **s. 22(7)**; S.I. 2006/1013, **art. 2**

F13 Words in s. 7(2) inserted (13.4.2006) by Terrorism Act 2006 (c. 11), **s. 22(8)(a)**; S.I. 2006/1013, **art. 2**

F14 Words in s. 7(4)(a) inserted (13.4.2006) by Terrorism Act 2006 (c. 11), **s. 22(8)(b)**; S.I. 2006/1013, **art. 2**

F15 Words in s. 7(5) inserted (13.4.2006) by Terrorism Act 2006 (c. 11), **s. 22(8)(c)**; S.I. 2006/1013, **art. 2**

F16 Words in s. 7(7)(a) inserted (13.4.2006) by Terrorism Act 2006 (c. 11), **s. 22(8)(d)**; S.I. 2006/1013, **art. 2**

Marginal Citations

M3 1968 c. 19.

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M4 1980 c. 43.
M5 1980 c. 43.
M6 1988 c. 33.

8 Section 7: Scotland and Northern Ireland.

(1) In the application of section 7 to Scotland—

(a) for every reference to the Court of Appeal or the Crown Court substitute a reference to the High Court of Justiciary,

(b) in subsection (2)(b), at the end insert " and quash the conviction ",

(c) in subsection (4)—

(i) in paragraph (a), for "28 days" substitute " two weeks ", and

(ii) in paragraph (b), for "section 1 of the Criminal Appeal Act 1968" substitute " section 106 of the Criminal Procedure (Scotland) Act 1995 ",

(d) in subsection (5)—

(i) for "by a magistrates' court" substitute " in summary proceedings ", and

(ii) in paragraph (b), at the end insert " and quash the conviction ",

(e) in subsection (6), paragraph (c) is omitted, and

(f) in subsection (7)—

(i) in paragraph (a) for "21 days" substitute " two weeks ", and

(ii) for paragraph (b) substitute—

"(b) shall be by note of appeal, which shall state the ground of appeal,

(c) shall not require leave under any provision of Part X of the Criminal Procedure (Scotland) Act 1995, and

(d) shall be in accordance with such procedure as the High Court of Justiciary may, by Act of Adjournal, determine.".

(2) In the application of section 7 to Northern Ireland—

(a) the reference in subsection (4) to section 1 of the [M7]Criminal Appeal Act 1968 shall be taken as a reference to section 1 of the [M8]Criminal Appeal (Northern Ireland) Act 1980,

(b) references in subsection (5) to the Crown Court shall be taken as references to the county court,

(c) the reference in subsection (6) to section 111 of the [M9]Magistrates' Courts Act 1980 shall be taken as a reference to Article 146 of the [M10]Magistrates' Courts (Northern Ireland) Order 1981, and

(d) the reference in subsection (7) to section 108(1)(b) of the [M11]Magistrates' Courts Act 1980 shall be taken as a reference to Article 140(1)(b) of the [M12]Magistrates' Courts (Northern Ireland) Order 1981.

Marginal Citations

M7 1968 c. 19.
M8 1980 c. 47.
M9 1980 c. 43.

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M10 S.I. 1981/1675 (N.I. 26).
M11 1980 c. 43.
M12 S.I. 1981/1675 (N.I. 26).

9 Human Rights Act 1998.

(1) This section applies where rules (within the meaning of section 7 of the [M13]Human Rights Act 1998 (jurisdiction)) provide for proceedings under section 7(1) of that Act to be brought before the Proscribed Organisations Appeal Commission.

(2) The following provisions of this Act shall apply in relation to proceedings under section 7(1) of that Act as they apply to appeals under section 5 of this Act—
- (a) section 5(4) **[**[F17], (5) and (5A)**]** ,
- (b) section 6,
- (c) section 7, and
- (d) paragraphs 4 to **[**[F18]7**]** of Schedule 3.

(3) The Commission shall decide proceedings in accordance with the principles applicable on an application for judicial review.

(4) In the application of the provisions mentioned in subsection (2)—
- (a) a reference to the Commission allowing an appeal shall be taken as a reference to the Commission determining that an action of the Secretary of State is incompatible with a Convention right, **[**[F19]and**]**
- (b) a reference to the refusal to deproscribe against which an appeal was brought shall be taken as a reference to the action of the Secretary of State which is found to be incompatible with a Convention right**[**[F20], and
- (c) a reference to a refusal to provide for a name to cease to be treated as a name for an organisation shall be taken as a reference to the action of the Secretary of State which is found to be incompatible with a Convention right**]**.

Textual Amendments

F17 Words in s. 9(2)(a) substituted (13.4.2006) by Terrorism Act 2006 (c. 11), **s. 22(9)(a)**; S.I. 2006/1013, **art. 2**

F18 Words in s. 9(2)(d) substituted (2.10.2000) by 2000 c. 23, s. 82, **Sch. 4 para. 12(1)** (with s. 82(3)); S.I. 2000/2543, **art. 3**

F19 S. 9(4): it is provided that the word "and" at the end of para. (b) is repealed (13.4.2006) by Terrorism Act 2006 (c. 11), s. 37(5), **Sch. 3**; S.I. 2006/1013, **art. 2**

F20 S. 9(4)(c) and preceding word inserted (13.4.2006) by Terrorism Act 2006 (c. 11), **s. 22(9)(b)**; S.I. 2006/1013, **art. 2**

Marginal Citations

M13 1998 c. 42.

10 Immunity.

(1) The following shall not be admissible as evidence in proceedings for an offence under any of sections 11 to 13, 15 to 19 and 56—
- (a) evidence of anything done in relation to an application to the Secretary of State under section 4,

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(b) evidence of anything done in relation to proceedings before the Proscribed Organisations Appeal Commission under section 5 above or section 7(1) of the [M14]Human Rights Act 1998,

(c) evidence of anything done in relation to proceedings under section 6 (including that section as applied by section 9(2)), and

(d) any document submitted for the purposes of proceedings mentioned in any of paragraphs (a) to (c).

(2) But subsection (1) does not prevent evidence from being adduced on behalf of the accused.

Marginal Citations

M14 1998 c. 42.

Offences

11 Membership.

(1) A person commits an offence if he belongs or professes to belong to a proscribed organisation.

(2) It is a defence for a person charged with an offence under subsection (1) to prove—

(a) that the organisation was not proscribed on the last (or only) occasion on which he became a member or began to profess to be a member, and

(b) that he has not taken part in the activities of the organisation at any time while it was proscribed.

(3) A person guilty of an offence under this section shall be liable—

(a) on conviction on indictment, to imprisonment for a term not exceeding ten years, to a fine or to both, or

(b) on summary conviction, to imprisonment for a term not exceeding six months, to a fine not exceeding the statutory maximum or to both.

(4) In subsection (2) "proscribed" means proscribed for the purposes of any of the following—

(a) this Act;

(b) the [M15]Northern Ireland (Emergency Provisions) Act 1996;

(c) the [M16]Northern Ireland (Emergency Provisions) Act 1991;

(d) the [M17]Prevention of Terrorism (Temporary Provisions) Act 1989;

(e) the [M18]Prevention of Terrorism (Temporary Provisions) Act 1984;

(f) the [M19]Northern Ireland (Emergency Provisions) Act 1978;

(g) the [M20]Prevention of Terrorism (Temporary Provisions) Act 1976;

(h) the [M21]Prevention of Terrorism (Temporary Provisions) Act 1974;

(i) the [M22]Northern Ireland (Emergency Provisions) Act 1973.

Marginal Citations

M15 1996 c. 22.

M16 1991 c. 24.

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M17 1989 c. 4.
M18 1984 c. 8.
M19 1978 c. 5.
M20 1976 c. 8.
M21 1974 c. 56.
M22 1973 c. 53.

12 Support.

(1) A person commits an offence if—
- (a) he invites support for a proscribed organisation, and
- (b) the support is not, or is not restricted to, the provision of money or other property (within the meaning of section 15).

(2) A person commits an offence if he arranges, manages or assists in arranging or managing a meeting which he knows is—
- (a) to support a proscribed organisation,
- (b) to further the activities of a proscribed organisation, or
- (c) to be addressed by a person who belongs or professes to belong to a proscribed organisation.

(3) A person commits an offence if he addresses a meeting and the purpose of his address is to encourage support for a proscribed organisation or to further its activities.

(4) Where a person is charged with an offence under subsection (2)(c) in respect of a private meeting it is a defence for him to prove that he had no reasonable cause to believe that the address mentioned in subsection (2)(c) would support a proscribed organisation or further its activities.

(5) In subsections (2) to (4)—
- (a) "meeting" means a meeting of three or more persons, whether or not the public are admitted, and
- (b) a meeting is private if the public are not admitted.

(6) A person guilty of an offence under this section shall be liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding ten years, to a fine or to both, or
- (b) on summary conviction, to imprisonment for a term not exceeding six months, to a fine not exceeding the statutory maximum or to both.

13 Uniform.

(1) A person in a public place commits an offence if he—
- (a) wears an item of clothing, or
- (b) wears, carries or displays an article,

in such a way or in such circumstances as to arouse reasonable suspicion that he is a member or supporter of a proscribed organisation.

(2) A constable in Scotland may arrest a person without a warrant if he has reasonable grounds to suspect that the person is guilty of an offence under this section.

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(3) A person guilty of an offence under this section shall be liable on summary conviction to—
- (a) imprisonment for a term not exceeding six months,
- (b) a fine not exceeding level 5 on the standard scale, or
- (c) both.

PART III

TERRORIST PROPERTY

Interpretation

14 Terrorist property.

(1) In this Act "terrorist property" means—
- (a) money or other property which is likely to be used for the purposes of terrorism (including any resources of a proscribed organisation),
- (b) proceeds of the commission of acts of terrorism, and
- (c) proceeds of acts carried out for the purposes of terrorism.

(2) In subsection (1)—
- (a) a reference to proceeds of an act includes a reference to any property which wholly or partly, and directly or indirectly, represents the proceeds of the act (including payments or other rewards in connection with its commission), and
- (b) the reference to an organisation's resources includes a reference to any money or other property which is applied or made available, or is to be applied or made available, for use by the organisation.

Offences

15 Fund-raising.

(1) A person commits an offence if he—
- (a) invites another to provide money or other property, and
- (b) intends that it should be used, or has reasonable cause to suspect that it may be used, for the purposes of terrorism.

(2) A person commits an offence if he—
- (a) receives money or other property, and
- (b) intends that it should be used, or has reasonable cause to suspect that it may be used, for the purposes of terrorism.

(3) A person commits an offence if he—
- (a) provides money or other property, and
- (b) knows or has reasonable cause to suspect that it will or may be used for the purposes of terrorism.

(4) In this section a reference to the provision of money or other property is a reference to its being given, lent or otherwise made available, whether or not for consideration.

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Modifications etc. (not altering text)
C5 S. 15 applied (19.2.2001) by S.I. 2001/192, **reg. 3**

16 Use and possession.

(1) A person commits an offence if he uses money or other property for the purposes of terrorism.

(2) A person commits an offence if he—
- (a) possesses money or other property, and
- (b) intends that it should be used, or has reasonable cause to suspect that it may be used, for the purposes of terrorism.

Modifications etc. (not altering text)
C6 S. 16 applied (19.2.2001) by S.I. 2001/192, **reg. 3**

17 Funding arrangements.

A person commits an offence if—
- (a) he enters into or becomes concerned in an arrangement as a result of which money or other property is made available or is to be made available to another, and
- (b) he knows or has reasonable cause to suspect that it will or may be used for the purposes of terrorism.

Modifications etc. (not altering text)
C7 S. 17 applied (19.2.2001) by S.I. 2001/192, **reg. 3**

[F21 17A Insurance against payments made in response to terrorist demands

(1) The insurer under an insurance contract commits an offence if—
- (a) the insurer makes a payment under the contract, or purportedly under it,
- (b) the payment is made in respect of any money or other property that has been, or is to be, handed over in response to a demand made wholly or partly for the purposes of terrorism, and
- (c) the insurer or the person authorising the payment on the insurer's behalf knows or has reasonable cause to suspect that the money or other property has been, or is to be, handed over in response to such a demand.

(2) If an offence under this section committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—
- (a) a director, manager, secretary or other similar officer of the body corporate, or
- (b) any person who was purporting to act in any such capacity,

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that person, as well as the body corporate, is guilty of the offence and liable to be proceeded against and punished accordingly.

(3) The reference in subsection (2) to a director, in relation to a body corporate whose affairs are managed by its members, is a reference to a member of the body corporate.

(4) If an offence under this section is committed by a Scottish partnership and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—

(a) a partner, or

(b) any person who was purporting to act in that capacity,

that person, as well as the partnership, is guilty of the offence and liable to be proceeded against and punished accordingly.

(5) In this section "insurance contract" means a contract under which one party accepts significant insurance risk from another party ("the policyholder") by agreeing to compensate the policyholder if a specified uncertain future event adversely affects the policyholder.**]**

Textual Amendments

F21 S. 17A inserted (12.2.2015) by Counter-Terrorism and Security Act 2015 (c. 6), **ss. 42(1)**, 52(5) (with s. 42(3)(4))

18 Money laundering.

(1) A person commits an offence if he enters into or becomes concerned in an arrangement which facilitates the retention or control by or on behalf of another person of terrorist property—

(a) by concealment,

(b) by removal from the jurisdiction,

(c) by transfer to nominees, or

(d) in any other way.

(2) It is a defence for a person charged with an offence under subsection (1) to prove that he did not know and had no reasonable cause to suspect that the arrangement related to terrorist property.

Modifications etc. (not altering text)

C8 S. 18 applied (19.2.2001) by S.I. 2001/192, **reg. 3**

19 Disclosure of information: duty.

(1) This section applies where a person—

(a) believes or suspects that another person has committed an offence under any of sections 15 to 18, and

(b) bases his belief or suspicion on information which **[**[F22]comes to his attention—

(i) in the course of a trade, profession or business, or

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(ii) in the course of his employment (whether or not in the course of a trade, profession or business).**]**

[[F23](1A) But this section does not apply if the information came to the person in the course of a business in the regulated sector.**]**

(2) The person commits an offence if he does not disclose to a constable as soon as is reasonably practicable—
- (a) his belief or suspicion, and
- (b) the information on which it is based.

(3) It is a defence for a person charged with an offence under subsection (2) to prove that he had a reasonable excuse for not making the disclosure.

(4) Where—
- (a) a person is in employment,
- (b) his employer has established a procedure for the making of disclosures of the matters specified in subsection (2), and
- (c) he is charged with an offence under that subsection,

it is a defence for him to prove that he disclosed the matters specified in that subsection in accordance with the procedure.

(5) Subsection (2) does not require disclosure by a professional legal adviser of—
- (a) information which he obtains in privileged circumstances, or
- (b) a belief or suspicion based on information which he obtains in privileged circumstances.

(6) For the purpose of subsection (5) information is obtained by an adviser in privileged circumstances if it comes to him, otherwise than with a view to furthering a criminal purpose—
- (a) from a client or a client's representative, in connection with the provision of legal advice by the adviser to the client,
- (b) from a person seeking legal advice from the adviser, or from the person's representative, or
- (c) from any person, for the purpose of actual or contemplated legal proceedings.

(7) For the purposes of subsection (1)(a) a person shall be treated as having committed an offence under one of sections 15 to 18 if—
- (a) he has taken an action or been in possession of a thing, and
- (b) he would have committed an offence under one of those sections if he had been in the United Kingdom at the time when he took the action or was in possession of the thing.

[[F24](7A) The reference to a business in the regulated sector must be construed in accordance with Schedule 3A.

(7B) The reference to a constable includes a reference to a **[**[F25]National Crime Agency officer**]** authorised for the purposes of this section by the Director General of **[**[F26]that Agency**]**.**]**

(8) A person guilty of an offence under this section shall be liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding five years, to a fine or to both, or

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(b) on summary conviction, to imprisonment for a term not exceeding six months, or to a fine not exceeding the statutory maximum or to both.

Textual Amendments

F22 Words in s. 19(1)(b) substituted (16.2.2009) by Counter-Terrorism Act 2008 (c. 28), **ss. 77(2)**, 100 (with s. 101(2)); S.I. 2009/58, **art. 2(e)**

F23 S. 19(1A) inserted (20.12.2001) by 2001 c. 24, s. 3, **Sch. 2 Pt. 3 para. 5(3)**; S.I. 2001/4019, **art. 2(1)(c)**

F24 S. 19(7A)(7B) inserted (20.12.2001) by 2001 c. 24, s. 3, **Sch. 2 Pt. 3 para. 5(4)**; S.I. 2001/4019, **art. 2(1)(c)**

F25 Words in s. 19(7B) substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 8 para. 68**; S.I. 2013/1682, art. 3(v)

F26 Words in s. 19(7B) substituted (1.4.2006 subject to art. 4(2)-(7) of the commencing S.I.) by Serious Organised Crime and Police Act 2005 (c. 15), s. 59, **Sch. 4 para. 126(b)**; S.I. 2006/378, **art. 4(1)**, Sch.

Modifications etc. (not altering text)

C9 S. 19 applied (19.2.2001) by S.I. 2001/192, **reg. 3**
S. 19 restricted (19.2.2001) by S.I. 2001/192, **reg. 4**

C10 S. 19(2) modified (16.2.2009) by Counter-Terrorism Act 2008 (c. 28), **ss. 77(4)**, 100 (with s. 101(2)); S.I. 2009/58, **art. 2(e)**

20 Disclosure of information: permission.

(1) A person may disclose to a constable—

(a) a suspicion or belief that any money or other property is terrorist property or is derived from terrorist property;

(b) any matter on which the suspicion or belief is based.

(2) A person may make a disclosure to a constable in the circumstances mentioned in section 19(1) and (2).

(3) Subsections (1) and (2) shall have effect notwithstanding any restriction on the disclosure of information imposed by statute or otherwise.

(4) Where—

(a) a person is in employment, and

(b) his employer has established a procedure for the making of disclosures of the kinds mentioned in subsection (1) and section 19(2),

subsections (1) and (2) shall have effect in relation to that person as if any reference to disclosure to a constable included a reference to disclosure in accordance with the procedure.

[[F27](5) References to a constable include references to a **[**[F28]National Crime Agency officer**]** authorised for the purposes of this section by the Director General of **[**[F29]that Agency**]** .**]**

Textual Amendments

F27 S. 20(5) inserted (20.12.2001) by 2001 c. 24, s. 3, **Sch. 2 Pt. 3 para. 5(5)**; S.I. 2001/4019, **art. 2(1)(c)**

F28 Words in s. 20(5) substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 8 para. 69**; S.I. 2013/1682, art. 3(v)

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F29 Words in s. 20(5) substituted (1.4.2006 subject to art. 4(2)-(7) of the commencing S.I.) by Serious Organised Crime and Police Act 2005 (c. 15), s. 59, **Sch. 4 para. 127(b)**; S.I. 2006/378, **art. 4(1)**, Sch.

Modifications etc. (not altering text)

C11 S. 20 applied (19.2.2001) by S.I. 2001/192, **reg. 3**

21 Cooperation with police.

(1) A person does not commit an offence under any of sections 15 to 18 if he is acting with the express consent of a constable.

(2) Subject to subsections (3) and (4), a person does not commit an offence under any of sections 15 to 18 by involvement in a transaction or arrangement relating to money or other property if he discloses to a constable—

(a) his suspicion or belief that the money or other property is terrorist property, and

(b) the information on which his suspicion or belief is based.

(3) Subsection (2) applies only where a person makes a disclosure—

(a) after he becomes concerned in the transaction concerned,

(b) on his own initiative, and

(c) as soon as is reasonably practicable.

(4) Subsection (2) does not apply to a person if—

(a) a constable forbids him to continue his involvement in the transaction or arrangement to which the disclosure relates, and

(b) he continues his involvement.

(5) It is a defence for a person charged with an offence under any of sections 15(2) and (3) and 16 to 18 to prove that—

(a) he intended to make a disclosure of the kind mentioned in subsections (2) and (3), and

(b) there is reasonable excuse for his failure to do so.

(6) Where—

(a) a person is in employment, and

(b) his employer has established a procedure for the making of disclosures of the same kind as may be made to a constable under subsection (2),

this section shall have effect in relation to that person as if any reference to disclosure to a constable included a reference to disclosure in accordance with the procedure.

(7) A reference in this section to a transaction or arrangement relating to money or other property includes a reference to use or possession.

Modifications etc. (not altering text)

C12 S. 21 applied (19.2.2001) by S.I. 2001/192, **reg. 3**

C13 S. 21(3) modified (16.2.2009) by Counter-Terrorism Act 2008 (c. 28), **ss. 77(4)**, 100(5) (with s. 101(2)); S.I. 2009/58, **art. 2(e)**

Status: *Point in time view as at 29/06/2017.*
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[F30 21ZA Arrangements with prior consent

(1) A person does not commit an offence under any of sections 15 to 18 by involvement in a transaction or an arrangement relating to money or other property if, before becoming involved, the person—

(a) discloses to an authorised officer the person's suspicion or belief that the money or other property is terrorist property and the information on which the suspicion or belief is based, and

(b) has the authorised officer's consent to becoming involved in the transaction or arrangement.

(2) A person is treated as having an authorised officer's consent if before the end of the notice period the person does not receive notice from an authorised officer that consent is refused.

(3) The notice period is the period of 7 working days starting with the first working day after the person makes the disclosure.

(4) A working day is a day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day that is a bank holiday under the Banking and Financial Dealings Act 1971 (c.80) in the part of the United Kingdom in which the person is when making the disclosure.

(5) In this section " authorised officer " means a **[**F31 National Crime Agency officer**]** authorised for the purposes of this section by the Director General of that Agency.

(6) The reference in this section to a transaction or arrangement relating to money or other property includes a reference to use or possession.

Textual Amendments

F30 Ss. 21ZA-21ZC inserted (26.12.2007) by The Terrorism Act 2000 and Proceeds of Crime Act 2002 (Amendment) Regulations 2007 (S.I. 2007/3398), reg. 2, **Sch. 1 para. 2**

F31 Words in s. 21ZA(5) substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 8 para. 70**; S.I. 2013/1682, art. 3(v)

21ZB Disclosure after entering into arrangements

(1) A person does not commit an offence under any of sections 15 to 18 by involvement in a transaction or an arrangement relating to money or other property if, after becoming involved, the person discloses to an authorised officer—

(a) the person's suspicion or belief that the money or other property is terrorist property, and

(b) the information on which the suspicion or belief is based.

(2) This section applies only where—

(a) there is a reasonable excuse for the person's failure to make the disclosure before becoming involved in the transaction or arrangement, and

(b) the disclosure is made on the person's own initiative and as soon as it is reasonably practicable for the person to make it.

(3) This section does not apply to a person if—

(a) an authorised officer forbids the person to continue involvement in the transaction or arrangement to which the disclosure relates, and

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(b) the person continues that involvement.

(4) In this section " authorised officer " means a **[**[F32]National Crime Agency officer**]** authorised for the purposes of this section by the Director General of that Agency.

(5) The reference in this section to a transaction or arrangement relating to money or other property includes a reference to use or possession.

Textual Amendments

F30 Ss. 21ZA-21ZC inserted (26.12.2007) by The Terrorism Act 2000 and Proceeds of Crime Act 2002 (Amendment) Regulations 2007 (S.I. 2007/3398), reg. 2, **Sch. 1 para. 2**

F32 Words in s. 21ZB(4) substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 8 para. 71**; S.I. 2013/1682, art. 3(v)

21ZC Reasonable excuse for failure to disclose

It is a defence for a person charged with an offence under any of sections 15 to 18 to prove that—

(a) the person intended to make a disclosure of the kind mentioned in section 21ZA or 21ZB, and

(b) there is a reasonable excuse for the person's failure to do so.**]**

Textual Amendments

F30 Ss. 21ZA-21ZC inserted (26.12.2007) by The Terrorism Act 2000 and Proceeds of Crime Act 2002 (Amendment) Regulations 2007 (S.I. 2007/3398), reg. 2, **Sch. 1 para. 2**

[[F33]21A Failure to disclose: regulated sector

(1) A person commits an offence if each of the following three conditions is satisfied.

(2) The first condition is that he—

(a) knows or suspects, or

(b) has reasonable grounds for knowing or suspecting,

that another person has committed **[**[F34]or attempted to commit**]** an offence under any of sections 15 to 18.

(3) The second condition is that the information or other matter—

(a) on which his knowledge or suspicion is based, or

(b) which gives reasonable grounds for such knowledge or suspicion,

came to him in the course of a business in the regulated sector.

(4) The third condition is that he does not disclose the information or other matter to a constable or a nominated officer as soon as is practicable after it comes to him.

(5) But a person does not commit an offence under this section if—

(a) he has a reasonable excuse for not disclosing the information or other matter;

(b) he is a professional legal adviser **[**[F35]or relevant professional adviser**]** and the information or other matter came to him in privileged circumstances **[**[F36]; or

(c) subsection (5A) applies to him.**]**

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[This subsection applies to a person if—

[F37](5A)
(a) the person is employed by, or is in partnership with, a professional legal adviser or relevant professional adviser to provide the adviser with assistance or support,
(b) the information or other matter comes to the person in connection with the provision of such assistance or support, and
(c) the information or other matter came to the adviser in privileged circumstances.**]**

(6) In deciding whether a person committed an offence under this section the court must consider whether he followed any relevant guidance which was at the time concerned—
(a) issued by a supervisory authority or any other appropriate body,
(b) approved by the Treasury, and
(c) published in a manner it approved as appropriate in its opinion to bring the guidance to the attention of persons likely to be affected by it.

(7) A disclosure to a nominated officer is a disclosure which—
(a) is made to a person nominated by the alleged offender's employer to receive disclosures under this section, and
(b) is made in the course of the alleged offender's employment and in accordance with the procedure established by the employer for the purpose.

(8) Information or other matter comes to a professional legal adviser **[**[F38]or relevant professional adviser**]** in privileged circumstances if it is communicated or given to him—
(a) by (or by a representative of) a client of his in connection with the giving by the adviser of legal advice to the client,
(b) by (or by a representative of) a person seeking legal advice from the adviser, or
(c) by a person in connection with legal proceedings or contemplated legal proceedings.

(9) But subsection (8) does not apply to information or other matter which is communicated or given with a view to furthering a criminal purpose.

(10) Schedule 3A has effect for the purpose of determining what is—
(a) a business in the regulated sector;
(b) a supervisory authority.

(11) For the purposes of subsection (2) a person is to be taken to have committed an offence there mentioned if—
(a) he has taken an action or been in possession of a thing, and
(b) he would have committed the offence if he had been in the United Kingdom at the time when he took the action or was in possession of the thing.

(12) A person guilty of an offence under this section is liable—
(a) on conviction on indictment, to imprisonment for a term not exceeding five years or to a fine or to both;
(b) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum or to both.

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(13) An appropriate body is any body which regulates or is representative of any trade, profession, business or employment carried on by the alleged offender.

(14) The reference to a constable includes a reference to a **[**[F39]National Crime Agency officer**]** authorised for the purposes of this section by the Director General of **[**[F40]that Agency**]**.

[F41]**[** (15) In this section " relevant professional adviser " means an accountant, auditor or tax adviser who is a member of a professional body which is established for accountants, auditors or tax advisers (as the case may be) and which makes provision for—

(a) testing the competence of those seeking admission to membership of such a body as a condition for such admission; and

(b) imposing and maintaining professional and ethical standards for its members, as well as imposing sanctions for non-compliance with those standards.**]]**

Textual Amendments

F33 S. 21A inserted (20.12.2001) by 2001 c. 24, s. 3, **Sch. 2 Pt. 3 para. 5(2)**; S.I. 2001/4019, **art. 2(1)(c)**

F34 Words in s. 21A(2) inserted (26.12.2007) by The Terrorism Act 2000 and Proceeds of Crime Act 2002 (Amendment) Regulations 2007 (S.I. 2007/3398), reg. 2, **Sch. 1 para. 3(2)**

F35 Words in s. 21A(5)(b) inserted (26.12.2007) by The Terrorism Act 2000 and Proceeds of Crime Act 2002 (Amendment) Regulations 2007 (S.I. 2007/3398), reg. 2, **Sch. 1 para. 3(3)(a)**

F36 S. 21A(5)(c) and word inserted (26.12.2007) by The Terrorism Act 2000 and Proceeds of Crime Act 2002 (Amendment) Regulations 2007 (S.I. 2007/3398), reg. 2, **Sch. 1 para. 3(3)(b)**

F37 S. 21A(5A) inserted (26.12.2007) by The Terrorism Act 2000 and Proceeds of Crime Act 2002 (Amendment) Regulations 2007 (S.I. 2007/3398), reg. 2, **Sch. 1 para. 3(4)**

F38 Words in s. 21A(8) inserted (26.12.2007) by The Terrorism Act 2000 and Proceeds of Crime Act 2002 (Amendment) Regulations 2007 (S.I. 2007/3398), reg. 2, **Sch. 1 para. 3(5)**

F39 Words in s. 21A(14) substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 8 para. 72**; S.I. 2013/1682, art. 3(v)

F40 Words in s. 21A(14) substituted (1.4.2006 subject to art. 4(2)-(7) of the commencing S.I.) by Serious Organised Crime and Police Act 2005 (c. 15), s. 59, **Sch. 4 para. 128(b)**; S.I. 2006/378, **art. 4(1)**, Sch.

F41 S. 21A(15) inserted (26.12.2007) by The Terrorism Act 2000 and Proceeds of Crime Act 2002 (Amendment) Regulations 2007 (S.I. 2007/3398), reg. 2, **Sch. 1 para. 3(6)**

Modifications etc. (not altering text)

C14 S. 21A(4) modified (16.2.2009) by Counter-Terrorism Act 2008 (c. 28), **ss. 77(4)**, 100(5) (with s. 101(2)); S.I. 2009/58, **art. 2(e)**

[F42]21B Protected disclosures

(1) A disclosure which satisfies the following three conditions is not to be taken to breach any restriction on the disclosure of information (however imposed).

(2) The first condition is that the information or other matter disclosed came to the person making the disclosure (the discloser) in the course of a business in the regulated sector.

(3) The second condition is that the information or other matter—

(a) causes the discloser to know or suspect, or

(b) gives him reasonable grounds for knowing or suspecting,

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that another person has committed **[**[F43]or attempted to commit**]** an offence under any of sections 15 to 18.

(4) The third condition is that the disclosure is made to a constable or a nominated officer as soon as is practicable after the information or other matter comes to the discloser.

(5) A disclosure to a nominated officer is a disclosure which—

(a) is made to a person nominated by the discloser's employer to receive disclosures under this section, and

(b) is made in the course of the discloser's employment and in accordance with the procedure established by the employer for the purpose.

(6) The reference to a business in the regulated sector must be construed in accordance with Schedule 3A.

(7) The reference to a constable includes a reference to a **[**[F44]National Crime Agency officer**]** authorised for the purposes of this section by the Director General of **[**[F45]that Agency**].]**

Textual Amendments

F42 S. 21B inserted (20.12.2001) by 2001 c. 24, s. 3, **Sch. 2 Pt. 3 para. 5(2)**; S.I. 2001/4019, **art. 2(1)(c)**

F43 Words in s. 21B(3) inserted (26.12.2007) by The Terrorism Act 2000 and Proceeds of Crime Act 2002 (Amendment) Regulations 2007 (S.I. 2007/3398), reg. 2, **Sch. 1 para. 4**

F44 Words in s. 21B(7) substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 8 para. 73**; S.I. 2013/1682, art. 3(v)

F45 Words in s. 21B(7) substituted (1.4.2006 subject to art. 4(2)-(7) of the commencing S.I.) by Serious Organised Crime and Police Act 2005 (c. 15), s. 59, **Sch. 4 para. 129(b)**; S.I. 2006/378, **art. 4(1)**, Sch.

[[F46]21C Disclosures to [[F47] the National Crime Agency]

(1) Where a disclosure is made under a provision of this Part to a constable, the constable must disclose it in full as soon as practicable after it has been made to a **[**[F48]National Crime Agency officer**]** authorised for the purposes of that provision by the Director General of that Agency.

(2) Where a disclosure is made under section 21 (cooperation with police) to a constable, the constable must disclose it in full as soon as practicable after it has been made to a **[**[F48]National Crime Agency officer**]** authorised for the purposes of this subsection by the Director General of that Agency.

Textual Amendments

F46 Ss. 21C-21H inserted (26.12.2007) by The Terrorism Act 2000 and Proceeds of Crime Act 2002 (Amendment) Regulations 2007 (S.I. 2007/3398), reg. 2, **Sch. 1 para. 5**

F47 Words in s. 21C title substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 8 para. 74(2)**; S.I. 2013/1682, art. 3(v)

F48 Words in s. 21C(1)(2) substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 8 para. 74(3)**; S.I. 2013/1682, art. 3(v)

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

[F49 21CA Voluntary disclosures within the regulated sector

(1) A person (A) may disclose information to one or more other persons if—
- (a) conditions 1 to 4 are met, and
- (b) where applicable, condition 5 is also met.

(2) Condition 1 is that—
- (a) A is carrying on a business in the regulated sector as a relevant undertaking,
- (b) the information on which the disclosure is based came to A in the course of carrying on that business, and
- (c) the person to whom the information is to be disclosed (or each of them, where the disclosure is to more than one person) is also carrying on a business in the regulated sector as a relevant undertaking (whether or not of the same kind as A).

(3) Condition 2 is that—
- (a) a constable has requested A to make the disclosure, or
- (b) the person to whom the information is to be disclosed (or at least one of them, where the disclosure is to more than one person) has requested A to do so.

(4) Condition 3 is that, before A makes the disclosure, the required notification has been made to a constable (see section 21CB(5) to (7)).

(5) Condition 4 is that A is satisfied that the disclosure of the information will or may assist in determining any matter in connection with—
- (a) a suspicion that a person is involved in the commission of a terrorist financing offence, or
- (b) the identification of terrorist property or of its movement or use.

(6) Condition 5 is that, before making the disclosure request, the person making the request (or at least one of them, where the request is made by more than one person) has notified a constable that the request is to be made.

(7) Condition 5 does not apply where the disclosure request concerned is made by a constable.

(8) A person may disclose information to A for the purposes of making a disclosure request if, and to the extent that, the person has reason to believe that A has in A's possession information that will or may assist in determining any matter of the kind mentioned in paragraph (a) or (b) of subsection (5).

Textual Amendments

F49 Ss. 21CA-21CF inserted (27.4.2017 for specified purposes) by Criminal Finances Act 2017 (c. 22), **ss. 36**, 58(1), (6)

21CB Section 21CA: disclosure requests and notifications

(1) A disclosure request must—
- (a) state that it is made in connection with—
  - (i) a suspicion that a person is involved in the commission of a terrorist financing offence, or

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(ii) the identification of terrorist property or of its movement or use,

(b) identify the person or property (so far as known),

(c) describe the information that is sought from A, and

(d) specify the person or persons to whom it is requested that the information is disclosed.

(2) Subsections (3) and (4) apply where the disclosure request is made by a person mentioned in section 21CA(3)(b).

(3) If the request states that it is made in connection with a suspicion that a person is involved in the commission of a terrorist financing offence, the request must also—

(a) set out the grounds for the suspicion, or

(b) provide such other information as the person making the request thinks appropriate for the purposes of enabling A to determine whether the information requested ought to be disclosed under section 21CA.

(4) If the request states that it is made in connection with the identification of terrorist property or of its movement or use, the request must also provide such other information as the person making the request thinks appropriate for the purposes of enabling A to determine whether the information requested ought to be disclosed under section 21CA.

(5) A required notification for the purposes of section 21CA(4) must be made—

(a) in the case of a disclosure request made by a constable, by the person who is to disclose information under section 21CA as a result of the request;

(b) in the case of a disclosure request made by a person mentioned in section 21CA(3)(b), by the person who made the request.

(6) In a case within subsection (5)(a), the required notification must state that information is to be disclosed under section 21CA.

(7) In a case within subsection (5)(b), the required notification must—

(a) state that a disclosure request has been made;

(b) specify the person to whom the request was made;

(c) where the disclosure request to which the notification relates is made in connection with a suspicion of a person's involvement in the commission of a terrorist financing offence, identify the person (so far as known);

(d) where the disclosure request to which the notification relates is made in connection with the identification of terrorist property or of its movement or use, identify the property and the person who holds it (if known).

(8) A notification for the purposes of condition 5 in subsection (6) of section 21CA must—

(a) state that a disclosure request is to be made;

(b) specify the person to whom it is to be made;

(c) describe the information to be sought in the request;

(d) explain why the request is being made.

Textual Amendments

F49 Ss. 21CA-21CF inserted (27.4.2017 for specified purposes) by Criminal Finances Act 2017 (c. 22), **ss. 36**, 58(1), (6)

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

21CC Section 21CA: effect on disclosures under section 21A

(1) This section applies if in any proceedings a question arises as to whether the required disclosure has been made—

(a) by a person (A) who discloses information under section 21CA(1) as a result of a disclosure request,

(b) by a person (B) who makes a required notification in accordance with section 21CB(5)(b), or

(c) by any other person (C) to whom A discloses information under section 21CA(1) as a result of that request.

(2) The making of a required notification in good faith is to be treated as satisfying any requirement to make the required disclosure on the part of A, B and C.

This is subject to section 21CD(1) to (8).

(3) The making of a joint disclosure report in good faith is to be treated as satisfying any requirement to make the required disclosure on the part of the persons who jointly make the report.

This is subject to section 21CD(10).

(4) A joint disclosure report is a report to a constable that—

(a) is made jointly by A and B (whether or not also jointly with other persons to whom A discloses information under section 21CA(1)),

(b) satisfies the requirements as to content mentioned in subsection (5) or (as the case may be) subsection (6),

(c) is prepared after the making of a disclosure by A to B under section 21CA(1) in connection with—

(i) a suspicion of a person's involvement in the commission of a terrorist financing offence, or

(ii) the identification of terrorist property or of its movement or use, and

(d) is sent to the constable before the end of the applicable period.

(5) In the case of a joint disclosure report prepared in connection with a suspicion of a person's involvement in the commission of a terrorist financing offence, the requirements as to content are that the report must—

(a) explain the extent to which there are continuing grounds to suspect that the person is involved in the commission of the offence,

(b) identify the person (if known),

(c) set out the grounds for the suspicion, and

(d) provide any other information relevant to the matter.

(6) In the case of a joint disclosure report prepared in connection with the identification of terrorist property or of its movement or use, the requirements as to content are that the report must—

(a) explain the extent to which there are continuing grounds to suspect that the property is terrorist property,

(b) identify the property and the person who holds it (if known),

(c) provide details of its movement or use (if known), and

(d) provide any other information relevant to the matter.

(7) The applicable period is—

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(a) in a case where the disclosure under section 21CA was made as a result of a request from a constable by virtue of subsection (3)(a) of that section, whatever period may be specified by the constable when making the request;

(b) in a case where the disclosure was made as a result of a request from another person by virtue of subsection (3)(b) of that section, the period of 28 days beginning with the day on which the notification is made for the purposes of condition 3 in section 21CA(4).

(8) A constable may vary the period of 28 days (whether by lengthening or shortening it) by giving written notice to the person who made the required notification.

(9) A joint disclosure report must be—

(a) approved by the nominated officer of each person that jointly makes the report, and

(b) signed by the nominated officer on behalf of each such person.

If there is no nominated officer the report must be approved and signed by another senior officer.

(10) References in this section to A, B or C include—

(a) a nominated officer acting on behalf of A, B or C, and

(b) any other person who is an employee, officer or partner of A, B or C.

Textual Amendments

F49 Ss. 21CA-21CF inserted (27.4.2017 for specified purposes) by Criminal Finances Act 2017 (c. 22), **ss. 36**, 58(1), (6)

21CD Limitations on application of section 21CC(2) and (3)

(1) Subsections (2) and (3) apply in a case where the required notification is made by A (notification made as a result of disclosure request received from a constable).

(2) Section 21CC(2) has effect in the case of A, B or C only so far as relating to—

(a) the suspicion in connection with which the required notification is made, and

(b) matters known, suspected or believed as a result of the making of the disclosure request concerned.

(3) Accordingly, section 21CC(2) does not remove any requirement to make the required disclosure in relation to anything known, suspected or believed that does not result only from the making of the disclosure request.

(4) Subsections (5) to (8) apply in a case where the required notification is made by B (notification made as a result of disclosure request received from another undertaking in the regulated sector).

(5) Section 21CC(2) has effect in the case of A or C only so far as relating to—

(a) the suspicion in connection with which the notification by B is made, and

(b) matters known, suspected or believed by A or C as a result of the making of that notification.

Status: *Point in time view as at 29/06/2017.*
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(6) Accordingly, section 21CC(2) does not remove any requirement to make the required disclosure in relation to anything known, suspected or believed that does not result only from the making of the notification.

(7) Section 21CC(2) has effect in the case of B only so far as relating to—
  (a) the suspicion in connection with which the notification is made, and
  (b) matters known, suspected or believed by B at the time of the making of the notification.

(8) If a joint disclosure report is not made before the end of the applicable period (whether the required notification was made by A or B), section 21CC(2)—
  (a) has effect only so far as relating to any requirement to make the required disclosure that would have otherwise arisen within that period, and
  (b) does not remove a requirement to make the required disclosure so far as arising after the end of that period on the part of any person in respect of matters that may become known, suspected or believed by the person after the time when the required notification was made.

(9) If a joint disclosure report is not made before the end of the applicable period, the person who made the required notification must notify a constable that a report is not being made as soon as reasonably practicable after the period ends.

(10) Section 21CC(3) has effect only so far as relating to—
  (a) the suspicion in connection with which the report is made, and
  (b) matters known, suspected or believed at the time of the making of the report.

(11) Terms used in this section have the same meanings as in section 21CC.

Textual Amendments

F49 Ss. 21CA-21CF inserted (27.4.2017 for specified purposes) by Criminal Finances Act 2017 (c. 22), **ss. 36**, 58(1), (6)

21CE Section 21CA: supplementary

(1) A relevant disclosure made in good faith does not breach—
  (a) an obligation of confidence owed by the person making the disclosure, or
  (b) any other restriction on the disclosure of information,

  however imposed.

(2) But a relevant disclosure may not include information obtained from a UK law enforcement agency unless that agency consents to the disclosure.

(3) In a case where a person is acting on behalf of another ("the undertaking") as a nominated officer—
  (a) a relevant disclosure by the undertaking must be made by the nominated officer on behalf of the undertaking, and
  (b) a relevant disclosure to the undertaking must be made to that officer.

(4) Subsection (1) applies whether or not the conditions in section 21CA were met in respect of the disclosure if the person making the disclosure did so in the reasonable belief that the conditions were met.

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(5) In this section—

"relevant disclosure" means any disclosure made in compliance, or intended compliance, with section 21CA;

"UK law enforcement agency" means—

(a) the National Crime Agency;

(b) a police force in England, Scotland, Northern Ireland or Wales;

(c) any other person operating in England, Scotland, Northern Ireland or Wales charged with the duty of preventing, detecting, investigating or prosecuting offences.

Textual Amendments

F49 Ss. 21CA-21CF inserted (27.4.2017 for specified purposes) by Criminal Finances Act 2017 (c. 22), **ss. 36**, 58(1), (6)

21CF Sections 21CA to 21CE: interpretation

(1) This section applies for the purposes of sections 21CA to 21CE.

(2) References to a constable include references to a National Crime Agency officer authorised for those purposes by the Director General of that Agency.

(3) References to a business in the regulated sector are to be construed in accordance with Schedule 3A.

(4) "Disclosure request" means a request made for the purposes of condition 2 in section 21CA(3).

(5) "Nominated officer" means a person nominated to receive disclosures under section 21A.

(6) "Relevant undertaking" means any of the following—

(a) a credit institution;

(b) a financial institution;

(c) a professional legal adviser;

(d) a relevant professional adviser;

(e) other persons (not within paragraphs (a) to (d)) whose business consists of activities listed in paragraph 1(1) of Schedule 3A.

(7) "Required disclosure" means a disclosure that is made—

(a) to a constable in connection with a suspicion that a person is involved in the commission of a terrorist financing offence, and

(b) for the purposes of avoiding the commission of an offence under section 21A by virtue of not satisfying the third condition in subsection (4) of that section.

(8) "Required notification" means a notification made for the purposes of condition 3 in section 21CA(4).

(9) For the purposes of subsection (6)—

(a) "credit institution" has the same meaning as in Schedule 3A;

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(b) "financial institution" means an undertaking that carries on a business in the regulated sector by virtue of any of paragraphs (b) to (i) of paragraph 1(1) of that Schedule;

(c) "relevant professional adviser" has the meaning given by section 21H(5).

(10) "Terrorist financing offence" means an offence under any of sections 15 to 18.**]**

Textual Amendments

F49 Ss. 21CA-21CF inserted (27.4.2017 for specified purposes) by Criminal Finances Act 2017 (c. 22), **ss. 36**, 58(1), (6)

21D Tipping off: regulated sector

(1) A person commits an offence if—

(a) the person discloses any matter within subsection (2);

(b) the disclosure is likely to prejudice any investigation that might be conducted following the disclosure referred to in that subsection; and

(c) the information on which the disclosure is based came to the person in the course of a business in the regulated sector.

(2) The matters are that the person or another person has made a disclosure under a provision of this Part—

(a) to a constable,

(b) in accordance with a procedure established by that person's employer for the making of disclosures under that provision,

(c) to a nominated officer, or

(d) to a **[**[F50]National Crime Agency officer**]** authorised for the purposes of that provision by the Director General of that Agency,

of information that came to that person in the course of a business in the regulated sector.

(3) A person commits an offence if—

(a) the person discloses that an investigation into allegations that an offence under this Part has been committed is being contemplated or is being carried out;

(b) the disclosure is likely to prejudice that investigation; and

(c) the information on which the disclosure is based came to the person in the course of a business in the regulated sector.

(4) A person guilty of an offence under this section is liable—

(a) on summary conviction to imprisonment for a term not exceeding three months, or to a fine not exceeding level 5 on the standard scale, or to both;

(b) on conviction on indictment to imprisonment for a term not exceeding two years, or to a fine, or to both.

(5) This section is subject to—

(a) section 21E (disclosures within an undertaking or group etc),

(b) section 21F (other permitted disclosures between institutions etc), and

(c) section 21G (other permitted disclosures etc).

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F46 Ss. 21C-21H inserted (26.12.2007) by The Terrorism Act 2000 and Proceeds of Crime Act 2002 (Amendment) Regulations 2007 (S.I. 2007/3398), reg. 2, **Sch. 1 para. 5**

F50 Words in s. 21D(2)(d) substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 8 para. 75**; S.I. 2013/1682, art. 3(v)

21E Disclosures within an undertaking or group etc

(1) An employee, officer or partner of an undertaking does not commit an offence under section 21D if the disclosure is to an employee, officer or partner of the same undertaking.

(2) A person does not commit an offence under section 21D in respect of a disclosure by a credit institution or a financial institution if—

(a) the disclosure is to a credit institution or a financial institution,

(b) the institution to whom the disclosure is made is situated in an EEA State or in a country or territory imposing equivalent money laundering requirements, and

(c) both the institution making the disclosure and the institution to whom it is made belong to the same group.

(3) In subsection (2) " group " has the same meaning as in Directive 2002/87/EC of the European Parliament and of the Council of 16 th December 2002 [F51] on the supplementary supervision of credit institutions, insurance undertakings and investment firms in a financial conglomerate.

(4) A professional legal adviser or a relevant professional adviser does not commit an offence under section 21D if—

(a) the disclosure is to a professional legal adviser or a relevant professional adviser,

(b) both the person making the disclosure and the person to whom it is made carry on business in an EEA state or in a country or territory imposing equivalent money laundering requirements, and

(c) those persons perform their professional activities within different undertakings that share common ownership, management or control.

Textual Amendments

F46 Ss. 21C-21H inserted (26.12.2007) by The Terrorism Act 2000 and Proceeds of Crime Act 2002 (Amendment) Regulations 2007 (S.I. 2007/3398), reg. 2, **Sch. 1 para. 5**

F51 OJ L 35, 11.2.2003, p.1.

21F Other permitted disclosures between institutions etc

(1) This section applies to a disclosure—

(a) by a credit institution to another credit institution,

(b) by a financial institution to another financial institution,

(c) by a professional legal adviser to another professional legal adviser, or

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(d) by a relevant professional adviser of a particular kind to another relevant professional adviser of the same kind.

(2) A person does not commit an offence under section 21D in respect of a disclosure to which this section applies if—

(a) the disclosure relates to—

(i) a client or former client of the institution or adviser making the disclosure and the institution or adviser to whom it is made,

(ii) a transaction involving them both, or

(iii) the provision of a service involving them both;

(b) the disclosure is for the purpose only of preventing an offence under this Part of this Act;

(c) the institution or adviser to whom the disclosure is made is situated in an EEA State or in a country or territory imposing equivalent money laundering requirements; and

(d) the institution or adviser making the disclosure and the institution or adviser to whom it is made are subject to equivalent duties of professional confidentiality and the protection of personal data (within the meaning of section 1 of the Data Protection Act 1998 [F52]).

Textual Amendments

F46 Ss. 21C-21H inserted (26.12.2007) by The Terrorism Act 2000 and Proceeds of Crime Act 2002 (Amendment) Regulations 2007 (S.I. 2007/3398), reg. 2, **Sch. 1 para. 5**

F52 1998 c.29.

21G Other permitted disclosures etc

(1) A person does not commit an offence under section 21D if the disclosure is—

(a) to the authority that is the supervisory authority for that person by virtue of **[**[F53]the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017**]** ; **[**[F54]or**]**

[[F55](aa) made in good faith by virtue of section 21CA (disclosures within the regulated sector); or**]**

(b) for the purpose of—

(i) the detection, investigation or prosecution of a criminal offence (whether in the United Kingdom or elsewhere),

(ii) an investigation under the Proceeds of Crime Act 2002 [F56], or

(iii) the enforcement of any order of a court under that Act.

(2) A professional legal adviser or a relevant professional adviser does not commit an offence under section 21D if the disclosure—

(a) is to the adviser's client, and

(b) is made for the purpose of dissuading the client from engaging in conduct amounting to an offence.

(3) A person does not commit an offence under section 21D(1) if the person does not know or suspect that the disclosure is likely to have the effect mentioned in section 21D(1)(b).

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(4) A person does not commit an offence under section 21D(3) if the person does not know or suspect that the disclosure is likely to have the effect mentioned in section 21D(3)(b).

Textual Amendments

F46 Ss. 21C-21H inserted (26.12.2007) by The Terrorism Act 2000 and Proceeds of Crime Act 2002 (Amendment) Regulations 2007 (S.I. 2007/3398), reg. 2, **Sch. 1 para. 5**

F53 Words in s. 21G(1)(a) substituted (26.6.2017) by The Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 (S.I. 2017/692), reg. 1(2), **Sch. 7 para. 4(2)** (with regs. 8, 15)

F54 Word in s. 21G(a) omitted (27.4.2017 for specified purposes) by virtue of Criminal Finances Act 2017 (c. 22), s. 58(5)(6), **Sch. 5 para. 10(a)**

F55 S. 21G(aa) inserted (27.4.2017 for specified purposes) by Criminal Finances Act 2017 (c. 22), s. 58(5)(6), **Sch. 5 para. 10(b)**

F56 2002 c.29.

21H Interpretation of sections 21D to 21G

(1) The references in sections 21D to 21G—

(a) to a business in the regulated sector, and

(b) to a supervisory authority,

are to be construed in accordance with Schedule 3A.

(2) In those sections—

" credit institution " has the same meaning as in Schedule 3A;

" financial institution " means an undertaking that carries on a business in the regulated sector by virtue of any of paragraphs (b) to (i) of paragraph 1(1) of that Schedule.

(3) References in those sections to a disclosure by or to a credit institution or a financial institution include disclosure by or to an employee, officer or partner of the institution acting on its behalf.

(4) For the purposes of those sections a country or territory imposes "equivalent money laundering requirements" if it imposes requirements equivalent to those laid down in **[**[F57]Directive 2015/849/EU of the European Parliament and of the Council of 20th May 2015**]** on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing.

(5) In those sections " relevant professional adviser " means an accountant, auditor or tax adviser who is a member of a professional body which is established for accountants, auditors or tax advisers (as the case may be) and which makes provision for—

(a) testing the competence of those seeking admission to membership of such a body as a condition for such admission; and

(b) imposing and maintaining professional and ethical standards for its members, as well as imposing sanctions for non-compliance with those standards.**]**

Status: *Point in time view as at 29/06/2017.*
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Textual Amendments

F46 Ss. 21C-21H inserted (26.12.2007) by The Terrorism Act 2000 and Proceeds of Crime Act 2002 (Amendment) Regulations 2007 (S.I. 2007/3398), reg. 2, **Sch. 1 para. 5**

F57 Words in s. 21H(4) substituted (26.6.2017) by The Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 (S.I. 2017/692), reg. 1(2), **Sch. 7 para. 4(3)** (with regs. 8, 15)

22 Penalties.

A person guilty of an offence under any of sections 15 to 18 shall be liable—

(a) on conviction on indictment, to imprisonment for a term not exceeding 14 years, to a fine or to both, or

(b) on summary conviction, to imprisonment for a term not exceeding six months, to a fine not exceeding the statutory maximum or to both.

Modifications etc. (not altering text)

C15 S. 22 applied (19.2.2001) by S.I. 2001/192, **reg. 3**

[[F58]22A Meaning of "employment"

In sections 19 to 21B—

(a) " employment " means any employment (whether paid or unpaid) and includes —

(i) work under a contract for services or as an office-holder,

(ii) work experience provided pursuant to a training course or programme or in the course of training for employment, and

(iii) voluntary work;

(b) "employer" has a corresponding meaning.**]**

Textual Amendments

F58 S. 22A inserted (16.2.2009) by Counter-Terrorism Act 2008 (c. 28), **ss. 77(3)(4)**, 100(5) (with s. 101(2)); S.I. 2009/58, **art. 2(e)**

[[F59]Further information orders

Textual Amendments

F59 Ss. 22B-22E and cross-heading inserted (27.4.2017 for specified purposes) by Criminal Finances Act 2017 (c. 22), **ss. 37**, 58(1)(6)

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22B Further information orders

(1) A magistrates' court or (in Scotland) the sheriff may, on an application made by a law enforcement officer, make a further information order if satisfied that either condition 1 or condition 2 is met.

(2) The application must—
- (a) specify or describe the information sought under the order, and
- (b) specify the person from whom the information is sought ("the respondent").

(3) A further information order is an order requiring the respondent to provide—
- (a) the information specified or described in the application for the order, or
- (b) such other information as the court or sheriff making the order thinks appropriate,

so far as the information is in the possession, or under the control, of the respondent.

(4) Condition 1 for the making of a further information order is met if—
- (a) the information required to be given under the order would relate to a matter arising from a disclosure made under section 21A,
- (b) the respondent is the person who made the disclosure or is otherwise carrying on a business in the regulated sector,
- (c) the information would assist in—
  - (i) investigating whether a person is involved in the commission of an offence under any of sections 15 to 18 or in determining whether an investigation of that kind should be started, or
  - (ii) identifying terrorist property or its movement or use, and
- (d) it is reasonable in all the circumstances for the information to be provided.

(5) Condition 2 for the making of a further information order is met if—
- (a) the information required to be given under the order would relate to a matter arising from a disclosure made under a corresponding disclosure requirement,
- (b) an external request has been made to the National Crime Agency for the provision of information in connection with that disclosure,
- (c) the respondent is carrying on a business in the regulated sector,
- (d) the information is likely to be of substantial value to the authority that made the external request in determining any matter in connection with the disclosure, and
- (e) it is reasonable in all the circumstances for the information to be provided.

(6) For the purposes of subsection (5), "external request" means a request made by an authority of a foreign country which has responsibility in that country for carrying out investigations into whether a corresponding terrorist financing offence has been committed.

(7) A further information order must specify—
- (a) how the information required under the order is to be provided, and
- (b) the date by which it is to be provided.

(8) If a person fails to comply with a further information order made by a magistrates' court, the magistrates' court may order the person to pay an amount not exceeding £5,000.

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(9) The sum mentioned in subsection (8) is to be treated as adjudged to be paid by a conviction of the court for the purposes of the Magistrates' Courts Act 1980 or (as the case may be) the Magistrates' Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I. 26)).

(10) In order to take account of changes in the value of money the Secretary of State may by regulations made by statutory instrument substitute another sum for the sum for the time being specified in subsection (8).

(11) A statutory instrument containing regulations under subsection (10) is subject to annulment in pursuance of a resolution of either House of Parliament.

(12) A law enforcement officer who is a constable, a National Crime Agency officer or a counter-terrorism financial investigator may not make an application under this section unless the officer is a senior law enforcement officer or is authorised to do so by a senior law enforcement officer.

(13) Schedule 3A has effect for the purposes of this section in determining what is a business in the regulated sector.

(14) In this section—

"corresponding disclosure requirement" means a requirement to make a disclosure under the law of the foreign country concerned that corresponds to a requirement imposed by virtue of this Part;

"corresponding terrorist financing offence" means an offence under the law of the foreign country concerned that would, if done in the United Kingdom, constitute an offence under any of sections 15 to 18;

"foreign country" means a country or territory outside the United Kingdom;

"law enforcement officer" means—

(a) a constable,

(b) a National Crime Agency officer authorised for the purposes of this section by the Director General of that Agency,

(c) a counter-terrorism financial investigator, or

(d) a procurator fiscal;

"senior law enforcement officer" means—

(a) a police officer of at least the rank of superintendent;

(b) the Director General of the National Crime Agency;

(c) any other National Crime Agency officer authorised by the Director General (whether generally or specifically) for this purpose.

22C Statements

(1) A statement made by a person in response to a further information order may not be used in evidence against the person in criminal proceedings.

(2) Subsection (1) does not apply—

(a) in the case of proceedings under this Part,

(b) on a prosecution for perjury, or

(c) on a prosecution for some other offence where, in giving evidence, the person makes a statement inconsistent with the statement mentioned in subsection (1).

Status: *Point in time view as at 29/06/2017.*
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(3) A statement may not be used by virtue of subsection (2)(c) unless—

(a) evidence relating to it is adduced, or

(b) a question relating to it is asked,

by or on behalf of the person in the proceedings arising out of the prosecution.

(4) In subsection (2)(b) the reference to a prosecution for perjury is—

(a) in the case of England and Wales, a reference to a prosecution for an offence under section 5 of the Perjury Act 1911;

(b) in the case of Northern Ireland, a reference to a prosecution for an offence under Article 10 of the Perjury (Northern Ireland) Order 1979 (S.I. 1979/1714 (N.I. 19)).

22D Appeals

(1) An appeal from a decision on an application for a further information order lies to the relevant appeal court.

(2) An appeal under this section lies at the instance of any person who was a party to the proceedings on the application.

(3) The "relevant appeal court" is—

(a) the Crown Court, in the case of a decision made by a magistrates' court in England and Wales;

(b) a county court, in the case of a decision made by a magistrates' court in Northern Ireland;

(c) the Sheriff Appeal Court, in the case of a decision made by the sheriff.

(4) On an appeal under this section the relevant appeal court may—

(a) make or (as the case may be) discharge a further information order, or

(b) vary the order.

22E Supplementary

(1) A further information order does not confer the right to require a person to provide privileged information.

(2) "Privileged information" is information which a person would be entitled to refuse to provide on grounds of legal professional privilege in proceedings in the High Court or, in Scotland, legal privilege as defined by section 412 of the Proceeds of Crime Act 2002.

(3) Information provided in pursuance of a further information order is not to be taken to breach any restriction on the disclosure of information (however imposed).

(4) An application for a further information order may be heard and determined in private.

(5) Rules of court may make provision as to the practice and procedure to be followed in connection with proceedings relating to further information orders.**]**

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[F60 Forfeiture

Textual Amendments

F60 S. 23 and preceding cross-heading substituted (18.6.2009) for s. 23 by Counter-Terrorism Act 2008 (c. 28), **ss. 34**, 100(5) (with s. 101(2)); S.I. 2009/1256, **art. 2(c)**

X1 23 Forfeiture: terrorist property offences

(1) The court by or before which a person is convicted of an offence under any of sections 15 to 18 may make a forfeiture order in accordance with the provisions of this section.

(2) Where a person is convicted of an offence under section 15(1) or (2) or 16, the court may order the forfeiture of any money or other property which, at the time of the offence, the person had in their possession or under their control and which—
- (a) had been used for the purposes of terrorism, or
- (b) they intended should be used, or had reasonable cause to suspect might be used, for those purposes.

(3) Where a person is convicted of an offence under section 15(3) the court may order the forfeiture of any money or other property which, at the time of the offence, the person had in their possession or under their control and which—
- (a) had been used for the purposes of terrorism, or
- (b) which, at that time, they knew or had reasonable cause to suspect would or might be used for those purposes.

(4) Where a person is convicted of an offence under section 17 or 18 the court may order the forfeiture of any money or other property which, at the time of the offence, the person had in their possession or under their control and which—
- (a) had been used for the purposes of terrorism, or
- (b) was, at that time, intended by them to be used for those purposes.

(5) Where a person is convicted of an offence under section 17 the court may order the forfeiture of the money or other property to which the arrangement in question related, and which—
- (a) had been used for the purposes of terrorism, or
- (b) at the time of the offence, the person knew or had reasonable cause to suspect would or might be used for those purposes.

[F61(5A) Where a person is convicted of an offence under section 17A the court may order the forfeiture of the amount paid under, or purportedly under, the insurance contract.**]**

(6) Where a person is convicted of an offence under section 18 the court may order the forfeiture of the money or other property to which the arrangement in question related.

(7) Where a person is convicted of an offence under any of sections 15 to 18, the court may order the forfeiture of any money or other property which wholly or partly, and directly or indirectly, is received by any person as a payment or other reward in connection with the commission of the offence.

Status: *Point in time view as at 29/06/2017.*
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Editorial Information

X1 The insertion of the new heading "Forfeiture" in Pt. III on 18.6.2009 gives rise to a change in the structure of this legislation on SLD which breaks the continuity of historical versions of the existing provisions which are now brought under that new heading.

Textual Amendments

F61 S. 23(5A) inserted (12.2.2015) by Counter-Terrorism and Security Act 2015 (c. 6), **ss. 42(2)**, 52(5)

[F62 23A Forfeiture: other terrorism offences and offences with a terrorist connection

(1) The court by or before which a person is convicted of an offence to which this section applies may order the forfeiture of any money or other property in relation to which the following conditions are met—

(a) that it was, at the time of the offence, in the possession or control of the person convicted; and

(b) that—

(i) it had been used for the purposes of terrorism,

(ii) it was intended by that person that it should be used for the purposes of terrorism, or

(iii) the court believes that it will be used for the purposes of terrorism unless forfeited.

(2) This section applies to an offence under—

(a) any of the following provisions of this Act—

section 54 (weapons training);

section 57, 58 or 58A (possessing things and collecting information for the purposes of terrorism);

section 59, 60 or 61 (inciting terrorism outside the United Kingdom);

(b) any of the following provisions of Part 1 of the Terrorism Act 2006 (c. 11)—

section 2 (dissemination of terrorist publications);

section 5 (preparation of terrorist acts);

section 6 (training for terrorism);

sections 9 to 11 (offences involving radioactive devices or materials).

(3) This section applies to any ancillary offence (as defined in section 94 of the Counter-Terrorism Act 2008) in relation to an offence listed in subsection (2).

(4) This section also applies to an offence specified in Schedule 2 to the Counter-Terrorism Act 2008 (offences where terrorist connection to be considered) as to which—

(a) in England and Wales, the court dealing with the offence has determined, in accordance with section 30 of that Act, that the offence has a terrorist connection;

(b) in Scotland, it has been proved, in accordance with section 31 of that Act, that the offence has a terrorist connection.

(5) The Secretary of State may by order amend subsection (2).

(6) An order adding an offence to subsection (2) applies only in relation to offences committed after the order comes into force.**]**

Status: *Point in time view as at 29/06/2017.*
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Textual Amendments

F62 S. 23A inserted (18.6.2009) by Counter-Terrorism Act 2008 (c. 28), **ss. 35(1)**, 100(5) (with s. 101(2)); S.I. 2009/1256, **art. 2(c)**

[F63 **23B** **Forfeiture: supplementary provisions**

(1) Before making an order under section 23 or 23A, a court must give an opportunity to be heard to any person, other than the convicted person, who claims to be the owner or otherwise interested in anything which can be forfeited under that section.

(2) In considering whether to make an order under section 23 or 23A in respect of any property, a court shall have regard to—
   (a) the value of the property, and
   (b) the likely financial and other effects on the convicted person of the making of the order (taken together with any other order that the court contemplates making).

(3) A court in Scotland must not make an order under section 23 or 23A except on the application of the prosecutor—
   (a) in proceedings on indictment, when the prosecutor moves for sentence, and
   (b) in summary proceedings, before the court sentences the accused;

   and for the purposes of any appeal or review, an order under either of those sections made by a court in Scotland is a sentence.

(4) Schedule 4 makes further provision in relation to forfeiture orders under section 23 or 23A.**]]**

Textual Amendments

F63 S. 23B inserted (18.6.2009) by Counter-Terrorism Act 2008 (c. 28), **ss. 36**, 100(5) (with s. 101(2)); S.I. 2009/1256, **art. 2(c)**

Seizure of terrorist cash

F64 **24** . . . . . .

Textual Amendments

F64 S. 24 repealed (20.12.2001) by 2001 c. 24, ss. 1(4), 125, **Sch. 8 Pt. 1**; S.I. 2001/4019, **art. 2(1)(a)(d)**

F65 **25** . . . . . .

Textual Amendments

F65 S. 25 repealed (20.12.2001) by 2001 c. 24, ss. 1(4), 125, **Sch. 8 Pt. 1**; S.I. 2001/4019, **art. 2(1)(a)(d)**

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[F66]26 . . . . . .

Textual Amendments

F66 S. 26 repealed (20.12.2001) by 2001 c. 24, ss. 1(4), 125, **Sch. 8 Pt. 1**; S.I. 2001/4019, **art. 2(1)(a)(d)**

[F67]27 . . . . . .

Textual Amendments

F67 S. 27 repealed (20.12.2001) by 2001 c. 24, ss. 1(4), 125, **Sch. 8 Pt. 1**; S.I. 2001/4019, **art. 2(1)(a)(d)**

[F68]28 . . . . . .

Textual Amendments

F68 S. 28 repealed (20.12.2001) by 2001 c. 24, ss. 1(4), 125, **Sch. 8 Pt. 1**; S.I. 2001/4019, **art. 2(1)(a)(d)**

[F69]29 . . . . . .

Textual Amendments

F69 S. 29 repealed (20.12.2001) by 2001 c. 24, ss. 1(4), 125, **Sch. 8 Pt. 1**; S.I. 2001/4019, **art. 2(1)(a)(d)**

[F70]30 . . . . . .

Textual Amendments

F70 S. 30 repealed (20.12.2001) by 2001 c. 24, ss. 1(4), 125, **Sch. 8 Pt. 1**; S.I. 2001/4019, **art. 2(1)(a)(d)**

[F71]31 . . . . . .

Textual Amendments

F71 S. 31 repealed (20.12.2001) by 2001 c. 24, ss. 1(4), 125, **Sch. 8 Pt. 1**; S.I. 2001/4019, **art. 2(1)(a)(d)** (with art. 2(2))

Status: *Point in time view as at 29/06/2017.*
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PART IV

TERRORIST INVESTIGATIONS

Interpretation

32 Terrorist investigation.

In this Act "terrorist investigation" means an investigation of—

(a) the commission, preparation or instigation of acts of terrorism,

(b) an act which appears to have been done for the purposes of terrorism,

(c) the resources of a proscribed organisation,

(d) the possibility of making an order under section 3(3), or

(e) the commission, preparation or instigation of an offence under this Act **[**[F72]or under Part 1 of the Terrorism Act 2006 other than an offence under section 1 or 2 of that Act**]** .

Textual Amendments

F72 Words in s. 32(e) inserted (13.4.2006) by Terrorism Act 2006 (c. 11), **s. 37(1)**; S.I. 2006/1013, **art. 2**

Cordons

33 Cordoned areas.

(1) An area is a cordoned area for the purposes of this Act if it is designated under this section.

(2) A designation may be made only if the person making it considers it expedient for the purposes of a terrorist investigation.

(3) If a designation is made orally, the person making it shall confirm it in writing as soon as is reasonably practicable.

(4) The person making a designation shall arrange for the demarcation of the cordoned area, so far as is reasonably practicable—

(a) by means of tape marked with the word "police", or

(b) in such other manner as a constable considers appropriate.

34 Power to designate.

(1) Subject to **[**[F73]subsections (1A), (1B) and (2)**]**, a designation under section 33 may only be made—

(a) where the area is outside Northern Ireland and is wholly or partly within a police area, by an officer for the police area who is of at least the rank of superintendent, and

(b) where the area is in Northern Ireland, by a member of the Royal Ulster Constabulary who is of at least the rank of superintendent.

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[[F74]**[**[F75](1A) A designation under section 33 may be made in relation to an area (outside Northern Ireland) which is in a place specified in section 31(1)(a) to (f) of the Railways and Transport Safety Act, by a member of the British Transport Police Force who is of at least the rank of superintendent.**]**

(1B) A designation under section 33 may be made by a member of the Ministry of Defence Police who is of at least the rank of superintendent in relation to an area outside or in Northern Ireland—

(a) if it is a place to which subsection (2) of section 2 of the Ministry of Defence Police Act 1987 (c. 4) applies,

(b) if a request has been made under paragraph (a), (b) or (d) of subsection (3A) of that section in relation to a terrorist investigation and it is a place where he has the powers and privileges of a constable by virtue of that subsection as a result of the request, or

[[F76](c) if a request has been made under paragraph (c) of that subsection in relation to a terrorist investigation and it is a place described in subsection 1A of this section.**]**

(1C) But a designation under section 33 may not be made by—

(a) a member of the British Transport Police Force, or

(b) a member of the Ministry of Defence Police,

in any other case.**]**

(2) A constable who is not of the rank required by subsection (1) may make a designation if he considers it necessary by reason of urgency.

(3) Where a constable makes a designation in reliance on subsection (2) he shall as soon as is reasonably practicable—

(a) make a written record of the time at which the designation was made, and

(b) ensure that a police officer of at least the rank of superintendent is informed.

(4) An officer who is informed of a designation in accordance with subsection (3)(b)—

(a) shall confirm the designation or cancel it with effect from such time as he may direct, and

(b) shall, if he cancels the designation, make a written record of the cancellation and the reason for it.

Textual Amendments

F73 Words in s. 34(1) substituted (14.12.2001) by 2001 c. 24, s. 101, **Sch. 7 para. 30(2)**

F74 S. 34(1A)-(1C) inserted (14.12.2001) by 2001 c. 24, s. 101, **Sch. 7 para. 30(3)**

F75 S. 34(1A) substituted (1.7.2004) by The British Transport Police (Transitional and Consequential Provisions) Order 2004 (S.I. 2004/1573), **art. 12(6)(a)**

F76 S. 34(1B)(c) substituted (1.7.2004) by The British Transport Police (Transitional and Consequential Provisions) Order 2004 (S.I. 2004/1573), **art. 12(6)(b)**

Modifications etc. (not altering text)

C16 S. 34 amended (1.7.2004) by Railways and Transport Safety Act 2003 (c. 20), s. 73(1), **Sch. 5 para. 4(1)(2)(k)** (with s. 72); S.I. 2004/1572, **art. 3(ddd)(jjj)**

Status: *Point in time view as at 29/06/2017.*
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35 Duration.

(1) A designation under section 33 has effect, subject to subsections (2) to (5), during the period—
  (a) beginning at the time when it is made, and
  (b) ending with a date or at a time specified in the designation.

(2) The date or time specified under subsection (1)(b) must not occur after the end of the period of 14 days beginning with the day on which the designation is made.

(3) The period during which a designation has effect may be extended in writing from time to time by—
  (a) the person who made it, or
  (b) a person who could have made it (otherwise than by virtue of section 34(2)).

(4) An extension shall specify the additional period during which the designation is to have effect.

(5) A designation shall not have effect after the end of the period of 28 days beginning with the day on which it is made.

36 Police powers.

(1) A constable in uniform may—
  (a) order a person in a cordoned area to leave it immediately;
  (b) order a person immediately to leave premises which are wholly or partly in or adjacent to a cordoned area;
  (c) order the driver or person in charge of a vehicle in a cordoned area to move it from the area immediately;
  (d) arrange for the removal of a vehicle from a cordoned area;
  (e) arrange for the movement of a vehicle within a cordoned area;
  (f) prohibit or restrict access to a cordoned area by pedestrians or vehicles.

(2) A person commits an offence if he fails to comply with an order, prohibition or restriction imposed by virtue of subsection (1).

(3) It is a defence for a person charged with an offence under subsection (2) to prove that he had a reasonable excuse for his failure.

(4) A person guilty of an offence under subsection (2) shall be liable on summary conviction to—
  (a) imprisonment for a term not exceeding three months,
  (b) a fine not exceeding level 4 on the standard scale, or
  (c) both.

Modifications etc. (not altering text)

C17 S. 36 extended (2.12.2002) by 2002 c. 30, s. 38, **Sch. 4 Pt. I para. 14**; S.I. 2002/2750, **art. 2(a)(ii)(d)**

C18 S. 36 extended (N.I.) (21.4.2007) by 2003 c. 6, Sch. 2A para. 15 (as inserted by The Policing (Miscellaneous Provisions) (Northern Ireland) Order 2007 (S.I. 2007/912 (N.I. 6)), arts. 1(2)(3), 7, **Sch. 5**)

Status: *Point in time view as at 29/06/2017.*
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Information and evidence

37 Powers.

Schedule 5 (power to obtain information, &c.) shall have effect.

[F77 37A Disclosure orders in relation to terrorist financing investigations

Schedule 5A (terrorist financing investigations: disclosure orders) has effect.]

Textual Amendments

F77 S. 37A inserted (27.4.2017 for specified purposes) by Criminal Finances Act 2017 (c. 22), s. 58(1)(6), **Sch. 2 para. 2**

38 Financial information.

Schedule 6 (financial information) shall have effect.

[F78 38A Account monitoring orders

Schedule 6A (account monitoring orders) shall have effect.]

Textual Amendments

F78 S. 38A inserted (20.12.2001) by 2001 c. 24, s. 3, **Sch. 2 Pt. 1 para. 1(2)**; S.I. 2001/4019, **art. 2(1)(c)**

F79 [38B Information about acts of terrorism

(1) This section applies where a person has information which he knows or believes might be of material assistance—
  (a) in preventing the commission by another person of an act of terrorism, or
  (b) in securing the apprehension, prosecution or conviction of another person, in the United Kingdom, for an offence involving the commission, preparation or instigation of an act of terrorism.

(2) The person commits an offence if he does not disclose the information as soon as reasonably practicable in accordance with subsection (3).

(3) Disclosure is in accordance with this subsection if it is made—
  (a) in England and Wales, to a constable,
  (b) in Scotland, to a constable, or
  (c) in Northern Ireland, to a constable or a member of Her Majesty's forces.

(4) It is a defence for a person charged with an offence under subsection (2) to prove that he had a reasonable excuse for not making the disclosure.

(5) A person guilty of an offence under this section shall be liable—
  (a) on conviction on indictment, to imprisonment for a term not exceeding five years, or to a fine or to both, or

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(b) on summary conviction, to imprisonment for a term not exceeding six months, or to a fine not exceeding the statutory maximum or to both.

(6) Proceedings for an offence under this section may be taken, and the offence may for the purposes of those proceedings be treated as having been committed, in any place where the person to be charged is or has at any time been since he first knew or believed that the information might be of material assistance as mentioned in subsection (1).**]**

Textual Amendments

F79 S. 38B inserted (14.12.2001) by 2001 c. 24, **s. 117(2)**

39 Disclosure of information, &c.

(1) Subsection (2) applies where a person knows or has reasonable cause to suspect that a constable is conducting or proposes to conduct a terrorist investigation.

(2) The person commits an offence if he—

(a) discloses to another anything which is likely to prejudice the investigation, or

(b) interferes with material which is likely to be relevant to the investigation.

(3) Subsection (4) applies where a person knows or has reasonable cause to suspect that a disclosure has been or will be made under any of sections 19 to **[**[F80]21B**][**[F81]or 38B**]**.

(4) The person commits an offence if he—

(a) discloses to another anything which is likely to prejudice an investigation resulting from the disclosure under that section, or

(b) interferes with material which is likely to be relevant to an investigation resulting from the disclosure under that section.

(5) It is a defence for a person charged with an offence under subsection (2) or (4) to prove—

(a) that he did not know and had no reasonable cause to suspect that the disclosure or interference was likely to affect a terrorist investigation, or

(b) that he had a reasonable excuse for the disclosure or interference.

(6) Subsections (2) and (4) do not apply to a disclosure which is made by a professional legal adviser—

(a) to his client or to his client's representative in connection with the provision of legal advice by the adviser to the client and not with a view to furthering a criminal purpose, or

(b) to any person for the purpose of actual or contemplated legal proceedings and not with a view to furthering a criminal purpose.

[[F82](6A) Subsections (2) and (4) do not apply if—

(a) the disclosure is of a matter within section 21D(2) or (3)(a) (terrorist property: tipping off), and

(b) the information on which the disclosure is based came to the person in the course of a business in the regulated sector.**]**

(7) A person guilty of an offence under this section shall be liable—

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(a) on conviction on indictment, to imprisonment for a term not exceeding five years, to a fine or to both, or

(b) on summary conviction, to imprisonment for a term not exceeding six months, to a fine not exceeding the statutory maximum or to both.

(8) For the purposes of this section—

(a) a reference to conducting a terrorist investigation includes a reference to taking part in the conduct of, or assisting, a terrorist investigation, and

(b) a person interferes with material if he falsifies it, conceals it, destroys it or disposes of it, or if he causes or permits another to do any of those things.

[[F83](9) The reference in subsection (6A) to a business in the regulated sector is to be construed in accordance with Schedule 3A.**]**

Textual Amendments

F80 Word in s. 39(3) substituted (26.12.2007) by The Terrorism Act 2000 and Proceeds of Crime Act 2002 (Amendment) Regulations 2007 (S.I. 2007/3398), reg. 2, **Sch. 1 para. 6(2)**

F81 Words in s. 39(3) inserted (14.12.2001) by 2001 c. 24, **s. 117(3)**

F82 S. 39(6A) inserted (26.12.2007) by The Terrorism Act 2000 and Proceeds of Crime Act 2002 (Amendment) Regulations 2007 (S.I. 2007/3398), reg. 2, **Sch. 1 para. 6(3)**

F83 S. 39(9) inserted (26.12.2007) by The Terrorism Act 2000 and Proceeds of Crime Act 2002 (Amendment) Regulations 2007 (S.I. 2007/3398), reg. 2, **Sch. 1 para. 6(4)**

Modifications etc. (not altering text)

C19 S. 39 applied (19.2.2001) by S.I. 2001/192, **reg. 3**

PART V

COUNTER-TERRORIST POWERS

*Suspected terrorists **[**[F84]etc.**]***

Textual Amendments

F84 Word in s. 40 cross-heading inserted (10.7.2012) by Protection of Freedoms Act 2012 (c. 9), s. 120, **Sch. 9 para. 24** (with s. 97); S.I. 2012/1205, art. 4(k)

40 Terrorist: interpretation.

(1) In this Part "terrorist" means a person who—

(a) has committed an offence under any of sections 11, 12, 15 to 18, 54 and 56 to 63, or

(b) is or has been concerned in the commission, preparation or instigation of acts of terrorism.

(2) The reference in subsection (1)(b) to a person who has been concerned in the commission, preparation or instigation of acts of terrorism includes a reference to a person who has been, whether before or after the passing of this Act, concerned in the

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commission, preparation or instigation of acts of terrorism within the meaning given by section 1.

41 Arrest without warrant.

(1) A constable may arrest without a warrant a person whom he reasonably suspects to be a terrorist.

(2) Where a person is arrested under this section the provisions of Schedule 8 (detention: treatment, review and extension) shall apply.

(3) Subject to subsections (4) to (7), a person detained under this section shall (unless detained under any other power) be released not later than the end of the period of 48 hours beginning—
  (a) with the time of his arrest under this section, or
  (b) if he was being detained under Schedule 7 when he was arrested under this section, with the time when his examination under that Schedule began.

(4) If on a review of a person's detention under Part II of Schedule 8 the review officer does not authorise continued detention, the person shall (unless detained in accordance with subsection (5) or (6) or under any other power) be released.

(5) Where a police officer intends to make an application for a warrant under paragraph 29 of Schedule 8 extending a person's detention, the person may be detained pending the making of the application.

(6) Where an application has been made under paragraph 29 or 36 of Schedule 8 in respect of a person's detention, he may be detained pending the conclusion of proceedings on the application.

(7) Where an application under paragraph 29 or 36 of Schedule 8 is granted in respect of a person's detention, he may be detained, subject to paragraph 37 of that Schedule, during the period specified in the warrant.

(8) The refusal of an application in respect of a person's detention under paragraph 29 or 36 of Schedule 8 shall not prevent his continued detention in accordance with this section.

(9) A person who has the powers of a constable in one Part of the United Kingdom may exercise the power under subsection (1) in any Part of the United Kingdom.

42 Search of premises.

(1) A justice of the peace may on the application of a constable issue a warrant in relation to specified premises if he is satisfied that there are reasonable grounds for suspecting that a person whom the constable reasonably suspects to be a person falling within section 40(1)(b) is to be found there.

(2) A warrant under this section shall authorise any constable to enter and search the specified premises for the purpose of arresting the person referred to in subsection (1) under section 41.

(3) In the application of subsection (1) to Scotland—
  (a) "justice of the peace" includes the sheriff, and

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(b) the justice of the peace or sheriff can be satisfied as mentioned in that subsection only by having heard evidence on oath.

43 Search of persons.

(1) A constable may stop and search a person whom he reasonably suspects to be a terrorist to discover whether he has in his possession anything which may constitute evidence that he is a terrorist.

(2) A constable may search a person arrested under section 41 to discover whether he has in his possession anything which may constitute evidence that he is a terrorist.

[F85](3) . . . . . .

(4) A constable may seize and retain anything which he discovers in the course of a search of a person under subsection (1) or (2) and which he reasonably suspects may constitute evidence that the person is a terrorist.

[[F86](4A) Subsection (4B) applies if a constable, in exercising the power under subsection (1) to stop a person whom the constable reasonably suspects to be a terrorist, stops a vehicle (see section 116(2)).

(4B) The constable—

(a) may search the vehicle and anything in or on it to discover whether there is anything which may constitute evidence that the person concerned is a terrorist, and

(b) may seize and retain anything which the constable—

(i) discovers in the course of such a search, and

(ii) reasonably suspects may constitute evidence that the person is a terrorist.

(4C) Nothing in subsection (4B) confers a power to search any person but the power to search in that subsection is in addition to the power in subsection (1) to search a person whom the constable reasonably suspects to be a terrorist.**]**

(5) A person who has the powers of a constable in one Part of the United Kingdom may exercise a power under this section in any Part of the United Kingdom.

Textual Amendments

F85 S. 43(3) repealed (10.7.2012) by Protection of Freedoms Act 2012 (c. 9), ss. 60(1), 120, **Sch. 10 Pt. 4** (with s. 97); S.I. 2012/1205, art. 4(d)(l)

F86 S. 43(4A)-(4C) inserted (10.7.2012) by Protection of Freedoms Act 2012 (c. 9), **ss. 60(2)**, 120 (with s. 97); S.I. 2012/1205, art. 4(d)

Modifications etc. (not altering text)

C20 S. 43(4): power(s) of seizure extended (1.4.2003) by 2001 c. 16, ss. 51-54, 68, Sch. 1 Pt. 2 para. 82; S.I. 2003/708, **art. 2**

[F87 43A Search of vehicles

(1) Subsection (2) applies if a constable reasonably suspects that a vehicle is being used for the purposes of terrorism.

Status: *Point in time view as at 29/06/2017.*
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(2) The constable may stop and search—
  (a) the vehicle;
  (b) the driver of the vehicle;
  (c) a passenger in the vehicle;
  (d) anything in or on the vehicle or carried by the driver or a passenger;

to discover whether there is anything which may constitute evidence that the vehicle is being used for the purposes of terrorism.

(3) A constable may seize and retain anything which the constable—
  (a) discovers in the course of a search under this section, and
  (b) reasonably suspects may constitute evidence that the vehicle is being used for the purposes of terrorism.

(4) A person who has the powers of a constable in one Part of the United Kingdom may exercise a power under this section in any Part of the United Kingdom.

(5) In this section "driver", in relation to an aircraft, hovercraft or vessel, means the captain, pilot or other person with control of the aircraft, hovercraft or vessel or any member of its crew and, in relation to a train, includes any member of its crew.**]**

Textual Amendments

F87 S. 43A inserted (10.7.2012) by Protection of Freedoms Act 2012 (c. 9), **ss. 60(3)**, 120 (with s. 97); S.I. 2012/1205, art. 4(d)

F88 **…**

Textual Amendments

F88 Ss. 44-47 and the cross-heading before s. 44 repealed (10.7.2012) by Protection of Freedoms Act 2012 (c. 9), ss. 59, 120, **Sch. 10 Pt. 4** (with s. 97); S.I. 2012/1205, art. 4(c)(l)

F88 44 Authorisations.

. . . . . .

Modifications etc. (not altering text)

C21 S. 44 amended (1.7.2004) by Railways and Transport Safety Act 2003 (c. 20), s. 73(1), **Sch. 5 para. 4(1)(2)(k)** (with s. 72); S.I. 2004/1572, **art. 3(ddd)(jjj)**

C22 Ss. 44-47 modified (18.3.2011) by Terrorism Act 2000 (Remedial) Order 2011 (S.I. 2011/631), arts. 1, 2-4, **Sch. 1** (with art. 6)

F88 45 Exercise of power.

. . . . . .

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Modifications etc. (not altering text)

C22 Ss. 44-47 modified (18.3.2011) by Terrorism Act 2000 (Remedial) Order 2011 (S.I. 2011/631), arts. 1, 2-4, **Sch. 1** (with art. 6)

[F88]46 Duration of authorisation.

. . . . . .

Modifications etc. (not altering text)

C22 Ss. 44-47 modified (18.3.2011) by Terrorism Act 2000 (Remedial) Order 2011 (S.I. 2011/631), arts. 1, 2-4, **Sch. 1** (with art. 6)

[F88]47 Offences.

. . . . . .

Modifications etc. (not altering text)

C22 Ss. 44-47 modified (18.3.2011) by Terrorism Act 2000 (Remedial) Order 2011 (S.I. 2011/631), arts. 1, 2-4, **Sch. 1** (with art. 6)

[F89 Powers to stop and search in specified locations

Textual Amendments

F89 S. 47A and cross-heading inserted (10.7.2012) by Protection of Freedoms Act 2012 (c. 9), **ss. 61(1)**, 120 (with s. 97); S.I. 2012/1205, art. 4(e)

47A Searches in specified areas or places

(1) A senior police officer may give an authorisation under subsection (2) or (3) in relation to a specified area or place if the officer—

(a) reasonably suspects that an act of terrorism will take place; and

(b) reasonably considers that—

(i) the authorisation is necessary to prevent such an act;

(ii) the specified area or place is no greater than is necessary to prevent such an act; and

(iii) the duration of the authorisation is no longer than is necessary to prevent such an act.

(2) An authorisation under this subsection authorises any constable in uniform to stop a vehicle in the specified area or place and to search—

(a) the vehicle;

(b) the driver of the vehicle;

(c) a passenger in the vehicle;

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(d) anything in or on the vehicle or carried by the driver or a passenger.

(3) An authorisation under this subsection authorises any constable in uniform to stop a pedestrian in the specified area or place and to search—

(a) the pedestrian;

(b) anything carried by the pedestrian.

(4) A constable in uniform may exercise the power conferred by an authorisation under subsection (2) or (3) only for the purpose of discovering whether there is anything which may constitute evidence that the vehicle concerned is being used for the purposes of terrorism or (as the case may be) that the person concerned is a person falling within section 40(1)(b).

(5) But the power conferred by such an authorisation may be exercised whether or not the constable reasonably suspects that there is such evidence.

(6) A constable may seize and retain anything which the constable—

(a) discovers in the course of a search under such an authorisation; and

(b) reasonably suspects may constitute evidence that the vehicle concerned is being used for the purposes of terrorism or (as the case may be) that the person concerned is a person falling within section 40(1)(b).

(7) Schedule 6B (which makes supplementary provision about authorisations under this section) has effect.

(8) In this section—

"driver" has the meaning given by section 43A(5);

"senior police officer" has the same meaning as in Schedule 6B (see paragraph 14(1) and (2) of that Schedule);

"specified" means specified in an authorisation.**]**

***[F90** Code of practice relating to sections 43, 43A and 47A*

Textual Amendments

F90 Ss. 47AA-47AE and cross-heading inserted (9.5.2012) by Protection of Freedoms Act 2012 (c. 9), **ss. 62**, 120 (with s. 97); S.I. 2012/1205, art. 2

47AA Code of practice relating to sections 43, 43A and 47A

(1) The Secretary of State must prepare a code of practice containing guidance about—

(a) the exercise of the powers conferred by sections 43 and 43A,

(b) the exercise of the powers to give an authorisation under section 47A(2) or (3),

(c) the exercise of the powers conferred by such an authorisation and section 47A(6), and

(d) such other matters in connection with the exercise of any of the powers mentioned in paragraphs (a) to (c) as the Secretary of State considers appropriate.

(2) Such a code may make different provision for different purposes.

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(3) In the course of preparing such a code, the Secretary of State must consult the Lord Advocate and such other persons as the Secretary of State considers appropriate.

47AB Issuing of code

(1) The Secretary of State must lay before Parliament—
  (a) a code of practice prepared under section 47AA, and
  (b) a draft of an order providing for the code to come into force.

(2) The Secretary of State must make the order and issue the code if the draft of the order is approved by a resolution of each House of Parliament.

(3) The Secretary of State must not make the order or issue the code unless the draft of the order is so approved.

(4) The Secretary of State must prepare another code of practice under section 47AA if—
  (a) the draft of the order is not so approved, and
  (b) the Secretary of State considers that there is no realistic prospect that it will be so approved.

(5) A code comes into force in accordance with an order under this section.

47AC Alteration or replacement of code

(1) The Secretary of State—
  (a) must keep the search powers code under review, and
  (b) may prepare an alteration to the code or a replacement code.

(2) Before preparing an alteration or a replacement code, the Secretary of State must consult the Lord Advocate and such other persons as the Secretary of State considers appropriate.

(3) Section 47AB (other than subsection (4)) applies to an alteration or a replacement code prepared under this section as it applies to a code prepared under section 47AA.

(4) In this section "the search powers code" means the code of practice issued under section 47AB (2) (as altered or replaced from time to time).

47AD Publication of code

(1) The Secretary of State must publish the code (and any replacement code) issued under section 47AB (2).

(2) The Secretary of State must publish—
  (a) any alteration issued under section 47AB (2), or
  (b) the code or replacement code as altered by it.

47AE Effect of code

(1) A constable must have regard to the search powers code when exercising any powers to which the code relates.

Status: *Point in time view as at 29/06/2017.*
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(2) A failure on the part of a constable to act in accordance with any provision of the search powers code does not of itself make that person liable to criminal or civil proceedings.

(3) The search powers code is admissible in evidence in any such proceedings.

(4) A court or tribunal may, in particular, take into account a failure by a constable to have regard to the search powers code in determining a question in any such proceedings.

(5) The references in this section to a constable include, in relation to any functions exercisable by a person by virtue of **[**[F91]paragraph 15 of Schedule 4 to the Police Reform Act 2002 or**]** paragraph 16 of Schedule 2A to the Police (Northern Ireland) Act 2003 (search powers in specified areas or places for community support officers), references to that person.

(6) In this section "the search powers code" means the code of practice issued under section 47AB (2) (as altered or replaced from time to time).**]**

Textual Amendments

F91 Words in s. 47AE(5) omitted (31.1.2017 for specified purposes) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 12 para. 13**

Parking

48 Authorisations.

(1) An authorisation under this section authorises any constable in uniform to prohibit or restrict the parking of vehicles on a road specified in the authorisation.

(2) An authorisation may be given only if the person giving it considers it expedient for the prevention of acts of terrorism.

(3) An authorisation may be given—

(a) where the road specified is **[**[F92]in England and Wales**]** and is wholly or partly within a police area other than one mentioned in paragraphs (b) or (c), by a police officer for the area who is of at least the rank of assistant chief constable;

(b) where the road specified is wholly or partly in the metropolitan police district, by a police officer for the district who is of at least the rank of commander of the metropolitan police;

(c) where the road specified is wholly or partly in the City of London, by a police officer for the City who is of at least the rank of commander in the City of London police force;

[[F93](ca) where the road specified is in Scotland, by a constable of the Police Service of Scotland who is of at least the rank of assistant chief constable;**]**

(d) where the road specified is in Northern Ireland, by a member of the Royal Ulster Constabulary who is of at least the rank of assistant chief constable.

(4) If an authorisation is given orally, the person giving it shall confirm it in writing as soon as is reasonably practicable.

Status: *Point in time view as at 29/06/2017.*
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Textual Amendments

F92 Words in s. 48(3)(a) substituted (1.4.2013) by The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602), art. 1(2), **Sch. 2 para. 32(2)(a)**

F93 S. 48(3)(ca) inserted (1.4.2013) by The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602), art. 1(2), **Sch. 2 para. 32(2)(b)**

49 Exercise of power.

(1) The power conferred by an authorisation under section 48 shall be exercised by placing a traffic sign on the road concerned.

(2) A constable exercising the power conferred by an authorisation under section 48 may suspend a parking place.

(3) Where a parking place is suspended under subsection (2), the suspension shall be treated as a restriction imposed by virtue of section 48—

(a) for the purposes of section 99 of the [M23]Road Traffic Regulation Act 1984 (removal of vehicles illegally parked, &c.) and of any regulations in force under that section, and

(b) for the purposes of Articles 47 and 48 of the [M24]Road Traffic Regulation (Northern Ireland) Order 1997 (in relation to Northern Ireland).

Marginal Citations

M23 1984 c. 27.

M24 S.I. 1997/276 (N.I. 2).

50 Duration of authorisation.

(1) An authorisation under section 48 has effect, subject to subsections (2) and (3), during the period specified in the authorisation.

(2) The period specified shall not exceed 28 days.

(3) An authorisation may be renewed in writing by the person who gave it or by a person who could have given it; and subsections (1) and (2) shall apply as if a new authorisation were given on each occasion on which the authorisation is renewed.

51 Offences.

(1) A person commits an offence if he parks a vehicle in contravention of a prohibition or restriction imposed by virtue of section 48.

(2) A person commits an offence if—

(a) he is the driver or other person in charge of a vehicle which has been permitted to remain at rest in contravention of any prohibition or restriction imposed by virtue of section 48, and

(b) he fails to move the vehicle when ordered to do so by a constable in uniform.

Status: *Point in time view as at 29/06/2017.*
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(3) It is a defence for a person charged with an offence under this section to prove that he had a reasonable excuse for the act or omission in question.

(4) Possession of a current disabled person's badge shall not itself constitute a reasonable excuse for the purposes of subsection (3).

(5) A person guilty of an offence under subsection (1) shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(6) A person guilty of an offence under subsection (2) shall be liable on summary conviction to—
   (a) imprisonment for a term not exceeding three months,
   (b) a fine not exceeding level 4 on the standard scale, or
   (c) both.

52 Interpretation.

In sections 48 to 51—

"disabled person's badge" means a badge issued, or having effect as if issued, under any regulations for the time being in force under section 21 of the [M25]Chronically Sick and Disabled Persons Act 1970 (in relation to England and Wales and Scotland) or section 14 of the [M26]Chronically Sick and Disabled Persons (Northern Ireland) Act 1978 (in relation to Northern Ireland);

"driver" means, in relation to a vehicle which has been left on any road, the person who was driving it when it was left there;

"parking" means leaving a vehicle or permitting it to remain at rest;

"traffic sign" has the meaning given in section 142(1) of the [M27]Road Traffic Regulation Act 1984 (in relation to England and Wales and Scotland) and in Article 28 of the [M28]Road Traffic Regulation (Northern Ireland) Order 1997 (in relation to Northern Ireland);

"vehicle" has the same meaning as in section 99(5) of the [M29]Road Traffic Regulation Act 1984 (in relation to England and Wales and Scotland) and Article 47(4) of the [M30]Road Traffic Regulation (Northern Ireland) Order 1997 (in relation to Northern Ireland).

Marginal Citations

M25 1970 c. 44.
M26 1978 c. 53 (N.I.).
M27 1984 c. 27.
M28 S.I. 1997/276 (N.I. 2).
M29 1984 c. 27.
M30 S.I. 1997/276 (N.I. 2).

Port and border controls

53 Port and border controls.

(1) Schedule 7 (port and border controls) shall have effect.

Status: *Point in time view as at 29/06/2017.*
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(2) The Secretary of State may by order repeal paragraph 16 of Schedule 7.

(3) The powers conferred by Schedule 7 shall be exercisable notwithstanding the rights conferred by section 1 of the [M31]Immigration Act 1971 (general principles regulating entry into and staying in the United Kingdom).

Marginal Citations
M31 1971 c. 77.

PART VI

MISCELLANEOUS

Terrorist offences

54 Weapons training.

(1) A person commits an offence if he provides instruction or training in the making or use of—
- (a) firearms,
- **[**[F94](aa) radioactive material or weapons designed or adapted for the discharge of any radioactive material,**]**
- (b) explosives, or
- (c) chemical, biological or nuclear weapons.

(2) A person commits an offence if he receives instruction or training in the making or use of—
- (a) firearms,
- **[**[F94](aa) radioactive material or weapons designed or adapted for the discharge of any radioactive material,**]**
- (b) explosives, or
- (c) chemical, biological or nuclear weapons.

(3) A person commits an offence if he invites another to receive instruction or training and the receipt—
- (a) would constitute an offence under subsection (2), or
- (b) would constitute an offence under subsection (2) but for the fact that it is to take place outside the United Kingdom.

(4) For the purpose of subsections (1) and (3)—
- (a) a reference to the provision of instruction includes a reference to making it available either generally or to one or more specific persons, and
- (b) an invitation to receive instruction or training may be either general or addressed to one or more specific persons.

(5) It is a defence for a person charged with an offence under this section in relation to instruction or training to prove that his action or involvement was wholly for a purpose other than assisting, preparing for or participating in terrorism.

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(6) A person guilty of an offence under this section shall be liable—

(a) on conviction on indictment, to **[**[F95]imprisonment for life**]** , to a fine or to both, or

(b) on summary conviction, to imprisonment for a term not exceeding six months, to a fine not exceeding the statutory maximum or to both.

(7) [F96]. . . . . .

(8) [F96]. . . . . .

(9) [F96]. . . . . .

Textual Amendments

F94 S. 54(1)(aa)(2)(aa) inserted (14.12.2001) by 2001 c. 24, **s. 120(1)**

F95 Words in s. 54(6) substituted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), **ss. 1(2)**, 95(1) (with s. 1(4)); S.I. 2015/778, art. 3, Sch. 1 para. 1

F96 S. 54(7)-(9) repealed (18.6.2009) by Counter-Terrorism Act 2008 (c. 28), ss. 39, 99, 100(5), Sch. 3 para. 2, **Sch. 9 Pt. 3** (with s. 101(2)); S.I. 2009/1256, **art. 2(c)(d)(e)**

55 Weapons training: interpretation.

In section 54—

[[F97] " biological weapon " means a biological agent or toxin (within the meaning of the Biological Weapons Act 1974) in a form capable of use for hostile purposes or anything to which section 1(1)(b) of that Act applies, **]**

"chemical weapon" has the meaning given by section 1 of the [M32]Chemical Weapons Act 1996, and

[[F98] " radioactive material " means radioactive material capable of endangering life or causing harm to human health, **]**

[F99]. . .

Textual Amendments

F97 Words in s. 55 substituted (14.12.2001) by 2001 c. 24, **s. 120(2)(a)**

F98 Words in s. 55 inserted (14.12.2001) by 2001 c. 24, **s. 120(2)(b)**

F99 Words in s. 55 repealed (14.12.2001) by 2001 c. 24, ss. 120(2)(c), 125, **Sch. 8 Pt. 7**

Marginal Citations

M32 1996 c. 6.

56 Directing terrorist organisation.

(1) A person commits an offence if he directs, at any level, the activities of an organisation which is concerned in the commission of acts of terrorism.

(2) A person guilty of an offence under this section is liable on conviction on indictment to imprisonment for life.

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

57 Possession for terrorist purposes.

(1) A person commits an offence if he possesses an article in circumstances which give rise to a reasonable suspicion that his possession is for a purpose connected with the commission, preparation or instigation of an act of terrorism.

(2) It is a defence for a person charged with an offence under this section to prove that his possession of the article was not for a purpose connected with the commission, preparation or instigation of an act of terrorism.

(3) In proceedings for an offence under this section, if it is proved that an article—

(a) was on any premises at the same time as the accused, or

(b) was on premises of which the accused was the occupier or which he habitually used otherwise than as a member of the public,

the court may assume that the accused possessed the article, unless he proves that he did not know of its presence on the premises or that he had no control over it.

(4) A person guilty of an offence under this section shall be liable—

(a) on conviction on indictment, to imprisonment for a term not exceeding **[**[F100]15 years**]** , to a fine or to both, or

(b) on summary conviction, to imprisonment for a term not exceeding six months, to a fine not exceeding the statutory maximum or to both.

Textual Amendments

F100 Words in s. 57(4)(a) substituted (13.4.2006) by Terrorism Act 2006 (c. 11), **s. 13(1)** (with (2)); S.I. 2006/1013, **art. 2**

58 Collection of information.

(1) A person commits an offence if—

(a) he collects or makes a record of information of a kind likely to be useful to a person committing or preparing an act of terrorism, or

(b) he possesses a document or record containing information of that kind.

(2) In this section "record" includes a photographic or electronic record.

(3) It is a defence for a person charged with an offence under this section to prove that he had a reasonable excuse for his action or possession.

(4) A person guilty of an offence under this section shall be liable—

(a) on conviction on indictment, to imprisonment for a term not exceeding 10 years, to a fine or to both, or

(b) on summary conviction, to imprisonment for a term not exceeding six months, to a fine not exceeding the statutory maximum or to both.

(5) [F101] . . . . . .

(6) [F101] . . . . . .

(7) [F101] . . . . . .

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F101 S. 58(5)-(7) repealed (18.6.2009) by Counter-Terrorism Act 2008 (c. 28), ss. 39, 99, 100(5), Sch. 3 para. 3, **Sch. 9 Pt. 3** (with s. 101(2)); S.I. 2009/1256, **art. 2(c)(d)(e)**

[F102 58A Eliciting, publishing or communicating information about members of armed forces etc

(1) A person commits an offence who—

(a) elicits or attempts to elicit information about an individual who is or has been—

(i) a member of Her Majesty's forces,

(ii) a member of any of the intelligence services, or

(iii) a constable,

which is of a kind likely to be useful to a person committing or preparing an act of terrorism, or

(b) publishes or communicates any such information.

(2) It is a defence for a person charged with an offence under this section to prove that they had a reasonable excuse for their action.

(3) A person guilty of an offence under this section is liable—

(a) on conviction on indictment, to imprisonment for a term not exceeding 10 years or to a fine, or to both;

(b) on summary conviction—

(i) in England and Wales or Scotland, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum, or to both;

(ii) in Northern Ireland, to imprisonment for a term not exceeding 6 months or to a fine not exceeding the statutory maximum, or to both.

(4) In this section " the intelligence services " means the Security Service, the Secret Intelligence Service and GCHQ (within the meaning of section 3 of the Intelligence Services Act 1994 (c. 13)).

(5) Schedule 8A to this Act contains supplementary provisions relating to the offence under this section.**]**

Textual Amendments

F102 S. 58A inserted (16.2.2009) by Counter-Terrorism Act 2008 (c. 28), **ss. 76(1)(2)**, 100(5) (with s. 101(2)); S.I. 2009/58, **art. 2(d)**

Inciting terrorism overseas

59 England and Wales.

(1) A person commits an offence if—

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(a) he incites another person to commit an act of terrorism wholly or partly outside the United Kingdom, and

(b) the act would, if committed in England and Wales, constitute one of the offences listed in subsection (2).

(2) Those offences are—

(a) murder,

(b) an offence under section 18 of the Offences against the [M33]Person Act 1861 (wounding with intent),

(c) an offence under section 23 or 24 of that Act (poison),

(d) an offence under section 28 or 29 of that Act (explosions), and

(e) an offence under section 1(2) of the [M34]Criminal Damage Act 1971 (endangering life by damaging property).

(3) A person guilty of an offence under this section shall be liable to any penalty to which he would be liable on conviction of the offence listed in subsection (2) which corresponds to the act which he incites.

(4) For the purposes of subsection (1) it is immaterial whether or not the person incited is in the United Kingdom at the time of the incitement.

(5) Nothing in this section imposes criminal liability on any person acting on behalf of, or holding office under, the Crown.

Marginal Citations

M33 1861 c. 100.

M34 1971 c. 48.

60 Northern Ireland.

(1) A person commits an offence if—

(a) he incites another person to commit an act of terrorism wholly or partly outside the United Kingdom, and

(b) the act would, if committed in Northern Ireland, constitute one of the offences listed in subsection (2).

(2) Those offences are—

(a) murder,

(b) an offence under section 18 of the Offences against the [M35]Person Act 1861 (wounding with intent),

(c) an offence under section 23 or 24 of that Act (poison),

(d) an offence under section 28 or 29 of that Act (explosions), and

(e) an offence under Article 3(2) of the [M36]Criminal Damage (Northern Ireland) Order 1977 (endangering life by damaging property).

(3) A person guilty of an offence under this section shall be liable to any penalty to which he would be liable on conviction of the offence listed in subsection (2) which corresponds to the act which he incites.

(4) For the purposes of subsection (1) it is immaterial whether or not the person incited is in the United Kingdom at the time of the incitement.

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(5) Nothing in this section imposes criminal liability on any person acting on behalf of, or holding office under, the Crown.

Marginal Citations

M35 1861 c. 100.

M36 S.I. 1977/426 (N.I. 4).

61 Scotland.

(1) A person commits an offence if—

(a) he incites another person to commit an act of terrorism wholly or partly outside the United Kingdom, and

(b) the act would, if committed in Scotland, constitute one of the offences listed in subsection (2).

(2) Those offences are—

(a) murder,

(b) assault to severe injury, and

(c) reckless conduct which causes actual injury.

(3) A person guilty of an offence under this section shall be liable to any penalty to which he would be liable on conviction of the offence listed in subsection (2) which corresponds to the act which he incites.

(4) For the purposes of subsection (1) it is immaterial whether or not the person incited is in the United Kingdom at the time of the incitement.

(5) Nothing in this section imposes criminal liability on any person acting on behalf of, or holding office under, the Crown.

Terrorist bombing and finance offences

62 Terrorist bombing: jurisdiction.

(1) If—

(a) a person does anything outside the United Kingdom as an act of terrorism or for the purposes of terrorism, and

(b) his action would have constituted the commission of one of the offences listed in subsection (2) if it had been done in the United Kingdom,

he shall be guilty of the offence.

(2) The offences referred to in subsection (1)(b) are—

(a) an offence under section 2, 3 or 5 of the [M37]Explosive Substances Act 1883 (causing explosions, &c.),

(b) an offence under section 1 of the [M38]Biological Weapons Act 1974 (biological weapons), and

(c) an offence under section 2 of the [M39]Chemical Weapons Act 1996 (chemical weapons).

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Marginal Citations

M37 1883 c. 3.
M38 1974 c. 6.
M39 1996 c. 6.

63 Terrorist finance: jurisdiction.

(1) If—

(a) a person does anything outside the United Kingdom, and

(b) his action would have constituted the commission of an offence under any of sections 15 to 18 if it had been done in the United Kingdom,

he shall be guilty of the offence.

(2) For the purposes of subsection (1)(b), section 18(1)(b) shall be read as if for "the jurisdiction" there were substituted " a jurisdiction ".

64 Extradition.

F103 . . . . . .

Textual Amendments

F103 S. 64 repealed (1.1.2004 subject to savings in the commencing S.I.) by Extradition Act 2003 (c. 41), ss. 219(1), 220, Sch. 3 para. 11, **Sch. 4**; S.I. 2003/3103, **art. 2** (with arts. 3-5) (as amended by S.I. 2003/3312 and S.I. 2003/3258)

[F104 Extra-territorial jurisdiction for other terrorist offences etc.

Textual Amendments

F104 Ss. 63A-63E and preceding cross-heading inserted (26.4.2004) by Crime (International Co-operation) Act 2003 (c. 32), **s. 52**; S.I. 2004/786, **art. 3**

63A Other terrorist offences under this Act: jurisdiction

(1) If—

(a) a United Kingdom national or a United Kingdom resident does anything outside the United Kingdom, and

(b) his action, if done in any part of the United Kingdom, would have constituted an offence under F105. . . any of sections 56 to 61,

he shall be guilty in that part of the United Kingdom of the offence.

(2) For the purposes of this section and sections 63B and 63C a " United Kingdom national " means an individual who is—

(a) a British citizen, a British overseas territories citizen, a British National (Overseas) or a British Overseas citizen,

(b) a person who under the British Nationality Act 1981 is a British subject, or

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(c) a British protected person within the meaning of that Act.

(3) For the purposes of this section and sections 63B and 63C a " United Kingdom resident " means an individual who is resident in the United Kingdom.

Textual Amendments

F105 Words in s. 63A(1)(b) repealed (13.4.2006) by Terrorism Act 2006 (c. 11), s. 37(5), **Sch. 3**; S.I. 2006/1013, **art. 2**

63B Terrorist attacks abroad by UK nationals or residents: jurisdiction

(1) If—

(a) a United Kingdom national or a United Kingdom resident does anything outside the United Kingdom as an act of terrorism or for the purposes of terrorism, and

(b) his action, if done in any part of the United Kingdom, would have constituted an offence listed in subsection (2),

he shall be guilty in that part of the United Kingdom of the offence.

(2) These are the offences—

(a) murder, manslaughter, culpable homicide, rape, assault causing injury, assault to injury, kidnapping, abduction or false imprisonment,

(b) an offence under section 4, 16, 18, 20, 21, 22, 23, 24, 28, 29, 30 or 64 of the Offences against the Person Act 1861,

(c) an offence under any of sections 1 to 5 of the Forgery and Counterfeiting Act 1981,

(d) the uttering of a forged document or an offence under section 46A of the Criminal Law (Consolidation) (Scotland) Act 1995,

(e) an offence under section 1 or 2 of the Criminal Damage Act 1971,

(f) an offence under Article 3 or 4 of the Criminal Damage (Northern Ireland) Order 1977,

(g) malicious mischief,

(h) wilful fire-raising.

63C Terrorist attacks abroad on UK nationals, residents and diplomatic staff etc : jurisdiction

(1) If—

(a) a person does anything outside the United Kingdom as an act of terrorism or for the purposes of terrorism,

(b) his action is done to, or in relation to, a United Kingdom national, a United Kingdom resident or a protected person, and

(c) his action, if done in any part of the United Kingdom, would have constituted an offence listed in subsection (2),

he shall be guilty in that part of the United Kingdom of the offence.

(2) These are the offences—

(a) murder, manslaughter, culpable homicide, rape, assault causing injury, assault to injury, kidnapping, abduction or false imprisonment,

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(b) an offence under section 4, 16, 18, 20, 21, 22, 23, 24, 28, 29, 30 or 64 of the Offences against the Person Act 1861,

(c) an offence under section 1, 2, 3, 4 or 5(1) or (3) of the Forgery and Counterfeiting Act 1981,

(d) the uttering of a forged document or an offence under section 46A(1) of the Criminal Law (Consolidation) (Scotland) Act 1995.

(3) For the purposes of this section and section 63D a person is a protected person if—

(a) he is a member of a United Kingdom diplomatic mission within the meaning of Article 1(b) of the Vienna Convention on Diplomatic Relations signed in 1961 (as that Article has effect in the United Kingdom by virtue of section 2 of and Schedule 1 to the Diplomatic Privileges Act 1964),

(b) he is a member of a United Kingdom consular post within the meaning of Article 1(g) of the Vienna Convention on Consular Relations signed in 1963 (as that Article has effect in the United Kingdom by virtue of section 1 of and Schedule 1 to the Consular Relations Act 1968),

(c) he carries out any functions for the purposes of the **[**[F106]the European Medicines Agency**]** , or

(d) he carries out any functions for the purposes of a body specified in an order made by the Secretary of State.

(4) The Secretary of State may specify a body under subsection (3)(d) only if—

(a) it is established by or under the **[**[F107]Treaty on the Functioning of the European Union**]** or the Treaty on European Union, and

(b) the principal place in which its functions are carried out is a place in the United Kingdom.

(5) If in any proceedings a question arises as to whether a person is or was a protected person, a certificate—

(a) issued by or under the authority of the Secretary of State, and

(b) stating any fact relating to the question,

is to be conclusive evidence of that fact.

Textual Amendments

F106 Words in s. 63C(3)(c) substituted (1.1.2005) by The Medicines (Marketing Authorisations and Miscellaneous Amendments) Regulations 2004 (S.I. 2004/3224), **reg. 4**

F107 Words in s. 63C(4)(a) substituted (1.8.2012) by The Treaty of Lisbon (Changes in Terminology or Numbering) Order 2012 (S.I. 2012/1809), art. 2(1), **Sch. Pt. 1** (with art. 2(2))

63D Terrorist attacks or threats abroad in connection with UK diplomatic premises etc: jurisdiction

(1) If—

(a) a person does anything outside the United Kingdom as an act of terrorism or for the purposes of terrorism,

(b) his action is done in connection with an attack on relevant premises or on a vehicle ordinarily used by a protected person,

(c) the attack is made when a protected person is on or in the premises or vehicle, and

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(d) his action, if done in any part of the United Kingdom, would have constituted an offence listed in subsection (2),

he shall be guilty in that part of the United Kingdom of the offence.

(2) These are the offences—

(a) an offence under section 1 of the Criminal Damage Act 1971,

(b) an offence under Article 3 of the Criminal Damage (Northern Ireland) Order 1977,

(c) malicious mischief,

(d) wilful fire-raising.

(3) If—

(a) a person does anything outside the United Kingdom as an act of terrorism or for the purposes of terrorism,

(b) his action consists of a threat of an attack on relevant premises or on a vehicle ordinarily used by a protected person,

(c) the attack is threatened to be made when a protected person is, or is likely to be, on or in the premises or vehicle, and

(d) his action, if done in any part of the United Kingdom, would have constituted an offence listed in subsection (4),

he shall be guilty in that part of the United Kingdom of the offence.

(4) These are the offences—

(a) an offence under section 2 of the Criminal Damage Act 1971,

(b) an offence under Article 4 of the Criminal Damage (Northern Ireland) Order 1977,

(c) breach of the peace (in relation to Scotland only).

(5) " Relevant premises " means—

(a) premises at which a protected person resides or is staying, or

(b) premises which a protected person uses for the purpose of carrying out his functions as such a person.

63E Sections 63B to 63D: supplementary

(1) Proceedings for an offence which (disregarding the Acts listed in subsection (2)) would not be an offence apart from section 63B, 63C or 63D are not to be started—

(a) in England and Wales, except by or with the consent of the Attorney General,

(b) in Northern Ireland, except by or with the consent of the Advocate General for Northern Ireland.

(2) These are the Acts—

(a) the Internationally Protected Persons Act 1978,

(b) the Suppression of Terrorism Act 1978,

(c) the Nuclear Material (Offences) Act 1983,

(d) the United Nations Personnel Act 1997.

(3) For the purposes of sections 63C and 63D it is immaterial whether a person knows that another person is a United Kingdom national, a United Kingdom resident or a protected person.

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(4) In relation to any time before the coming into force of section 27(1) of the Justice (Northern Ireland) Act 2002, the reference in subsection (1)(b) to the Advocate General for Northern Ireland is to be read as a reference to the Attorney General for Northern Ireland.**]**

[F108 Counter-terrorism financial investigators

Textual Amendments

F108 S. 63F and cross-heading inserted (27.4.2017 for specified purposes, 27.6.2017 in so far as not already in force) by Criminal Finances Act 2017 (c. 22), **ss. 41(2)**, 58(4)(6)

63F Counter-terrorism financial investigators

(1) The metropolitan police force must provide a system for the accreditation of financial investigators ("counter-terrorism financial investigators").

(2) The system of accreditation must include provision for—

(a) the monitoring of the performance of counter-terrorism financial investigators,

(b) the withdrawal of accreditation from any person who contravenes or fails to comply with any condition subject to which he or she was accredited, and

(c) securing that decisions under that system which concern—

(i) the grant or withdrawal of accreditations, or

(ii) the monitoring of the performance of counter-terrorism financial investigators,

are taken without regard to their effect on operations by the metropolitan police force or any other person.

(3) A person may be accredited if he or she is—

(a) a member of the civilian staff of a police force in England and Wales (including the metropolitan police force), within the meaning of Part 1 of the Police Reform and Social Responsibility Act 2011;

(b) a member of staff of the City of London police force;

(c) a member of staff of the Police Service of Northern Ireland.

(4) A person may be accredited—

(a) in relation to this Act;

(b) in relation to the Anti-terrorism, Crime and Security Act 2001;

(c) in relation to particular provisions of this Act or of the Anti-terrorism, Crime and Security Act 2001.

(5) But the accreditation may be limited to specified purposes.

(6) A reference in this Act or in the Anti-terrorism, Crime and Security Act 2001 to a counter-terrorism financial investigator is to be construed accordingly.

(7) The metropolitan police force must make provision for the training of persons in—

(a) financial investigation,

(b) the operation of this Act, and

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(c) the operation of the Anti-terrorism, Crime and Security Act 2001.**]**

PART VII

NORTHERN IRELAND

Modifications etc. (not altering text)

C23 Pt. VII (ss. 65-113): for the duration of Pt. VII see ss. 112, 113 by virtue of 2000 c. 11, **ss. 112(1)(4)**, 128
Pt. VII (ss. 65-113) continued (*temp.* from 19.2.2002 until 18.2.2003) by S.I. 2002/365, **art. 2**
Pt. VII (ss. 65-113) continued (temp. from 19.2.2003 until 18.2.2004) by The Terrorism Act 2000 (Continuance of Part VII) Order 2003 (S.I. 2003/427), **art. 2**
Pt. VII (ss. 65-113) continued (temp. from 19.2.2004 until 18.2.2005) by The Terrorism Act 2000 (Continuance of Part VII) Order 2004 (S.I. 2004/431), **art. 2**
Pt. VII (ss. 65-113) continued (temp. from 19.2.2005 until 18.2.2006) by The Terrorism Act 2000 (Continuance of Part VII) Order 2005 (S.I. 2005/350), **art. 2**
Pt. VII (except s. 78) continued (temp. from 19.2.2006 until 31.7.2007) by Terrorism (Northern Ireland) Act 2006 (c. 4), **s. 1(1)(2)**
Pt. VII: power to continue specified provisions conferred (19.2.2006) by Terrorism (Northern Ireland) Act 2006 (c. 4), ss. {1(3)}, 2(1)(2)

C24 Pt. VII: saving (at the end of 31.7.2007 in accordance with art. 1(3)) for effect of Terrorism (Northern Ireland) Act 2006 (c. 6), s. 1(2)(b) with transitional provisions and savings in The Terrorism (Northern Ireland) Act 2006 (Transitional Provisions and Savings) Order 2007 (S.I. 2007/2259), **arts. 3**, 5, Sch.

Scheduled offences

65 Scheduled offence: interpretation.

(1) In this Part "scheduled offence" means, subject to any relevant note in Part I or III of Schedule 9, an offence specified in either of those Parts.

(2) Part II of that Schedule shall have effect in respect of offences related to those specified in Part I.

(3) The Secretary of State may by order—
(a) add an offence to Part I or II of Schedule 9;
(b) remove an offence from Part I or II of that Schedule;
(c) amend Part I or II of that Schedule in some other way.

66 Preliminary inquiry.

(1) In proceedings before a magistrates' court for a scheduled offence, if the prosecution requests the court to conduct a preliminary inquiry into the offence the court shall grant the request.

(2) In subsection (1) "preliminary inquiry" means a preliminary inquiry under the [M40]Magistrates' Courts (Northern Ireland) Order 1981.

(3) Subsection (1)—
(a) shall apply notwithstanding anything in Article 31 of that Order,

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(b) shall not apply in respect of an offence where the court considers that in the interests of justice a preliminary investigation should be conducted into the offence under that Order, and

(c) shall not apply in respect of an extra-territorial offence (as defined in section 1(3) of the [M41]Criminal Jurisdiction Act 1975)).

(4) Where a person charged with a scheduled offence is also charged with a non-scheduled offence, the non-scheduled offence shall be treated as a scheduled offence for the purposes of this section.

Marginal Citations

M40 S.I. 1981/1675 (N.I. 26).

M41 1975 c. 59.

67 Limitation of power to grant bail.

(1) This section applies to a person who—

(a) has attained the age of fourteen, and

(b) is charged with a scheduled offence which is neither being tried summarily nor certified by the Director of Public Prosecutions for Northern Ireland as suitable for summary trial.

(2) Subject to subsections (6) and (7), a person to whom this section applies shall not be admitted to bail except—

(a) by a judge of the High Court or the Court of Appeal, or

(b) by the judge of the court of trial on adjourning the trial of a person charged with a scheduled offence.

(3) [F109] . . . . . .

(4) [F109] . . . . . .

(5) Without prejudice to any other power to impose conditions on admission to bail, a judge admitting a person to bail under this section may impose such conditions as he considers—

(a) likely to result in the person's appearance at the time and place required, or

(b) necessary in the interests of justice or for the prevention of crime.

(6) Subsection (7) applies where a person to whom this section applies is a serving member of—

(a) any of Her Majesty's forces, or

(b) the Royal Ulster Constabulary or the Royal Ulster Constabulary Reserve.

(7) Where this subsection applies to a person he may be admitted to bail on condition that he is held in military or police custody if the person granting bail is satisfied that suitable arrangements have been made; and—

(a) bail on that condition may be granted by a judge or a resident magistrate, and

(b) it shall be lawful for the person to be held in military or police custody in accordance with the conditions of his bail.

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F109 S. 67(3)(4) repealed (19.2.2006) by Terrorism (Northern Ireland) Act 2006 (c. 4), s. 5(2)(3), **Sch.**

68 Bail: legal aid.

(1) Where it appears to a judge of the High Court or the Court of Appeal—

(a) that a person charged with a scheduled offence intends to apply to be admitted to bail,

(b) that it is desirable in the interests of justice that he should have legal aid, and

(c) that he has not sufficient means to enable him to obtain that aid,

the judge may assign to him a solicitor and counsel, or counsel only, in the application for bail.

(2) If on a question of granting a person free legal aid under this section there is a doubt—

(a) whether his means are sufficient to enable him to obtain legal aid, or

(b) whether it is desirable in the interests of justice that he should have free legal aid,

the doubt shall be resolved in favour of granting him free legal aid.

(3) Articles 32, 36 and 40 of the [M42]Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 (statements, payments, rules and stamp duty) shall apply in relation to legal aid under this section as they apply in relation to legal aid under Part III of that Order as if legal aid under this section were given in pursuance of a criminal aid certificate under Article 29 of that Order.

Marginal Citations

M42 S.I. 1981/228 (N.I. 8).

69 Maximum period of remand in custody.

(1) The period for which a person charged with a scheduled offence may be remanded in custody by a magistrates' court shall be a period of not more than 28 days beginning with the day following that on which he is remanded.

(2) Subsection (1) has effect—

(a) notwithstanding Article 47(2) [F110]. . . of the [M43]Magistrates' Courts (Northern Ireland) Order 1981, and

(b) whether or not a person is also charged with a non-scheduled offence.

Textual Amendments

F110 Words in s. 69(2)(a) repealed (28.7.2003) by The Criminal Justice (Northern Ireland) Order 2003 (S.I. 2003/1247 (N.I. 13)), art. 36(2), **Sch. 2**; S.R. 2003/352, **art. 2**

Marginal Citations

M43 S.I. 1981/1675 (N.I. 26).

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

70 Young persons: custody on remand, &c.

F111 . . . . . .

Textual Amendments

F111 S. 70 repealed (19.2.2006) by Terrorism (Northern Ireland) Act 2006 (c. 4), s. 5(2)(3), **Sch.**

71 Directions under section 70.

F112 . . . . . .

Textual Amendments

F112 S. 71 repealed (19.2.2006) by Terrorism (Northern Ireland) Act 2006 (c. 4), s. 5(2)(3), **Sch.**

72 Time limits for preliminary proceedings.

(1) The Secretary of State may by regulations make provision, in respect of a specified preliminary stage of proceedings for a scheduled offence, as to the maximum period—

(a) to be allowed to the prosecution to complete the stage;

(b) during which the accused may, while awaiting completion of the stage, be in the custody of a magistrates' court or the Crown Court in relation to the offence.

(2) The regulations may, in particular—

(a) provide for a specified law about bail to apply in relation to cases to which custody or overall time limits apply (subject to any modifications which the Secretary of State considers it necessary to specify in the regulations);

(b) provide for time limits to cease to have effect in cases where the **[**[F113] Advocate General for Northern Ireland **]** certifies after the institution of proceedings that an offence is not to be treated as a scheduled offence;

(c) make such provision with respect to the procedure to be followed in criminal proceedings as the Secretary of State considers appropriate in consequence of another provision of the regulations;

(d) make provision which has effect in relation to a non-scheduled offence where separate counts of an indictment allege a scheduled offence and a non-scheduled offence;

(e) enable the Crown Court in specified circumstances to extend or further extend a time limit at any time before it expires.

(3) Subject to subsection (4), where an overall time limit expires before the completion of the stage of proceedings to which the limit applies, the accused shall be treated for all purposes as having been acquitted of the offence to which the proceedings relate.

(4) Regulations under this section which provide for a custody time limit in relation to a preliminary stage shall have no effect where—

(a) a person escapes from the custody of a magistrates' court or the Crown Court before the expiry of the custody time limit,

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(b) a person who has been released on bail in consequence of the expiry of a custody time limit fails to surrender himself into the custody of the court at the appointed time, or

(c) a person who has been released on bail in consequence of the expiry of a custody time limit is arrested by a constable in connection with a breach or apprehended breach of a condition of his bail.

(5) If a person escapes from the custody of a magistrates' court or the Crown Court, the overall time limit which applies to the stage which proceedings relating to the person have reached at the time of the escape shall cease to have effect in relation to those proceedings.

(6) If a person who has been released on bail fails to surrender himself into the custody of the court at the appointed time, the overall time limit which applies to the stage which proceedings relating to the person have reached at the time of the failure shall cease to have effect in relation to those proceedings.

[[F114](7) Any period during which proceedings for an offence are adjourned pending the determination of an appeal under Part IV of the Criminal Justice (Northern Ireland) Order 2004 (prosecution appeals) shall be disregarded, so far as the offence is concerned, for the purposes of the overall time limit and the custody time limit which applies to the stage which the proceedings have reached when they are adjourned**]**

Textual Amendments

F113 Words in s. 72(2)(b) substituted (12.4.2010) by Justice (Northern Ireland) Act 2002 (c. 26), s. 87(1), **Sch. 7 para. 22**; S.R. 2010/113, art. 2, Sch. para. 19(d)

F114 S. 72(7) inserted (18.4.2005) by The Criminal Justice (Northern Ireland) Order 2004 (S.I. 2004/1500 (N.I. 9)), **art. 29(2)**; S.R. 2005/243, **art. 2**

73 Time limits: supplementary.

(1) Where a person is convicted of an offence, the exercise of power conferred by virtue of section 72(2)(e) in relation to proceedings for the offence shall not be called into question on an appeal against the conviction.

(2) In the application of section 72 in relation to proceedings on indictment, "preliminary stage" does not include a stage—

(a) after the time when the case for the prosecution is opened, or

(b) if the court accepts a plea of guilty before the case for the prosecution is opened, after the plea is accepted.

(3) In the application of section 72 in relation to summary proceedings, "preliminary stage" does not include a stage—

(a) after the court begins to hear evidence for the prosecution at the trial,

(b) if the court accepts a plea of guilty before it has begun to hear evidence for the prosecution, after the plea is accepted, or

(c) after the court begins to consider whether to exercise its power under Article 44(4) of the [M44]Mental Health (Northern Ireland) Order 1986 (power to make hospital order without conviction).

(4) In this section and section 72—

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"custody of the Crown Court" includes custody to which a person is committed in pursuance of—

(a) Article 37 or 40(4) of the [M45]Magistrates' Courts (Northern Ireland) Order 1981 (magistrates' court committing accused for trial), or

(b) section 51(8) of the [M46]Judicature (Northern Ireland) Act 1978 (magistrates' court dealing with a person arrested under Crown Court warrant),

"custody of a magistrates' court" means custody to which a person is committed in pursuance of Article 47 or 49 of the [M47]Magistrates' Courts (Northern Ireland) Order 1981 (remand),

"custody time limit" means a time limit imposed by regulations in pursuance of section 72(1)(b) or, where a limit has been extended by the Crown Court by virtue of section 72(2)(e), the limit as extended,

"law about bail" means—

(a) the [M48]Magistrates' Courts (Northern Ireland) Order 1981,

(b) section 67 of this Act,

(c) any other enactment relating to bail, and

(d) any rule of law relating to bail, and

"overall time limit" means a time limit imposed by regulations in pursuance of section 72(1)(a) or, where a limit has been extended by the Crown Court by virtue of section 72(2)(e), the limit as extended.

(5) For the purposes of the application of a custody time limit in relation to a person who is in the custody of a magistrates' court or the Crown Court—

(a) all periods during which he is in the custody of a magistrates' court in respect of the same offence shall be aggregated and treated as a single continuous period; and

(b) all periods during which he is in the custody of the Crown Court in respect of the same offence shall be aggregated and treated as a single continuous period.

Marginal Citations

M44 S.I. 1986/595 (N.I. 4).
M45 S.I. 1981/1675 (N.I. 26).
M46 1978 c. 23.
M47 S.I. 1981/1675 (N.I. 26).
M48 S.I. 1981/1675 (N.I. 26).

74 Court for trial.

(1) A trial on indictment of a scheduled offence shall be held only at the Crown Court sitting in Belfast, unless **[**[F115]the Lord Chief Justice of Northern Ireland directs that**]**—

(a) [F116]. . . the trial, or a class of trials within which it falls, shall be held at the Crown Court sitting elsewhere, or

(b) [F117]. . . the trial, or part of it, shall be held at the Crown Court sitting elsewhere.

[[F118](1A) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under subsection (1)—

(a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;

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(b) a Lord Justice of Appeal (as defined in section 88 of that Act).**]**

(2) A person committed for trial for a scheduled offence, or for two or more offences at least one of which is a scheduled offence, shall be committed—

(a) to the Crown Court sitting in Belfast, or

(b) where a direction has been given under subsection (1) which concerns the trial, to the Crown Court sitting at the place specified in the direction;

and section 48 of the [M49]Judicature (Northern Ireland) Act 1978 (committal for trial on indictment) shall have effect accordingly.

(3) Where—

(a) a person is committed for trial to the Crown Court sitting in Belfast in accordance with subsection (2), and

(b) a direction is subsequently given under subsection (1), before the commencement of the trial, altering the place of trial,

the person shall be treated as having been committed for trial to the Crown Court sitting at the place specified in the direction.

Textual Amendments

F115 Words in s. 74(1) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15(1), **Sch. 4 Pt. 1 para. 288(2)(a)**; S.I. 2006/1014, **art. 2(1)**, Sch. 1

F116 Words in s. 74(1)(a) repealed (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(1), 146, **Sch. 4 Pt. 1 para. 288(2)(b)**, **Sch. 18 Pt. 2**; S.I. 2006/1014, **art. 2(1)**, Sch. 1

F117 Words in s. 74(1)(b) repealed (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(1), 146, **Sch. 4 Pt. 1 para. 288(2)(c)**, **Sch. 18 Pt. 2**; S.I. 2006/1014, **art. 2(1)**, Sch. 1

F118 S. 74(1A) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15(1), **Sch. 4 Pt. 1 para. 288(3)**; S.I. 2006/1014, **art. 2(1)**, Sch. 1

Marginal Citations

M49 1978 c. 23.

75 Mode of trial on indictment.

(1) A trial on indictment of a scheduled offence shall be conducted by the court without a jury.

(2) The court trying a scheduled offence on indictment under this section shall have all the powers, authorities and jurisdiction which the court would have had if it had been sitting with a jury (including power to determine any question and to make any finding which would, apart from this section, be required to be determined or made by a jury).

(3) A reference in an enactment to a jury, the verdict of a jury or the finding of a jury shall, in relation to a trial under this section, be construed as a reference to the court, the verdict of the court or the finding of the court.

(4) Where separate counts of an indictment allege a scheduled offence and a non-scheduled offence, the trial on indictment shall be conducted as if all the offences alleged in the indictment were scheduled offences.

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(5) Subsection (4) is without prejudice to section 5 of the [M50]Indictments Act (Northern Ireland) 1945 (orders for amendment of indictment, separate trial and postponement of trial).

(6) Without prejudice to subsection (2), where the court trying a scheduled offence on indictment—

(a) is not satisfied that the accused is guilty of the offence, but

(b) is satisfied that he is guilty of a non-scheduled offence of which a jury could have found him guilty on a trial for the scheduled offence,

the court may convict him of the non-scheduled offence.

(7) Where the court trying a scheduled offence convicts the accused of that or some other offence, it shall give a judgment stating the reasons for the conviction at or as soon as is reasonably practicable after the time of conviction.

(8) A person convicted of an offence on a trial under this section without a jury may, notwithstanding anything in sections 1 and 10(1) of the [M51]Criminal Appeal (Northern Ireland) Act 1980, appeal to the Court of Appeal under Part I of that Act—

(a) against his conviction, on any ground, without the leave of the Court of Appeal or a certificate of the judge of the court of trial;

(b) against sentence passed on conviction, without that leave, unless the sentence is fixed by law.

(9) Where a person is convicted of an offence on a trial under this section, the time for giving notice of appeal under section 16(1) of that Act shall run from the date of judgment if later than the date from which it would run under that subsection.

Marginal Citations

M50 1945 c. 16(N.I.).

M51 1980 c. 47.

76 Admission in trial on indictment.

[F119] . . . . . .

Textual Amendments

F119 S. 76 repealed (19.2.2006) by Terrorism (Northern Ireland) Act 2006 (c. 4), s. 5(2)(3), **Sch.**

77 Possession: onus of proof.

(1) This section applies to a trial on indictment for a scheduled offence where the accused is charged with possessing an article in such circumstances as to constitute an offence under any of the enactments listed in subsection (3).

(2) If it is proved that the article—

(a) was on any premises at the same time as the accused, or

(b) was on premises of which the accused was the occupier or which he habitually used otherwise than as a member of the public,

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the court may assume that the accused possessed (and, if relevant, knowingly possessed) the article, unless he proves that he did not know of its presence on the premises or that he had no control over it.

(3) The following are the offences mentioned in subsection (1)—

The [M52]*Explosive Substances Act 1883*

Section 3, so far as relating to subsection (1)(b) thereof (possessing explosive with intent to endanger life or cause serious damage to property).

Section 4 (possessing explosive in suspicious circumstances).

The [M53]*Protection of the Person and Property Act (Northern Ireland) 1969*

Section 2 (possessing petrol bomb, &c. in suspicious circumstances).

[[F120] *The Firearms (Northern Ireland) Order 2004*

Article 45(1)(manufacturing, dealing in or possessing certain weapons, etc.).

Article 58(1)(possessing firearm or ammunition with intent to endanger life or cause serious damage to property).

Article 59(2)(possessing firearm or imitation firearm at time of committing, or being arrested for, a specified offence).

Article 63(1), (2) or (4)(possession of a firearm or ammunition by a person who has been sentenced to imprisonment, &c.).

Article 64 (possessing firearm or ammunition in suspicious circumstances).**]**

Textual Amendments

F120 Entry in s. 77(3) substituted (1.2.2005) by The Firearms (Northern Ireland) Order 2004 (S.I. 2004/702 (N.I. 3)), art. 82(1), **Sch. 7 para. 23**; S.R. 2005/4, **art. 3**

Marginal Citations

M52 1883 c. 3.
M53 1969 c. 29 (N.I.).

[F121]78 Children: sentence.

. . . . . .

Textual Amendments

F121 S. 78 repealed (19.2.2006) by Terrorism (Northern Ireland) Act 2006 (c. 4), s. 5(2)(3), **Sch.**

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79 Restricted remission.

(1) The remission granted under prison rules in respect of a sentence of imprisonment passed in Northern Ireland for a scheduled offence shall not, where it is for a term of five years or more, exceed one-third of the term.

(2) Where a person is sentenced on the same occasion for two or more scheduled offences to terms which are consecutive, subsection (1) shall apply as if those terms were a single term.

(3) Where a person is serving two or more terms which are consecutive but not all subject to subsection (1), the maximum remission granted under prison rules in respect of those terms taken together shall be arrived at by calculating the maximum remission for each term separately and aggregating the result.

(4) In this section "prison rules" means rules made under section 13 of the [M54]Prison Act (Northern Ireland) 1953.

(5) The Secretary of State may by order substitute a different length of sentence and a different maximum period of remission for those mentioned in subsection (1).

(6) This section applies where—

(a) the scheduled offence is committed while this section is in force,

(b) the offence (being a scheduled offence within the meaning of the [M55]Northern Ireland (Emergency Provisions) Act 1996) was committed while section 15 of that Act was in force,

(c) the offence (being a scheduled offence within the meaning of the [M56]Northern Ireland (Emergency Provisions) Act 1991) was committed while section 14 of that Act was in force, or

(d) the offence (being a scheduled offence within the meaning of the [M57]Northern Ireland (Emergency Provisions) Act 1978) was committed while section 22 of the [M58]Prevention of Terrorism (Temporary Provisions) Act 1989 was in force.

Marginal Citations

M54 1953 c.18 (N.I.)
M55 1996 c. 22.
M56 1991 c. 24.
M57 1978 c. 5.
M58 1989 c. 4.

80 Conviction during remission.

(1) This section applies where—

(a) a person is sentenced to imprisonment or a term of detention in a young offenders centre for a period exceeding one year,

(b) he is discharged from prison or the centre in pursuance of prison rules, and

(c) before his sentence or term would have expired (but for the discharge) he commits, and is convicted on indictment of, a scheduled offence.

(2) If the court before which he is convicted of the scheduled offence sentences him to imprisonment or a term of detention it shall in addition order him to be returned to prison or a young offenders centre for the period between the date of the order and the

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date on which the sentence or term mentioned in subsection (1) would have expired but for his discharge.

(3) No order shall be made under subsection (2) if the sentence imposed by the court is—
- (a) a suspended sentence,
- (b) a sentence of life imprisonment, or
- (c) a sentence of detention during the Secretary of State's pleasure under Article 45(1) of the [M59]Criminal Justice (Children) (Northern Ireland) Order 1998.

(4) An order made under subsection (2) shall cease to have effect if an appeal against the scheduled offence results in—
- (a) the acquittal of the person concerned, or
- (b) the substitution of a sentence other than imprisonment or a term of detention.

(5) The period for which a person is ordered under this section to be returned to prison or a young offenders centre—
- (a) shall be taken to be a sentence of imprisonment or term of detention for the purposes of the [M60]Prison Act (Northern Ireland) 1953 and for the purposes of the [M61]Treatment of Offenders Act (Northern Ireland) 1968 other than section 26(2) (reduction for time spent in custody),
- (b) shall not be subject to any provision of prison rules for discharge before expiry, and
- (c) shall be served before, and be followed by, the sentence or term imposed for the scheduled offence and be disregarded in determining the appropriate length of that sentence or term.

(6) For the purposes of this section a certificate purporting to be signed by the governor or deputy governor of a prison or young offenders centre which specifies—
- (a) the date on which a person was discharged from prison or a young offenders centre,
- (b) the sentence or term which the person was serving at the time of his discharge, the offence in respect of which the sentence or term was imposed and the date on which he was convicted of that offence, and
- (c) the date on which the person would, but for his discharge in pursuance of prison rules, have been discharged from prison or a young offenders centre,

shall be evidence of the matters specified.

(7) In this section—

"prison rules" means rules made under section 13 of the [M62]Prison Act (Northern Ireland) 1953,

"sentence of imprisonment" does not include a committal in default of payment of any sum of money or for want of sufficient distress to satisfy any sum of money or for failure to do or abstain from doing anything required to be done or left undone, and

"young offenders centre" has the meaning assigned to it by section 2(a) of the [M63]Treatment of Offenders Act (Northern Ireland) 1968.

(8) For the purposes of subsection (1) consecutive terms of imprisonment or of detention in a young offenders centre shall be treated as a single term and a sentence of imprisonment or detention in a young offenders centre includes—
- (a) a sentence or term passed by a court in the United Kingdom or any of the Islands, and

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(b) in the case of imprisonment, a sentence passed by a court-martial on a person found guilty of a civil offence within the meaning of the [M64]Army Act 1955, the [M65]Air Force Act 1955 and the [M66]Naval Discipline Act 1957.

(9) The Secretary of State may by order substitute a different period for the period of one year mentioned in subsection (1).

(10) This section applies irrespective of when the discharge from prison or a young offenders centre took place but only if—

(a) the scheduled offence is committed while this section is in force,

(b) the offence (being a scheduled offence within the meaning of the [M67]Northern Ireland (Emergency Provisions) Act 1996) was committed while section 16 of that Act was in force,

(c) the offence (being a scheduled offence within the meaning of the [M68]Northern Ireland (Emergency Provisions) Act 1991) was committed while section 15 of that Act was in force, or

(d) the offence (being a scheduled offence within the meaning of the [M69]Northern Ireland (Emergency Provisions) Act 1978) was committed while section 23 of the [M70]Prevention of Terrorism (Temporary Provisions) Act 1989 was in force.

Marginal Citations

M59 S.I. 1998/1504 (N.I. 9).
M60 1953 c. 18 (N.I.).
M61 1968 c. 29 (N.I.).
M62 1953 c. 18 (N.I.).
M63 1968 c. 29 (N.I.).
M64 1955 c. 18.
M65 1955 c. 19.
M66 1957 c. 53.
M67 1996 c. 22.
M68 1991 c. 24.
M69 1978 c. 5.
M70 1989 c. 4.

Powers of arrest, search, &c.

81 Arrest of suspected terrorists: power of entry.

A constable may enter and search any premises if he reasonably suspects that a terrorist, within the meaning of section 40(1)(b), is to be found there.

82 Arrest and seizure: constables.

(1) A constable may arrest without warrant any person if he reasonably suspects that the person is committing, has committed or is about to commit—

(a) a scheduled offence, or

(b) a non-scheduled offence under this Act.

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(2) For the purpose of arresting a person under this section a constable may enter and search any premises where the person is or where the constable reasonably suspects him to be.

(3) A constable may seize and retain anything if he reasonably suspects that it is, has been or is intended to be used in the commission of—
  (a) a scheduled offence, or
  (b) a non-scheduled offence under this Act.

Modifications etc. (not altering text)
C25 S. 82(3): powers of seizure extended (1.4.2003) by 2001 c. 16, ss. 50, 52-54, 68, Sch. 1 Pt. 1 para. 70; S.I. 2003/708, **art. 2**

83 Arrest and seizure: armed forces.

(1) If a member of Her Majesty's forces on duty reasonably suspects that a person is committing, has committed or is about to commit any offence he may—
  (a) arrest the person without warrant, and
  (b) detain him for a period not exceeding four hours.

(2) A person making an arrest under this section complies with any rule of law requiring him to state the ground of arrest if he states that he is making the arrest as a member of Her Majesty's forces.

(3) For the purpose of arresting a person under this section a member of Her Majesty's forces may enter and search any premises where the person is.

(4) If a member of Her Majesty's forces reasonably suspects that a person—
  (a) is a terrorist (within the meaning of Part V), or
  (b) has committed an offence involving the use or possession of an explosive or firearm,

he may enter and search any premises where he reasonably suspects the person to be for the purpose of arresting him under this section.

(5) A member of Her Majesty's forces may seize, and detain for a period not exceeding four hours, anything which he reasonably suspects is being, has been or is intended to be used in the commission of an offence under section 93 or 94.

(6) The reference to a rule of law in subsection (2) does not include a rule of law which has effect only by virtue of the [M71]Human Rights Act 1998.

Marginal Citations
M71 1998 c. 42.

84 Munitions and transmitters.

Schedule 10 (which confers power to search for munitions and transmitters) shall have effect.

Status: *Point in time view as at 29/06/2017.*
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85 Explosives inspectors.

(1) An explosives inspector may enter and search any premises for the purpose of ascertaining whether any explosive is unlawfully there.

(2) The power under subsection (1) may not be exercised in relation to a dwelling.

(3) An explosives inspector may stop any person in a public place and search him for the purpose of ascertaining whether he has any explosive unlawfully with him.

(4) An explosives inspector—
- (a) may seize any explosive found in the course of a search under this section unless it appears to him that it is being, has been and will be used only for a lawful purpose, and
- (b) may retain and, if necessary, destroy it.

(5) In this section "explosives inspector" means an inspector appointed under section 53 of the [M72]Explosives Act 1875.

Marginal Citations
M72 1875 c. 17.

86 Unlawfully detained persons.

(1) If an officer reasonably believes that a person is unlawfully detained in such circumstances that his life is in danger, the officer may enter any premises for the purpose of ascertaining whether the person is detained there.

(2) In this section "officer" means—
- (a) a member of Her Majesty's forces on duty, or
- (b) a constable.

(3) A dwelling may be entered under subsection (1) only by—
- (a) a member of Her Majesty's forces authorised for the purpose by a commissioned officer of those forces, or
- (b) a constable authorised for the purpose by an officer of the Royal Ulster Constabulary of at least the rank of inspector.

87 Examination of documents.

(1) A member of Her Majesty's forces or a constable who performs a search under a provision of this Part—
- (a) may examine any document or record found in order to ascertain whether it contains information of the kind mentioned in section 58(1)(a) or 103(1)(a), and
- (b) if necessary or expedient for the purpose of paragraph (a), may remove the document or record to another place and retain it there until the examination is completed.

(2) Subsection (1) shall not permit a person to examine a document or record if he has reasonable cause to believe that it is an item subject to legal privilege (within the meaning of the [M73]Police and Criminal Evidence (Northern Ireland) Order 1989).

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(3) Subject to subsections (4) and (5), a document or record may not be retained by virtue of subsection (1)(b) for more than 48 hours.

(4) An officer of the Royal Ulster Constabulary who is of at least the rank of chief inspector may authorise a constable to retain a document or record for a further period or periods.

(5) Subsection (4) does not permit the retention of a document or record after the end of the period of 96 hours beginning with the time when it was removed for examination under subsection (1)(b).

(6) A person who wilfully obstructs a member of Her Majesty's forces or a constable in the exercise of a power conferred by this section commits an offence.

(7) A person guilty of an offence under subsection (6) shall be liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding two years, to a fine or to both, or
- (b) on summary conviction, to imprisonment for a term not exceeding six months, to a fine not exceeding the statutory maximum or to both.

Marginal Citations
M73 S.I. 1989/1341 (N.I. 12).

88 Examination of documents: procedure.

(1) Where a document or record is examined under section 87—
- (a) it shall not be photographed or copied, and
- (b) the person who examines it shall make a written record of the examination as soon as is reasonably practicable.

(2) The record shall—
- (a) describe the document or record,
- (b) specify the object of the examination,
- (c) state the address of the premises where the document or record was found,
- (d) where the document or record was found in the course of a search of a person, state the person's name,
- (e) where the document or record was found in the course of a search of any premises, state the name of a person appearing to the person making the record to be the occupier of the premises or to have had custody or control of the document or record when it was found,
- (f) where the document or record is removed for examination from the place where it was found, state the date and time when it was removed, and
- (g) where the document or record was examined at the place where it was found, state the date and time of examination.

(3) The record shall identify the person by whom the examination was carried out—
- (a) in the case of a constable, by reference to his police number, and
- (b) in the case of a member of Her Majesty's forces, by reference to his service number, rank and regiment.

Status: *Point in time view as at 29/06/2017.*
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(4) Where a person makes a record of a search in accordance with this section, he shall as soon as is reasonably practicable supply a copy—
- (a) in a case where the document or record was found in the course of a search of a person, to that person, and
- (b) in a case where the document or record was found in the course of a search of any premises, to a person appearing to the person making the record to be the occupier of the premises or to have had custody or control of the document or record when it was found.

89 Power to stop and question.

(1) An officer may stop a person for so long as is necessary to question him to ascertain—
- (a) his identity and movements;
- (b) what he knows about a recent explosion or another recent incident endangering life;
- (c) what he knows about a person killed or injured in a recent explosion or incident.

(2) A person commits an offence if he—
- (a) fails to stop when required to do so under this section,
- (b) refuses to answer a question addressed to him under this section, or
- (c) fails to answer to the best of his knowledge and ability a question addressed to him under this section.

(3) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(4) In this section "officer" means—
- (a) a member of Her Majesty's forces on duty, or
- (b) a constable.

90 Power of entry.

(1) An officer may enter any premises if he considers it necessary in the course of operations for the preservation of the peace or the maintenance of order.

(2) In this section "officer" means—
- (a) a member of Her Majesty's forces on duty, or
- (b) a constable.

91 Taking possession of land, &c.

If the Secretary of State considers it necessary for the preservation of the peace or the maintenance of order, he may authorise a person—
- (a) to take possession of land or other property;
- (b) to take steps to place buildings or other structures in a state of defence;
- (c) to detain property or cause it to be destroyed or moved;
- (d) to carry out works on land of which possession has been taken by virtue of this section;

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(e) to take any other action which interferes with a public right or with a private right of property.

92 Road closure: permission.

(1) If he considers it immediately necessary for the preservation of the peace or the maintenance of order, an officer may—
- (a) wholly or partly close a road;
- (b) divert or otherwise interfere with a road or the use of a road;
- (c) prohibit or restrict the exercise of a right of way;
- (d) prohibit or restrict the use of a waterway.

(2) In this section "officer" means—
- (a) a member of Her Majesty's forces on duty,
- (b) a constable, or
- (c) a person authorised for the purposes of this section by the Secretary of State.

93 Sections 91 and 92: supplementary.

(1) A person commits an offence if he interferes with—
- (a) works executed in connection with the exercise of powers conferred by virtue of section 91 or 92, or
- (b) any apparatus, equipment or other thing used in connection with the exercise of those powers.

(2) It is a defence for a person charged with an offence under this section to prove that he had a reasonable excuse for his interference.

(3) A person guilty of an offence under this section shall be liable on summary conviction to—
- (a) imprisonment for a term not exceeding six months,
- (b) a fine not exceeding level 5 on the standard scale, or
- (c) both.

(4) An authorisation to exercise powers under section 91 or 92 may authorise—
- (a) the exercise of all those powers, or
- (b) the exercise of a specified power or class of powers.

(5) An authorisation to exercise powers under section 91 or 92 may be addressed—
- (a) to specified persons, or
- (b) to persons of a specified class.

Modifications etc. (not altering text)

C26 S. 93: power to continue conferred (19.2.2006) by Terrorism (Northern Ireland) Act 2006 (c. 4), ss. {4(2)(d)}, 5(3)

Status: *Point in time view as at 29/06/2017.*
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94 Road closure: direction.

(1) If the Secretary of State considers it necessary for the preservation of the peace or the maintenance of order he may by order direct that a specified road—
- (a) shall be wholly closed,
- (b) shall be closed to a specified extent, or
- (c) shall be diverted in a specified manner.

(2) A person commits an offence if he interferes with—
- (a) road closure works, or
- (b) road closure equipment.

(3) A person commits an offence if—
- (a) he executes any bypass works within 200 metres of road closure works,
- (b) he has in his possession or under his control, within 200 metres of road closure works, materials or equipment suitable for executing bypass works, or
- (c) he knowingly permits on land occupied by him the doing or occurrence of anything which is an offence under paragraph (a) or (b).

(4) It is a defence for a person charged with an offence under this section to prove that he had a reasonable excuse for his action, possession, control or permission.

(5) A person guilty of an offence under this section shall be liable on summary conviction to—
- (a) imprisonment for a term not exceeding six months,
- (b) a fine not exceeding level 5 on the standard scale, or
- (c) both.

(6) In this section—

"bypass works" means works which facilitate the bypassing by vehicles of road closure works,

"road closure equipment" means any apparatus, equipment or other thing used in pursuance of an order under this section in connection with the closure or diversion of a road, and

"road closure works" means works executed in connection with the closure or diversion of a road specified in an order under this section (whether executed in pursuance of the order or in pursuance of power under an enactment to close or divert the road).

95 Sections 81 to 94: supplementary.

(1) This section applies in relation to sections 81 to 94.

(2) A power to enter premises may be exercised by reasonable force if necessary.

(3) A power to search premises shall, in its application to vehicles (by virtue of section 121), be taken to include—
- (a) power to stop a vehicle (other than an aircraft which is airborne), and
- (b) power to take a vehicle or cause it to be taken, where necessary or expedient, to any place for the purpose of carrying out the search.

(4) A person commits an offence if he fails to stop a vehicle when required to do so by virtue of this section.

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(5) A person guilty of an offence under subsection (4) shall be liable on summary conviction to—
  (a) imprisonment for a term not exceeding six months,
  (b) a fine not exceeding level 5 on the standard scale, or
  (c) both.

(6) In the application to a place or vehicle (by virtue of section 121) of a power to search premises—
  (a) a reference to the address of the premises shall be construed as a reference to the location of the place or vehicle together with its registration number (if any), and
  (b) a reference to the occupier of the premises shall be construed as a reference to the occupier of the place or the person in charge of the vehicle.

(7) Where a search is carried out under Schedule 10 in relation to a vehicle (by virtue of section 121), the person carrying out the search may, if he reasonably believes that it is necessary in order to carry out the search or to prevent it from being frustrated—
  (a) require a person in or on the vehicle to remain with it;
  (b) require a person in or on the vehicle to go to and remain at any place to which the vehicle is taken by virtue of subsection (3)(b);
  (c) use reasonable force to secure compliance with a requirement under paragraph (a) or (b) above.

(8) Paragraphs 4(2) and (3), 8 and 9 of Schedule 10 shall apply to a requirement imposed under subsection (7) as they apply to a requirement imposed under that Schedule.

(9) Paragraph 8 of Schedule 10 shall apply in relation to the search of a vehicle which is not habitually stationary only if it is moved for the purpose of the search by virtue of subsection (3)(b); and where that paragraph does apply, the reference to the address of the premises shall be construed as a reference to the location where the vehicle is searched together with its registration number (if any).

(10) A member of Her Majesty's forces exercising any power when he is not in uniform shall, if requested to do so by any person at or about the time of exercising the power, produce to that person documentary evidence that he is a member of Her Majesty's Forces.

Miscellaneous

96 Preservation of the peace: regulations.

(1) The Secretary of State may by regulations make provision for promoting the preservation of the peace and the maintenance of order.

(2) The regulations may authorise the Secretary of State to make orders or give directions for specified purposes.

(3) A person commits an offence if he contravenes or fails to comply with—
  (a) regulations under this section, or
  (b) an order or direction made or given under regulations made under this section.

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(4) A person guilty of an offence under this section shall be liable on summary conviction to—
- (a) imprisonment for a term not exceeding six months,
- (b) a fine not exceeding level 5 on the standard scale, or
- (c) both.

97 Port and border controls.

F122 . . . . . .

Textual Amendments

F122 S. 97 repealed (19.2.2006) by Terrorism (Northern Ireland) Act 2006 (c. 4), s. 5(2)(3), **Sch.**

98 Independent Assessor of Military Complaints Procedures.

(1) The Secretary of State may appoint a person to be known as the Independent Assessor of Military Complaints Procedures in Northern Ireland.

(2) A person may be appointed as the Independent Assessor only if—
- (a) he is not a serving member of Her Majesty's forces, and
- (b) he has not been a serving member at any time during the period of 20 years ending with the date of the appointment.

(3) The Independent Assessor—
- (a) shall keep under review the procedures adopted by the General Officer Commanding Northern Ireland for receiving, investigating and responding to complaints to which this section applies,
- (b) shall receive and investigate any representations about those procedures,
- (c) may investigate the operation of those procedures in relation to a particular complaint or class of complaints,
- (d) may require the General Officer Commanding to review a particular case or class of cases in which the Independent Assessor considers that any of those procedures have operated inadequately, and
- (e) may make recommendations to the General Officer Commanding about inadequacies in those procedures, including inadequacies in the way in which they operate in relation to a particular complaint or class of complaints.

(4) This section applies to complaints about the behaviour of a member of Her Majesty's forces under the command of the General Officer Commanding Northern Ireland, other than—
- (a) a complaint which is referred by the General Officer Commanding to the Royal Ulster Constabulary and which is not remitted by the Royal Ulster Constabulary to the General Officer Commanding to be dealt with by him,
- (b) a complaint about a matter in respect of which a claim for compensation has been made under Schedule 12, and
- (c) a complaint about a matter which is the subject of proceedings involving a claim for compensation which have been instituted in a court.

(5) The General Officer Commanding Northern Ireland shall—

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(a) provide such information,
(b) disclose such documents, and
(c) provide such assistance,

as the Independent Assessor may reasonably require for the purpose of the performance of his functions.

(6) Schedule 11 (which makes supplementary provision about the Independent Assessor) shall have effect.

99 Police and army powers: code of practice.

(1) The Secretary of State may make codes of practice in connection with—
(a) the exercise by police officers of any power conferred by this Act, and
(b) the seizure and retention of property found by police officers when exercising powers of search conferred by any provision of this Act.

(2) The Secretary of State may make codes of practice in connection with the exercise by members of Her Majesty's forces of powers by virtue of this Part.

(3) In this section "police officer" means a member of the Royal Ulster Constabulary or the Royal Ulster Constabulary Reserve.

100 Video recording: code of practice.

F123 . . . . . .

Textual Amendments
F123 S. 100 repealed (19.2.2006) by Terrorism (Northern Ireland) Act 2006 (c. 4), s. 5(2)(3), **Sch.**

101 Codes of practice: supplementary.

(1) This section applies to a code of practice under section 99 F124. . . .

(2) Where the Secretary of State proposes to issue a code of practice he shall—
(a) publish a draft,
(b) consider any representations made to him about the draft, and
(c) if he thinks it appropriate, modify the draft in the light of any representations made to him.

(3) The Secretary of State shall lay a draft of the code before Parliament.

(4) When the Secretary of State has laid a draft code before Parliament he may bring it into operation by order.

(5) The Secretary of State may revise the whole or any part of a code of practice issued by him and issue the code as revised; and subsections (2) to (4) shall apply to such a revised code as they apply to an original code.

[F125(5A) A person on whom powers are conferred or duties are imposed by a designation under section 30 or 31 of the Police (Northern Ireland) Act 2003 shall have regard to any relevant provision of a code of practice to which this section applies in—

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(a) the exercise of the powers conferred on him by the designation;
(b) the performance of the duties imposed on him by the designation.**]**

(6) A failure by a police officer to comply with a provision of a code shall not of itself make him liable to criminal or civil proceedings.

(7) A failure by a member of Her Majesty's forces to comply with a provision of a code shall not of itself make him liable to any criminal or civil proceedings other than—
(a) proceedings under any provision of the [M74]Army Act 1955 or the [M75]Air Force Act 1955 other than section 70 (civil offences), and
(b) proceedings under any provision of the [M76]Naval Discipline Act 1957 other than section 42 (civil offences).

[[F126](7A) A failure by a person designated under section 30 or 31 of the Police (Northern Ireland) Act 2003 to comply with subsection (5A) shall not of itself make him liable to criminal or civil proceedings.**]**

(8) A code—
(a) shall be admissible in evidence in criminal or civil proceedings, and
(b) shall be taken into account by a court or tribunal in any case in which it appears to the court or tribunal to be relevant.

(9) In this section—

"criminal proceedings" includes proceedings in Northern Ireland before a court-martial constituted under the [M77]Army Act 1955, the [M78]Air Force Act 1955 or the [M79]Naval Discipline Act 1957 [F127]. . . and proceedings in Northern Ireland before the Courts-Martial Appeal Court, and

"police officer" means a member of the Royal Ulster Constabulary or the Royal Ulster Constabulary Reserve.

Textual Amendments

F124 Words in s. 101(1) repealed (19.2.2006) by Terrorism (Northern Ireland) Act 2006 (c. 4), s. 5(2)(3), **Sch.**

F125 S. 101(5A) inserted (8.4.2003) by Police (Northern Ireland) Act 2003 (c. 6), s. 32(1), **Sch. 3 para. 8(2)**

F126 S. 101(7A) inserted (8.4.2003) by Police (Northern Ireland) Act 2003 (c. 6), s. 32(1), **Sch. 3 para. 8(3)**

F127 Words in s. 101(9) repealed (28.2.2002) by 2001 c. 19, s. 38, **Sch. 7 Pt. 1**; S.I. 2002/345, **art. 2** (with art. 3)

Commencement Information

I4 S. 101 wholly in force at 19.2.2001; s. 101 not in force at Royal Assent see s. 128; s. 101(1)-(5) in force at 12.10.2000 by S.I. 2000/2800, **art. 2(b)**; s. 101(6)-(9) in force at 19.2.2001 by S.I. 2001/421, **art. 2**

Marginal Citations

M74 1955 c. 18.

M75 1955 c. 19.

M76 1957 c. 53.

M77 1955 c. 18.

M78 1955 c. 19.

M79 1957 c. 53.

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102 Compensation.

Schedule 12 (which provides for compensation to be paid for certain action taken under this Part) shall have effect.

103 Terrorist information.

(1) A person commits an offence if—

(a) he collects, makes a record of, publishes, communicates or attempts to elicit information about a person to whom this section applies which is of a kind likely to be useful to a person committing or preparing an act of terrorism, or

(b) he possesses a document or record containing information of that kind.

(2) This section applies to a person who is or has been—

(a) a constable,

(b) a member of Her Majesty's Forces,

(c) the holder of a judicial office,

(d) an officer of any court, or

(e) **[**[F128]employed in**]** the prison service in Northern Ireland.

(3) In this section "record" includes a photographic or electronic record.

(4) If it is proved in proceedings for an offence under subsection (1)(b) that a document or record—

(a) was on any premises at the same time as the accused, or

(b) was on premises of which the accused was the occupier or which he habitually used otherwise than as a member of the public,

the court may assume that the accused possessed the document or record, unless he proves that he did not know of its presence on the premises or that he had no control over it.

(5) It is a defence for a person charged with an offence under this section to prove that he had a reasonable excuse for his action or possession.

(6) A person guilty of an offence under this section shall be liable—

(a) on conviction on indictment, to imprisonment for a term not exceeding 10 years, to a fine or to both, or

(b) on summary conviction, to imprisonment for a term not exceeding six months, to a fine not exceeding the statutory maximum or to both.

(7) A court by or before which a person is convicted of an offence under this section may order the forfeiture of any document or record containing information of the kind mentioned in subsection (1)(a).

(8) Before making an order under subsection (7) a court must give an opportunity to be heard to any person, other than the convicted person, who claims to be the owner of or otherwise interested in anything which can be forfeited under that subsection.

(9) An order under subsection (8) shall not come into force until there is no further possibility of it being varied, or set aside, on appeal (disregarding any power of a court to grant leave to appeal out of time).

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Textual Amendments

F128 Words in s. 103(2)(e) substituted (14.7.2004) by Justice (Northern Ireland) Act 2004 (c. 4), **s. 14**; S.R. 2004/267, **art. 2**

104 Police powers: records.

The Chief Constable of the Royal Ulster Constabulary shall make arrangements for securing that a record is made of each exercise by a constable of a power under this Part in so far as—

(a) it is reasonably practicable to do so, and

(b) a record is not required to be made under another enactment.

105 Powers.

A power conferred on a person by virtue of this Part—

(a) is additional to powers which he has at common law or by virtue of any other enactment, and

(b) shall not be taken to affect those powers or Her Majesty's prerogative.

106 Private security services.

Schedule 13 (private security services) shall have effect.

Specified organisations

107 Specified organisations: interpretation.

For the purposes of sections 108 to 111 an organisation is specified at a particular time if at that time—

(a) it is specified under section 3(8) of the [M80]Northern Ireland (Sentences) Act 1998, and

(b) it is, or forms part of, an organisation which is proscribed for the purposes of this Act.

Marginal Citations

M80 1998 c. 35.

108 Evidence.

(1) This section applies where a person is charged with an offence under section 11.

(2) Subsection (3) applies where a police officer of at least the rank of superintendent states in oral evidence that in his opinion the accused—

(a) belongs to an organisation which is specified, or

(b) belonged to an organisation at a time when it was specified.

(3) Where this subsection applies—

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(a) the statement shall be admissible as evidence of the matter stated, but
(b) the accused shall not be committed for trial, be found to have a case to answer or be convicted solely on the basis of the statement.

(4) In this section "police officer" means a member of—
(a) a police force within the meaning of the [M81]Police Act 1996 or the [M82]Police (Scotland) Act 1967, or
(b) the Royal Ulster Constabulary.

Marginal Citations
M81 1996 c. 16.
M82 1967 c. 77.

109 Inferences.

(1) This section applies where a person is charged with an offence under section 11.

(2) Subsection (4) applies where evidence is given that—
(a) at any time before being charged with the offence the accused, on being questioned under caution by a constable, failed to mention a fact which is material to the offence and which he could reasonably be expected to mention, and
(b) before being questioned the accused was permitted to consult a solicitor.

(3) Subsection (4) also applies where evidence is given that—
(a) on being charged with the offence or informed by a constable that he might be prosecuted for it the accused failed to mention a fact which is material to the offence and which he could reasonably be expected to mention, and
(b) before being charged or informed the accused was permitted to consult a solicitor.

(4) Where this subsection applies—
(a) the court, in considering any question whether the accused belongs or belonged at a particular time to a specified organisation, may draw from the failure inferences relating to that question, but
(b) the accused shall not be committed for trial, be found to have a case to answer or be convicted solely on the basis of the inferences.

(5) Subject to any directions by the court, evidence tending to establish the failure may be given before or after evidence tending to establish the fact which the accused is alleged to have failed to mention.

110 Sections 108 and 109: supplementary.

(1) Nothing in section 108 or 109 shall—
(a) prejudice the admissibility of evidence admissible apart from that section,
(b) preclude the drawing of inferences which could be drawn apart from that section, or
(c) prejudice an enactment providing (in whatever words) that an answer or evidence given by a person in specified circumstances is not admissible in

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evidence against him or some other person in any proceedings or class of proceedings (however described, and whether civil or criminal).

(2) In subsection (1)(c) the reference to giving evidence is a reference to giving it in any manner (whether by giving information, making discovery, producing documents or otherwise).

111 Forfeiture orders.

(1) This section applies if—
  (a) a person is convicted of an offence under section 11 or 12, and
  (b) at the time of the offence he belonged to an organisation which was a specified organisation.

(2) The court by or before which the person is convicted may order the forfeiture of any money or other property if—
  (a) he had it in his possession or under his control at the time of the offence, and
  (b) it has been used in connection with the activities of the specified organisation or the court believes that it may be used in that connection unless it is forfeited.

(3) Before making an order under this section the court must give an opportunity to be heard to any person, other than the convicted person, who claims to be the owner of or otherwise interested in anything which can be forfeited under this section.

(4) A question arising as to whether subsection (1)(b) or (2)(a) or (b) is satisfied shall be determined on the balance of probabilities.

(5) Schedule 4 shall apply (with the necessary modifications) in relation to orders under this section as it applies in relation to orders made under section 23.

Duration of Part VII

112 Expiry and revival.

(1) [F129] . . . . . .

(2) The Secretary of State may by order provide—
  (a) [F129] . . . . . .
  (b) that a provision of this Part shall cease to have effect;
  (c) that a provision of this Part which is not in force (whether or not by virtue of this subsection) shall come into force and remain in force for a specified period not exceeding twelve months **[**[F130]and ending before 1st August 2007**]** .

(3) An order under subsection (2) may make provision with respect to a provision of this Part—
  (a) generally,
  (b) only in so far as it concerns powers of members of Her Majesty's Forces, or
  (c) except in so far as it concerns powers of members of Her Majesty's Forces.

(4) [F129] . . . . . .

[[F131](5) Paragraph 37 of Schedule 4 to this Act shall be treated for the purposes of this section as forming part of this Part of this Act.**]**

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Textual Amendments

F129 S. 112(1)(2(a)(4) repealed (19.2.2006) by Terrorism (Northern Ireland) Act 2006 (c. 4), s. 5(2)(3), **Sch.**

F130 Words in s. 112(2)(c) inserted (19.2.2006) by Terrorism (Northern Ireland) Act 2006 (c. 4), ss. {1(4)}, 5(3)

F131 S. 112(5) substituted (19.2.2006) by Terrorism (Northern Ireland) Act 2006 (c. 4), ss. {2(3)}, 5(3)

Modifications etc. (not altering text)

C27 S. 112(2)(c): power to amend conferred (19.2.2006) by Terrorism (Northern Ireland) Act 2006 (c. 4), ss. {1(6)(a)}, 5(3)

C28 S. 112(2)(c) restricted (19.2.2006) by Terrorism (Northern Ireland) Act 2006 (c. 4), ss. {2(1)(a)}, 5(3)

113 Transitional provisions.

(1) Where a provision of sections 74 to 77 comes into force by virtue of an order under section 112(2), that shall not affect a trial on indictment where the indictment has been presented before the provision comes into force.

(2) Where a provision of sections 74 to 77 ceases to have effect (whether or not by virtue of an order under section 112(2)), that shall not affect the application of the provision to a trial on indictment where the indictment has been presented before the provision ceases to have effect.

(3) If when section 74(1) comes into force by virtue of an order under section 112(2) a person has been committed for trial for a scheduled offence and the indictment has not been presented, then on the coming into force of section 74(1) he shall, if he was committed to the Crown Court sitting elsewhere than in Belfast, be treated as having been committed—

(a) to the Crown Court sitting in Belfast, or

(b) where a direction is given under section 74(1) which affects the trial, to the Crown Court sitting at the place specified in the direction.

(4) Where section 74 ceases to have effect (whether or not by virtue of an order under section 112(2)), that shall not affect—

(a) the committal of a person for trial in accordance with that provision to the Crown Court sitting either in Belfast or elsewhere, or

(b) the committal of a person for trial which, in accordance with that provision, has taken effect as a committal for trial to the Crown Court sitting elsewhere than in Belfast,

in a case where the indictment has not been presented.

(5) Where section 79 or 80 ceases to have effect (whether or not by virtue of an order under section 112(2)), that shall not affect the operation of the section in relation to an offence committed while it, or a corresponding earlier enactment, was in force.

(6) Sections 108 and 109 shall not apply to a statement made or failure occurring before 4th September 1998.

(7) Where section 108 or 109 comes into force by virtue of an order under section 112(2) it shall not apply to a statement made or failure occurring while the section was not in force.

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(8) Section 111 applies where an offence is committed on or after 4th September 1998; and for this purpose an offence committed over a period of more than one day or at some time during a period of more than one day shall be taken to be committed on the last of the days in the period.

(9) Paragraph 19 of Schedule 9 shall have effect only in relation to an offence alleged to have been committed after the coming into force of that Schedule.

Modifications etc. (not altering text)

C29 S. 113: power to continue conferred (19.2.2006) by Terrorism (Northern Ireland) Act 2006 (c. 4), ss. {4(2)(g)}, 5(3)

PART VIII

GENERAL

114 Police powers.

(1) A power conferred by virtue of this Act on a constable—

(a) is additional to powers which he has at common law or by virtue of any other enactment, and

(b) shall not be taken to affect those powers.

(2) A constable may if necessary use reasonable force for the purpose of exercising a power conferred on him by virtue of this Act (apart from paragraphs 2 and 3 of Schedule 7).

(3) Where anything is seized by a constable under a power conferred by virtue of this Act, it may (unless the contrary intention appears) be retained for so long as is necessary in all the circumstances.

115 Officers' powers.

Schedule 14 (which makes provision about the exercise of functions by authorised officers for the purposes of **[**[F132]sections 25 to 31**][**[F132]Schedule 1 to the Anti-terrorism, Crime and Security Act 2001 (forfeiture of terrorist property)**]** and examining officers for the purposes of Schedule 7 **[**[F133]to this Act (port and border controls)**]**) shall have effect.

Textual Amendments

F132 Words in s. 115 substituted (27.4.2017 for specified purposes) by Criminal Finances Act 2017 (c. 22), s. 58(5)(6), **Sch. 5 para. 11(a)**

F133 Words in s. 115 inserted (27.4.2017 for specified purposes) by Criminal Finances Act 2017 (c. 22), s. 58(5)(6), **Sch. 5 para. 11(b)**

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

116 Powers to stop and search.

(1) A power to search premises conferred by virtue of this Act shall be taken to include power to search a container.

(2) A power conferred by virtue of this Act to stop a person includes power to stop a vehicle (other than an aircraft which is airborne).

(3) A person commits an offence if he fails to stop a vehicle when required to do so by virtue of this section.

(4) A person guilty of an offence under subsection (3) shall be liable on summary conviction to—
- (a) imprisonment for a term not exceeding six months,
- (b) a fine not exceeding level 5 on the standard scale, or
- (c) both.

117 Consent to prosecution.

(1) This section applies to an offence under any provision of this Act other than an offence under—
- (a) section 36,
- (b) section 51,
- (c) paragraph 18 of Schedule 7,
- (d) paragraph 12 of Schedule 12, or
- (e) Schedule 13.

(2) Proceedings for an offence to which this section applies—
- (a) shall not be instituted in England and Wales without the consent of the Director of Public Prosecutions, and
- (b) shall not be instituted in Northern Ireland without the consent of the Director of Public Prosecutions for Northern Ireland.

[[F134](2A) But if it appears to the Director of Public Prosecutions or the Director of Public Prosecutions for Northern Ireland that an offence to which this section applies has been committed **[**[F135]outside the United Kingdom or**]** for a purpose wholly or partly connected with the affairs of a country other than the United Kingdom, his consent for the purposes of this section may be given only with the permission—
- (a) in the case of the Director of Public Prosecutions, of the Attorney General; and
- (b) in the case of the Director of Public Prosecutions for Northern Ireland, of the Advocate General for Northern Ireland.

(2B) In relation to any time before the coming into force of section 27(1) of the Justice (Northern Ireland) Act 2002, the reference in subsection (2A) to the Advocate General for Northern Ireland is to be read as a reference to the Attorney General for Northern Ireland.**]**

Textual Amendments

F134 S. 117(2A)(2B) substituted for s. 117(3) (13.4.2006) by Terrorism Act 2006 (c. 11), **s. 37(2)**; S.I. 2006/1013, **art. 2**

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

F135 Words in s. 117(2A) inserted (16.2.2009) by Counter-Terrorism Act 2008 (c. 28), **ss. 29**, 100(5) (with s. 101(2)); S.I. 2009/58, **art. 2(a)**

118 Defences.

(1) Subsection (2) applies where in accordance with a provision mentioned in subsection (5) it is a defence for a person charged with an offence to prove a particular matter.

(2) If the person adduces evidence which is sufficient to raise an issue with respect to the matter the court or jury shall assume that the defence is satisfied unless the prosecution proves beyond reasonable doubt that it is not.

(3) Subsection (4) applies where in accordance with a provision mentioned in subsection (5) a court—

(a) may make an assumption in relation to a person charged with an offence unless a particular matter is proved, or

(b) may accept a fact as sufficient evidence unless a particular matter is proved.

(4) If evidence is adduced which is sufficient to raise an issue with respect to the matter mentioned in subsection (3)(a) or (b) the court shall treat it as proved unless the prosecution disproves it beyond reasonable doubt.

(5) The provisions in respect of which subsections (2) and (4) apply are—

(a) sections 12(4), 39(5)(a), 54, 57, 58, **[**[F136]58A,**]** 77 and 103 of this Act, and

(b) sections 13, 32 and 33 of the [M83]Northern Ireland (Emergency Provisions) Act 1996 (possession and information offences) as they have effect by virtue of Schedule 1 to this Act.

Textual Amendments

F136 Word in s. 118(5)(a) inserted (16.2.2009) by Counter-Terrorism Act 2008 (c. 28), **ss. 76(3)**, 100(5) (with s. 101(2)); S.I. 2009/58, **art. 2(d)**

Marginal Citations

M83 1996 c. 22.

119 Crown servants, regulators, &c.

(1) The Secretary of State may make regulations providing for any of **[**[F137]sections 15 to 23A**]** and 39 to apply to persons in the public service of the Crown.

(2) The Secretary of State may make regulations providing for section 19 not to apply to persons who are in his opinion performing or connected with the performance of regulatory, supervisory, investigative or registration functions of a public nature.

(3) Regulations—

(a) may make different provision for different purposes,

(b) may make provision which is to apply only in specified circumstances, and

(c) may make provision which applies only to particular persons or to persons of a particular description.

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F137 Words in s. 119(1) substituted (18.6.2009) by Counter-Terrorism Act 2008 (c. 28), ss. 39, 100(5), **Sch. 3 para. 4** (with s. 101(2)); S.I. 2009/1256, **art. 2(c)**

120 Evidence.

(1) A document which purports to be—

(a) a notice or direction given or order made by the Secretary of State for the purposes of a provision of this Act, and

(b) signed by him or on his behalf,

shall be received in evidence and shall, until the contrary is proved, be deemed to have been given or made by the Secretary of State.

(2) A document bearing a certificate which—

(a) purports to be signed by or on behalf of the Secretary of State, and

(b) states that the document is a true copy of a notice or direction given or order made by the Secretary of State for the purposes of a provision of this Act,

shall be evidence (or, in Scotland, sufficient evidence) of the document in legal proceedings.

(3) In subsections (1) and (2) a reference to an order does not include a reference to an order made by statutory instrument.

(4) The [M84]Documentary Evidence Act 1868 shall apply to an authorisation given in writing by the Secretary of State for the purposes of this Act as it applies to an order made by him.

Marginal Citations

M84 1868 c. 37.

[F138[F139]120A Supplementary powers of forfeiture

(1) A court by or before which a person is convicted of an offence under a provision mentioned in column 1 of the following table may order the forfeiture of any item mentioned in column 2 in relation to that offence.

Offence	*Items liable to forfeiture*
Section 54 (weapons training)	Anything that the court considers to have been in the possession of the person for purposes connected with the offence.
Section 57 (possession for terrorist purposes)	Any article that is the subject matter of the offence.
Section 58 (collection of information)	Any document or record containing information of the kind mentioned in subsection (1)(a) of that section.

Status: *Point in time view as at 29/06/2017.*
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Section 58A (eliciting, publishing or communicating information about members of armed forces etc)	Any document or record containing information of the kind mentioned in subsection (1)(a) of that section.

(2) Before making an order under this section, a court must give an opportunity to be heard to any person, other than the convicted person, who claims to be the owner or otherwise interested in anything which can be forfeited under this section.

(3) An order under this section does not come into force until there is no further possibility of it being varied, or set aside, on appeal (disregarding any power of a court to grant leave to appeal out of time).

(4) Where a court makes an order under this section, it may also make such other provision as appears to it to be necessary for giving effect to the forfeiture, including, in particular, provision relating to the retention, handling, disposal or destruction of what is forfeited.

(5) Provision made by virtue of subsection (4) may be varied at any time by the court that made it.

(6) The power of forfeiture under this section is in addition to any power of forfeiture under section 23A.**]]**

Textual Amendments

F138 S. 120A inserted (13.4.2006) by Terrorism Act 2006 (c. 11), **s. 37(3)**; S.I. 2006/1013, **art. 2**

F139 S. 120A substituted (18.6.2009) by Counter-Terrorism Act 2008 (c. 28), **ss. 38(1)**, 100(5) (with s. 101(2)); S.I. 2009/1256, **art. 2(c)**

[F140 120B Offences in relation to counter-terrorism financial investigators

(1) A person commits an offence if the person assaults a counter-terrorism financial investigator who is acting in the exercise of a relevant power.

(2) A person commits an offence if the person resists or wilfully obstructs a counter-terrorism financial investigator who is acting in the exercise of a relevant power.

(3) A person guilty of an offence under subsection (1) is liable—

(a) on summary conviction in England and Wales, to imprisonment for a term not exceeding 51 weeks, or to a fine, or to both;

(b) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 6 months, or to a fine not exceeding level 5 on the standard scale, or to both.

(4) A person guilty of an offence under subsection (2) is liable—

(a) on summary conviction in England and Wales, to imprisonment for a term not exceeding 51 weeks, or to a fine not exceeding level 3 on the standard scale, or to both;

(b) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 1 month, or to a fine not exceeding level 3 on the standard scale, or to both.

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(5) In this section "relevant power" means a power exercisable under Schedule 5 (terrorist investigations: information) or Part 1 of Schedule 5A (terrorist financing investigations in England and Wales and Northern Ireland: disclosure orders).

(6) In relation to an offence committed before the coming into force of section 281(5) of the Criminal Justice Act 2003 (alteration of penalties for certain summary offences: England and Wales)—

(a) the reference to 51 weeks in subsection (3)(a) is to be read as a reference to 6 months;

(b) the reference to 51 weeks in subsection (4)(a) is to be read as a reference to 1 month.**]**

Textual Amendments

F140 S. 120B inserted (E.W.N.I.) (27.4.2017 for specified purposes, 27.6.2017 in so far as not already in force) by Criminal Finances Act 2017 (c. 22), **ss. 42(1)**, 58(4)(6)

[F141 120Œnforcement of orders in other parts of United Kingdom

(1) Her Majesty may by Order in Council make provision for an investigatory order made in one part of the United Kingdom to be enforced in another part.

(2) In subsection (1) "investigatory order" means any of the following kinds of order—

(a) an order under section 22B (further information orders);

(b) an order under paragraph 5 of Schedule 5 (production orders: England and Wales and Northern Ireland) that is made in connection with a terrorist investigation in relation to terrorist property;

(c) an order under paragraph 13(1)(b) of that Schedule that is made in connection with material produced or made available as a result of an order within paragraph (b) of this subsection;

(d) an order under paragraph 22 of Schedule 5 (production orders: Scotland) that is made in connection with a terrorist investigation in relation to terrorist property;

(e) an order under paragraph 30(1)(b) of that Schedule that is made in connection with material produced or made available as a result of an order within paragraph (d) of this subsection;

(f) an order under paragraph 9 of Schedule 5A (disclosure orders: England and Wales and Northern Ireland);

(g) an order under paragraph 19 of that Schedule (disclosure orders: Scotland);

(h) an order under paragraph 1 of Schedule 6 (financial information orders);

(i) an order under paragraph 2 of Schedule 6A (account monitoring orders).

(3) An Order under this section may apply (with or without modifications) any provision of or made under—

(a) an Act (including this Act),

(b) an Act of the Scottish Parliament, or

(c) Northern Ireland legislation.

(4) An Order under this section—

(a) may make different provision for different purposes;

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(b) may include supplementary, incidental, saving or transitional provisions.

(5) Rules of court may make whatever provision is necessary or expedient to give effect to an Order under this section.

(6) A statutory instrument containing an Order under this section is subject to annulment in pursuance of a resolution of either House of Parliament.**]**

Textual Amendments

F141 S. 120C inserted (27.4.2017 for specified purposes) by Criminal Finances Act 2017 (c. 22), **ss. 43**, 58(1)(6)

121 Interpretation.

In this Act—

"act" and "action" include omission,

"article" includes substance and any other thing,

[[F142] " British Transport Police Force " means the constables appointed under section 53 of the British Transport Commission Act 1949 (c. xxix), **]**

[[F143]"counter-terrorism financial investigator" is to be read in accordance with section 63F;**]**

[[F144] " customs officer " means an officer of Revenue and Customs, **]**

"dwelling" means a building or part of a building used as a dwelling, and a vehicle which is habitually stationary and which is used as a dwelling,

"explosive" means—

(a) an article or substance manufactured for the purpose of producing a practical effect by explosion,

(b) materials for making an article or substance within paragraph (a),

(c) anything used or intended to be used for causing or assisting in causing an explosion, and

(d) a part of anything within paragraph (a) or (c),

"firearm" includes an air gun or air pistol,

"immigration officer" means a person appointed as an immigration officer under paragraph 1 of Schedule 2 to the [M85]Immigration Act 1971,

"the Islands" means the Channel Islands and the Isle of Man,

"organisation" includes any association or combination of persons,

[F145] . . . . . .

"premises" **[**[F146], except in section 63D,**]** includes any place and in particular includes—

(a) a vehicle,

(b) an offshore installation within the meaning given in section 44 of the [M86]Petroleum Act 1998, and

(c) a tent or moveable structure,

"property" includes property wherever situated and whether real or personal, heritable or moveable, and things in action and other intangible or incorporeal property,

"public place" means a place to which members of the public have or are permitted to have access, whether or not for payment,

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"road" has the same meaning as in the [M87]Road Traffic Act 1988 (in relation to England and Wales), the [M88]Roads (Scotland) Act 1984 (in relation to Scotland) and the [M89]Road Traffic Regulation (Northern Ireland) Order 1997 (in relation to Northern Ireland), and includes part of a road, and

"vehicle", except in sections 48 to 52 and Schedule 7, includes an aircraft, hovercraft, train or vessel.

Textual Amendments

F142 In s. 121 definition of "British Transport Police Force" ceased to have effect (1.7.2004) by virtue of Railways and Transport Safety Act 2003 (c. 20), s. 73(1), **Sch. 5 para. 4** (with s. 72); S.I. 2004/1572, **art. 3(ddd)(jjj)**

F143 Words in s. 121 inserted (27.4.2017 for specified purposes) by Criminal Finances Act 2017 (c. 22), s. 58(5)(6), **Sch. 5 para. 12**

F144 In s. 121 definition of "customs officer" substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 50(6), **Sch. 4 para. 78**; S.I. 2005/1126, **art. 2(2)(h)**

F145 In s. 121 definition of "policed premises" repealed (1.7.2004) by The British Transport Police (Transitional and Consequential Provisions) Order 2004 (S.I. 2004/1573), **art. 12(6)(d)**

F146 Words in s. 121 inserted (26.4.2004) by Crime (International Co-operation) Act 2003 (c. 32), s. 91(1), **Sch. 5 para. 76**; S.I. 2004/786, **art. 3(1)(2)**

Modifications etc. (not altering text)

C30 S. 121 amended (1.7.2004) by Railways and Transport Safety Act 2003 (c. 20), s. 73(1), **Sch. 5 para. 4** (with s. 72); S.I. 2004/1572, **art. 3(ddd)(jjj)**

Marginal Citations

M85 1971 c. 77.
M86 1998 c. 17.
M87 1988 c. 52.
M88 1984 c. 54.
M89 S.I. 1997/276 (N.I. 2).

122 Index of defined expressions.

In this Act the expressions listed below are defined by the provisions specified.

Expression	*Interpretation provision*
Act	Section 121
Action	Section 121
Action taken for the purposes of terrorism	Section 1(5)
Article	Section 121
F147	**F147**
. . .	. . .
[[F148]British Transport Police Force	Section 121**]**
F147	**F147**
. . .	. . .

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Cordoned area	Section 33
Customs officer	Section 121
Dwelling	Section 121
Examining officer	Schedule 7, paragraph 1
Explosive	Section 121
Firearm	Section 121
Immigration officer	Section 121
The Islands	Section 121
Organisation	Section 121
[[F148]Policed premises	Section 121**]**
Premises	Section 121
Property	Section 121
Proscribed organisation	Section 3(1)
Public place	Section 121
Road	Section 121
Scheduled offence (in Part VII)	Section 65
Terrorism	Section 1
Terrorist (in Part V)	Section 40
Terrorist investigation	Section 32
Terrorist property	Section 14
Vehicle	Section 121
Vehicle (in sections 48 to 51)	Section 52

Textual Amendments

F147 Words in S. 122 repealed (20.12.2001) by 2001 c. 24, s. 125, **Sch. 8 Pt. 1**; S.I. 2001/4019, **art. 2(1)(d)**

F148 Words in s. 122 inserted (14.12.2001) by 2001 c. 24, s. 101, **Sch. 7 para. 33(a)(b)**

Modifications etc. (not altering text)

C31 S. 122 amended (1.7.2004) by Railways and Transport Safety Act 2003 (c. 20), s. 73(1), **Sch. 5 para. 4(1)(2)(k)** (with s. 72); S.I. 2004/1572, **art. 3(ddd)(jjj)**

123 Orders and regulations.

(1) An order or regulations made by the Secretary of State under this Act—

(a) shall be made by statutory instrument,

(b) may contain savings and transitional provisions, and

(c) may make different provision for different purposes.

Status: *Point in time view as at 29/06/2017.*
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(2) Subject to subsection (3), an order or regulations under any of the following provisions shall be subject to annulment in pursuance of a resolution of either House of Parliament—

[[F149](za) section 3(6) or (8);**]**
(a) section 4(3);
(b) section 24(2)(e);
[[F150](ba) section 63C(3)(d);**]**
(c) section 72;
(d) section 79(5);
(e) section 80(9);
[[F151](f) section 97(1) or (3);
(g) section 100(1)(b);**]**
(h) section 119(1) or (2);
(i) **[**[F152]paragraphs 11A, 25A, 41A and **]** 52(1)(a) or (b) of Schedule 4;
(j) paragraph 17(4) of Schedule 7;
(k) paragraph 3(1)(b) of Schedule 8;
(l) paragraph 19 of Schedule 8.

(3) In the cases of—

(a) the first order to be made under paragraph 17(4) of Schedule 7, and
(b) the first order to be made under paragraph 19 of Schedule 8,

the order shall not be made unless a draft has been laid before and approved by resolution of each House of Parliament (and subsection (2)(j) or (l) shall not apply).

(4) An order or regulations under any of the following provisions shall not be made, subject to subsection (5), unless a draft has been laid before and approved by resolution of each House of Parliament—

(a) section 3(3);
[[F153](aa) section 23A(5);**]**
[[F154](ab) section 47AB;**]**
(b) section 53(2);
(c) section 65(3);
(d) section 96;
(e) section 101(4);
(f) section 112(2);
(g) paragraph 2(2) of Schedule 1;
(h) paragraph 6(2) or 7(3) of Schedule 6;
(i) paragraph 16 of Schedule 7;
(j) paragraph 3(2) of Schedule 8;
(k) paragraph 4(4) of Schedule 8;
(l) paragraph 4(1)(e) of Schedule 14;
(m) paragraph 7(3) of Schedule 14.

(5) An order or regulations under a provision mentioned in subsection (4), except for **[**[F155]paragraph (aa) **[**[F156], (ab) **]** or (b)**]**, may be made without a draft having been approved if the Secretary of State is of the opinion that it is necessary by reason of urgency; and the order—

(a) shall contain a declaration of the Secretary of State's opinion, and

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(b) shall cease to have effect at the end of the period of 40 days beginning with the day on which the Secretary of State makes the order, unless a resolution approving the order is passed by each House during that period.

(6) For the purposes of subsection (5)—

(a) a code of practice or revised code to which an order relates shall cease to have effect together with the order,

(b) an order's ceasing to have effect shall be without prejudice to anything previously done or to the making of a new order (or the issue of a new code), and

(c) the period of 40 days shall be computed in accordance with section 7(1) of the [M90]Statutory Instruments Act 1946.

[[F157](6A) As soon as practicable after making an order under paragraph 38 of Schedule 8, the Secretary of State must lay a copy of the order before each House of Parliament.

(6B) An order under paragraph 38 of Schedule 8 is to cease to have effect at the end of the period of 20 days beginning with the day on which the Secretary of State makes the order, unless a resolution approving the order is passed by each House of Parliament during that period.

(6C) For the purposes of subsection (6B) the period of 20 days is to be computed in accordance with section 7(1) of the Statutory Instruments Act 1946.

(6D) Subsections (6B) and (6C) do not apply to an order under paragraph 38 of Schedule 8 which revokes an order under that paragraph.**]**

(7) An order under paragraph 8(3) of Schedule 13 shall be laid before Parliament.

(8) Subsection (1)(a) does not apply to an order made—

(a) under section 94,

[[F158](b) by virtue of paragraph 36 of Schedule 4, or

(c) under or by virtue of any of paragraphs 19 to 21 of Schedule 5.**]**

(9) Subsections (1)(a) and (4)(d) do not apply to an order made under regulations made under section 96.

Textual Amendments

F149 S. 123(2)(za) inserted (13.4.2006) by Terrorism Act 2006 (c. 11), **s. 22(10)**; S.I. 2006/1013, **art. 2**

F150 S. 123(2)(ba) inserted (26.4.2004) by Crime (International Co-operation) Act 2003 (c. 32), s. 91(1), **Sch. 5 para. 77**; S.I. 2004/786, **art. 3(1)(2)**

F151 S. 123(2)(f)(g) repealed (N.I.) (19.2.2006) by Terrorism (Northern Ireland) Act 2006 (c. 4), s. 5(2)(3), **Sch.**

F152 Words in s. 123(2)(i) substituted (3.12.2014) by Crime (International Co-operation) Act 2003 (c. 32), s. 94(1), **Sch. 4 para. 2**; S.I. 2014/3192, art. 2(b)

F153 S. 123(4)(aa) inserted (18.6.2009) by Counter-Terrorism Act 2008 (c. 28), **ss. 35(2)(a)**, 100(5) (with s. 101(2)); S.I. 2009/1256, **art. 2(c)**

F154 S. 123(4)(ab) inserted (10.7.2012) by Protection of Freedoms Act 2012 (c. 9), s. 120, **Sch. 9 para. 25(2)** (with s. 97); S.I. 2012/1205, art. 4(k)

F155 Words in s. 123(5) substituted (18.6.2009) by Counter-Terrorism Act 2008 (c. 28), **ss. 35(2)(b)**, 100(5) (with s. 101(2)); S.I. 2009/1256, **art. 2(c)**

F156 Word in s. 123(5) inserted (10.7.2012) by Protection of Freedoms Act 2012 (c. 9), s. 120, **Sch. 9 para. 25(3)** (with s. 97); S.I. 2012/1205, art. 4(k)

Status: *Point in time view as at 29/06/2017.*
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F157 S. 123(6A)-(6D) inserted (10.7.2012) by Protection of Freedoms Act 2012 (c. 9), **ss. 58(2)**, 120 (with s. 97); S.I. 2012/1205, art. 4(b)

F158 S. 123(8)(b)(c) repealed (N.I.) (19.2.2006) by Terrorism (Northern Ireland) Act 2006 (c. 4), s. 5(2)(3), **Sch.**

Marginal Citations

M90 1946 c. 36.

124 Directions.

A direction given under this Act may be varied or revoked by a further direction.

125 Amendments and repeals.

(1) Schedule 15 (consequential amendments) shall have effect.

(2) The enactments listed in Schedule 16 are hereby repealed or revoked to the extent specified.

126 Report to Parliament.

F159 . . . . . .

Textual Amendments

F159 S. 126 repealed (13.4.2006) by Terrorism Act 2006 (c. 11), s. 37(5), **Sch. 3**; S.I. 2006/1013, **art. 2**

127 Money.

The following shall be paid out of money provided by Parliament—

(a) any expenditure of a Minister of the Crown under or by virtue of this Act, and

(b) any increase in the sums payable out of money provided by Parliament under any other enactment.

128 Commencement.

The preceding provisions of this Act, apart from sections 2(1)(b) and (2) and 118 and Schedule 1, shall come into force in accordance with provision made by the Secretary of State by order.

Subordinate Legislation Made

P1 S. 128 power partly exercised (10.10.2000): 12.10.2000 appointed for specified provisions by S.I. 2000/2800, **art. 2**

S. 128 power partly exercised (27.10.2000): 31.10.2000 appointed for specified provisions by S.I. 2000/2944, **art. 2**

S. 128 power partly exercised: 19.2.2001 appointed for specified provisions by S.I. 2001/421, **art. 2**

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

129 Transitional provisions.

(1) Where, immediately before the coming into force of section 2(1)(a), a person is being detained by virtue of a provision of the [M91]Prevention of Terrorism (Temporary Provisions) Act 1989—

(a) the provisions of that Act shall continue to apply to him, in place of the corresponding provisions of this Act, until his detention comes to an end, and

(b) nothing in paragraph 5 or 8 of Schedule 15 shall have effect in relation to him during his detention.

(2) Where—

(a) a person is detained by virtue of a provision of the [M92]Northern Ireland (Emergency Provisions) Act 1996 (as continued in force by virtue of Schedule 1 to this Act), and

(b) the provision ceases to have effect,

he shall be treated as lawfully detained under any corresponding provision of this Act.

(3) Where this Act repeals and re-enacts a provision of—

(a) the [M93]Prevention of Terrorism (Temporary Provisions) Act 1989, or

(b) the [M94]Northern Ireland (Emergency Provisions) Act 1996,

the repeal and re-enactment shall not, unless the contrary intention appears, affect the continuity of the law.

(4) A reference in this Act or any other enactment or instrument to a provision of this Act shall (so far as the context permits) be taken to include a reference to a corresponding provision repealed by this Act.

(5) The repeal by virtue of this Act of section 14 of the [M95]Northern Ireland (Emergency Provisions) Act 1996 (young persons convicted of scheduled offences) shall not affect its operation in relation to offences committed while it was in force.

(6) Any document made, served or issued after the commencement of paragraph (a) or (b) of section 2(1) which contains a reference to an enactment repealed by that paragraph shall, so far as the context permits, be construed as referring to or (as the context may require) including a reference to the corresponding provision of this Act.

(7) Any document made, served or issued after the commencement of this Act which contains a reference to a provision of this Act shall, so far as the context permits, be construed as referring to or (as the context may require) including a reference to the corresponding provision of—

(a) the [M96]Prevention of Terrorism (Temporary Provisions) Act 1989, or

(b) the [M97]Northern Ireland (Emergency Provisions) Act 1996.

(8) Section 117 shall apply to the institution of proceedings after commencement of that section whether the offence to which the proceedings relate (which may, by virtue of subsection (4) above, be an offence under a provision repealed by this Act) is alleged to have been committed before or after commencement of that section.

Marginal Citations

M91 1989 c. 4.
M92 1996 c. 22.
M93 1989 c. 4.

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

M94 1996 c. 22.
M95 1996 c. 22.
M96 1989 c. 4.
M97 1996 c. 22.

130 Extent.

(1) Subject to subsections (2) to (6), this Act extends to the whole of the United Kingdom.

(2) Section 59 shall extend to England and Wales only.

(3) The following shall extend to Northern Ireland only—
- (a) section 60, and
- (b) Part VII.

(4) Section 61 shall extend to Scotland only.

(5) In Schedule 5—
- (a) Part I shall extend to England and Wales and Northern Ireland only, and
- (b) Part II shall extend to Scotland only.

(6) The amendments and repeals in Schedules 15 and 16 shall have the same extent as the enactments to which they relate.

131 Short title.

This Act may be cited as the Terrorism Act 2000.

Status: *Point in time view as at 29/06/2017.*
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SCHEDULES

SCHEDULE 1

Section 2.

NORTHERN IRELAND (EMERGENCY PROVISIONS) ACT 1996

Temporary extension

1 (1) This paragraph applies to any of the following if and in so far as it is in force immediately before the passing of this Act by virtue of an order under section 62(3) of the [M98]Northern Ireland (Emergency Provisions) Act 1996 (duration)—

(a) a provision of the [M99]Northern Ireland (Emergency Provisions) Act 1996 (other than one mentioned in sub-paragraph (2)),

(b) a provision of the [M100]Prevention of Terrorism (Temporary Provisions) Act 1989, and

(c) section 4 of the [M101]Criminal Justice (Terrorism and Conspiracy) Act 1998 (forfeiture orders).

(2) This paragraph does not apply to the following provisions of the [M102]Northern Ireland (Emergency Provisions) Act 1996—

(a) section 26(1)(b) (power of entry on authority of Secretary of State),

(b) section 35 (wearing of hoods), and

(c) section 50 (explosives factories).

Marginal Citations

M98 1996 c. 22.
M99 1996 c. 22.
M100 1989 c. 4.
M101 1998 c. 40.
M102 1996 c. 22.

2 (1) A provision to which paragraph 1 applies shall continue in force for the period of 12 months starting with the day on which this Act is passed.

(2) The Secretary of State may by order provide for a provision to which paragraph 1 applies to continue in force for the period of 12 months immediately following the period mentioned in sub-paragraph (1).

3 (1) The powers under section 62(3)(a) and (c) of the [M103]Northern Ireland (Emergency Provisions) Act 1996 shall continue to be exercisable in relation to a provision to which paragraph 1 applies in respect of any period falling within—

(a) the period mentioned in paragraph 2(1), or

(b) a period specified in relation to that provision under paragraph 2(2).

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(2) The power under section 62(3)(b) of the [M104]Northern Ireland (Emergency Provisions) Act 1996 shall continue to be exercisable in relation to a provision to which paragraph 1 applies at any time during—

(a) the period mentioned in paragraph 2(1), or

(b) a period specified in relation to that provision under paragraph 2(2).

Marginal Citations

M103 1996 c. 22.

M104 1996 c. 22.

4 The Secretary of State may by order provide for a provision to which paragraph 1 applies—

(a) to cease to have effect on a specified day;

(b) to cease to be capable of being the subject of an order under section 62(3) of the [M105]Northern Ireland (Emergency Provisions) Act 1996.

Marginal Citations

M105 1996 c. 22.

5 The continuance in force of a provision by virtue of paragraph 2 is subject to any order made by virtue of paragraph 3 or 4.

6 (1) A provision of the [M106]Northern Ireland (Emergency Provisions) Act 1996 to which paragraph 1 does not apply shall continue to have effect for the purposes of, or in so far it relates to, any provision to which that paragraph does apply.

(2) While Part I of Schedule 1 to that Act (scheduled offences) has effect by virtue of this Schedule, the following shall also have effect—

(a) Part III of that Schedule (extra-territorial offences), and

(b) sections 3, 10 and 11 of that Act so far as they relate to offences which are scheduled offences by virtue of that Part.

Marginal Citations

M106 1996 c. 22.

Amendments during temporary extension

7 The provisions of the 1996 Act which continue in force by virtue of this Schedule shall be amended as follows.

8 In section 19 (arrest and seizure) after subsection (4) insert—

"(5) The reference to a rule of law in subsection (2) does not include a rule of law which has effect only by virtue of the [M107]Human Rights Act 1998."

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Marginal Citations
M107 1998 c. 42.

9 In section 20 (search for munitions, &c.) after subsection (5) insert—

"(5A) The power to extend a period conferred by subsection (5) may be exercised only once in relation to a particular search."

10 In section 26 (powers of entry, &c.) after subsection (2) insert—

"(2A) The Secretary of State may grant an authorisation under subsection (2) only if he considers it necessary for the preservation of the peace or the maintenance of order."

11 In section 33 (collection of information, &c.) after subsection (5) insert—

"(5A) Before making an order under subsection (5) a court must give an opportunity to be heard to any person, other than the convicted person, who claims to be the owner of or otherwise interested in anything which can be forfeited under that subsection.

(5B) An order under subsection (5) shall not come into force until there is no further possibility of it being varied, or set aside, on appeal (disregarding any power of a court to grant leave to appeal out of time)."

12 (1) Part V (private security services) shall have effect subject to the provisions of this paragraph.

(2) On issuing a certificate under section 39 the Secretary of State may impose a condition if satisfied that it is necessary in order to prevent an organisation within section 39(8) from benefiting from the certificate.

(3) To the grounds for refusal to issue a certificate and for revocation of a certificate in sections 39(1) and (5) there shall be added the ground that the Secretary of State is satisfied that the applicant for or holder of a certificate has failed to comply with a condition imposed by virtue of sub-paragraph (2) above.

(4) The applicant for a certificate may appeal to the High Court if—

(a) the application is refused,

(b) a condition is imposed on the grant of the certificate, or

(c) the certificate is revoked.

(5) Where an appeal is brought under sub-paragraph (4), the Secretary of State may issue a certificate that the decision to which the appeal relates—

(a) was taken for the purpose of preventing benefit from accruing to an organisation which was within section 39(8), and

(b) was justified by that purpose.

(6) If he intends to rely on a certificate under sub-paragraph (5), the Secretary of State shall notify the appellant.

(7) Where the appellant is notified of the Secretary of State's intention to rely on a certificate under sub-paragraph (5)—

(a) he may appeal against the certificate to the Tribunal established under section 91 of the [M108]Northern Ireland Act 1998, and

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(b) sections 90(3) and (4), 91(2) to (9) and 92 of that Act (effect of appeal, procedure, and further appeal) shall apply.

(8) Rules made under section 91 or 92 of that Act which are in force immediately before the passing of this Act shall have effect in relation to a certificate under sub-paragraph (5)—

(a) with any necessary modifications, and

(b) subject to any later rules made by virtue of sub-paragraph (7)(b).

Marginal Citations

M108 1998 c. 47.

SCHEDULE 2

Section 3.

PROSCRIBED ORGANISATIONS

Modifications etc. (not altering text)

C32 Sch. 2 modified (14.8.2006) by The Proscribed Organisations (Name Changes) Order 2006 (S.I. 2006/1919), arts. 1, **2**
Sch. 2 modified (2.4.2009) by The Proscribed Organisations (Name Change) Order 2009 (S.I. 2009/578), **art. 2**

C33 Sch. 2 modified (14.1.2010) by The Proscribed Organisations (Name Changes) Order 2010 (S.I. 2010/34), arts. 1, **2**
Sch. 2 modified (11.11.2011) by The Proscribed Organisations (Name Changes) Order 2011 (S.I. 2011/2688), arts. 1, **2**

C34 Sch. 2 modified (19.7.2013) by The Proscribed Organisations (Name Changes) Order 2013 (S.I. 2013/1795), arts. 1, **2**
Sch. 2 modified (29.10.2013) by The Proscribed Organisations (Name Changes) (No.2) Order 2013 (S.I. 2013/2742), arts. 1, **2**

C35 Sch. 2 modified (27.6.2014) by The Proscribed Organisations (Name Changes) Order 2014 (S.I. 2014/1612), arts. 1, **2**
Sch. 2 modified (20.8.2014) by The Proscribed Organisations (Name Changes) (No. 2) Order 2014 (S.I. 2014/2210), arts. 1, **2**

C36 Sch. 2 modified (9.12.2016) by The Proscribed Organisations (Name Change) Order 2016 (S.I. 2016/1187), arts. 1, **2**

C37 Sch. 2 modified (3.5.2017) by The Proscribed Organisations (Name Change) Order 2017 (S.I. 2017/615), arts. 1, **2**

The Irish Republican Army.

Cumann na mBan.

Fianna na hEireann.

The Red Hand Commando.

Saor Eire.

The Ulster Freedom Fighters.

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The Ulster Volunteer Force.

The Irish National Liberation Army.

The Irish People's Liberation Organisation.

The Ulster Defence Association.

The Loyalist Volunteer Force.

The Continuity Army Council.

The Orange Volunteers.

The Red Hand Defenders.

[[F160]Al-Qa'ida

Textual Amendments

F160 Words in Sch. 2 inserted (29.3.2001) by The Terrorism Act 2000 (Proscribed Organisations) (Amendment) Order 2001 (S.I. 2001/1261), **art. 2**

Egyptian Islamic Jihad

Al-Gama'at al-Islamiya

Armed Islamic Group (Groupe Islamique Armée) (GIA)

Salafist Group for Call and Combat (Groupe Salafiste pour la Prédication et le Combat) (GSPC)

Babbar Khalsa

[F161]…

Textual Amendments

F161 Words in Sch. 2 omitted (18.3.2016) by virtue of The Terrorism Act 2000 (Proscribed Organisations) (Amendment) Order 2016 (S.I. 2016/391), arts. 1, **2**

Harakat Mujahideen

Jaish e Mohammed

Lashkar e Tayyaba

Liberation Tigers of Tamil Eelam (LTTE)

[[F162]The military wing of Hizballah, including the Jihad Council and all units reporting to it (including the Hizballah External Security Organisation).**]**

Textual Amendments

F162 Words in Sch. 2 substituted (18.7.2008) by The Terrorism Act 2000 (Proscribed Organisations) (Amendment) (No. 2) Order 2008 (S.I. 2008/1931), arts. 1, **2**

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Hamas-Izz al-Din al-Qassem Brigades

Palestinian Islamic Jihad—Shaqaqi

Abu Nidal Organisation

Islamic Army of Aden

F163 . . . . . .

Textual Amendments

F163 Words in Sch. 2 omitted (24.6.2008) by virtue of The Terrorism Act 2000 (Proscribed Organisations) (Amendment) Order 2008 (S.I. 2008/1645), arts. 1, **2**

Kurdistan Workers' Party (Partiya Karkeren Kurdistan) (PKK)

Revolutionary Peoples' Liberation Party—Front (Devrimci Halk Kurtulus Partisi-Cephesi) (DHKP-C)

Basque Homeland and Liberty (Euskadi ta Askatasuna) (ETA)

17 November Revolutionary Organisation (N17)**]**

[[F164]Abu Sayyaf Group

Textual Amendments

F164 Sch. 2: organisations added (1.11.2002) by The Terrorism Act 2000 (Proscribed Organisations) (Amendment) Order 2002 (S.I. 2002/2724), **art. 2**

Asbat Al-Ansar

Islamic Movement of Uzbekistan

Jemaah Islamiyah.**]**

[[F165]Al Ittihad Al Islamia

Textual Amendments

F165 Sch. 2: organisations added (14.10.2005) by The Terrorism Act 2000 (Proscribed Organisations) (Amendment) Order 2005 (S.I. 2005/2892), **art. 2**

Ansar Al Islam

Ansar Al Sunna

Groupe Islamique Combattant Marocain

Harakat-ul-Jihad-ul-Islami

Harakat-ul-Jihad-ul-Islami (Bangladesh)

Harakat-ul-Mujahideen/Alami

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Hezb-e Islami Gulbuddin

Islamic Jihad Union

Jamaat ul-Furquan

Jundallah

Khuddam ul-Islam

Lashkar-e Jhangvi

Libyan Islamic Fighting Group

Sipah-e Sahaba Pakistan.**]**

[[F166]Al-Ghurabaa

Textual Amendments

F166 Sch. 2: organisations added (26.7.2006) by The Terrorism Act 2000 (Proscribed Organisations) (Amendment) Order 2006 (S.I. 2006/2016), **art. 2**

The Saved Sect

Baluchistan Liberation Army

Teyrebaz Azadiye Kurdistan.**]**

[[F167]Jammat-ul Mujahideen Bangladesh

Textual Amendments

F167 Words in Sch. 2 inserted (25.7.2007) by The Terrorism Act 2000 (Proscribed Organisations) (Amendment) Order 2007 (S.I. 2007/2184), **art. 2**

Tehrik Nefaz-e Shari'at Muhammadi.**]**

[[F168]Al Shabaab**]**

Textual Amendments

F168 Words in Sch. 2 added (5.3.2010) by Terrorism Act 2000 (Proscribed Organisations) (Amendment) Order 2010 (S.I. 2010/611), arts. 1, **2**

[[F169]Tehrik-e Taliban Pakistan**]**

Textual Amendments

F169 Words in Sch. 2 added (21.1.2011) by The Terrorism Act 2000 (Proscribed Organisations) (Amendment) Order 2011 (S.I. 2011/108), arts. 1, **2**

[[F170]Indian Mujahideen**]**

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Textual Amendments

F170 Words in Sch. 2 inserted (6.7.2012) by The Terrorism Act 2000 (Proscribed Organisations) (Amendment) Order 2012 (S.I. 2012/1771), arts. 1, **2**

[[F171]Ansarul Muslimina Fi Biladis Sudan (Vanguard for the protection of Muslims in Black Africa) (Ansaru)**]**

Textual Amendments

F171 Words in Sch. 2 inserted (23.11.2012) by The Terrorism Act 2000 (Proscribed Organisations) (Amendment) (No.2) Order 2012 (S.I. 2012/2937), arts. 1, **2**

[[F172]Jama'atu Ahli Sunna Lidda Awati Wal Jihad (Boko Haram)

Textual Amendments

F172 Words in Sch. 2 inserted (12.7.2013) by The Terrorism Act 2000 (Proscribed Organisations) (Amendment) Order 2013 (S.I. 2013/1746), arts. 1, **2**

Minbar Ansar Deen (Ansar Al Sharia UK)**]**

[[F173]Imarat Kavkaz (Caucasus Emirate)**]**

Textual Amendments

F173 Words in Sch. 2 inserted (13.12.2013) by The Terrorism Act 2000 (Proscribed Organisations) (Amendment) (No.2) Order 2013 (S.I. 2013/3172), arts. 1, **2**

[[F174]Ansar Bayt al-Maqdis (Ansar Jerusalem)

Textual Amendments

F174 Words in Sch. 2 inserted (4.4.2014) by The Terrorism Act 2000 (Proscribed Organisations) (Amendment) Order 2014 (S.I. 2014/927), arts. 1, **2**

Al Murabitun

Ansar al Sharia – Tunisia**]**

[[F175]Islamic State of Iraq and the Levant (Islamic State of Iraq and al-Sham) (Dawat al Islamiya fi Iraq wa al Sham (DAISh))

Textual Amendments

F175 Words in Sch. 2 inserted (20.6.2014) by The Terrorism Act 2000 (Proscribed Organisations) (Amendment) (No. 2) Order 2014 (S.I. 2014/1624), arts. 1, **2**

Turkiye Halk Kurtulus Partisi-Cephesi (Turkish People's Liberation Party) (The Hasty Ones) (Mukavamet Suriye)

Kateeba al-Kawthar (Ajnad al-sham) (Junud ar-Rahman al Muhajireen)

Abdallah Azzam Brigades, including the Ziyad al-Jarrah Battalions

Popular Front for the Liberation of Palestine – General Command.**]**

[[F176]Ansar al-Sharia-Benghazi (Partisans of Islamic Law)**]**

Textual Amendments

F176 Words in Sch. 2 inserted (28.11.2014) by The Terrorism Act 2000 (Proscribed Organisations) (Amendment) (No. 3) Order 2014 (S.I. 2014/3189), arts. 1, **2**

[[F176]Ajnad Misr (Soldiers of Egypt)**]**

[[F176]Jaysh al Khalifatu Islamiya (Army of the Islamic Caliphate) (Majahideen of the Caucasus and the Levant)**]**

[[F177]Jund Al-Aqsa (Soldiers of Al-Aqsa)**]**

Textual Amendments

F177 Words in Sch. 2 inserted (23.1.2015) by The Terrorism Act 2000 (Proscribed Organisations) (Amendment) Order 2015 (S.I. 2015/55), arts. 1, **2**

[[F177]Jund al Khalifa–Algeria (Soldiers of the Caliphate in Algeria)**]**

[[F178]Jamaat ul-Ahrar**]**

Textual Amendments

F178 Words in Sch. 2 inserted (27.3.2015) by The Terrorism Act 2000 (Proscribed Organisations) (Amendment) (No. 2) Order 2015 (S.I. 2015/959), arts. 1, **2**

[[F178]The Haqqani Network**]**

[[F179]Global Islamic Media Front (including GIMF Bangla Team (Ansarullah Bangla Team) (Ansar-al Islam))

Mujahedeen Indonesia Timur (East Indonesia Mujahedeen)

Turkestan Islamic Party (East Turkestan Islamic Party) (East Turkestan Islamic Movement) (East Turkestan Jihadist Movement) (Hizb al-Islami al-Turkistani)

Jamaah Anshorut Daulah**]**

[[F180]National Action**]**

Textual Amendments

F179 Words in Sch. 2 inserted (15.7.2016) by The Terrorism Act 2000 (Proscribed Organisations) (Amendment) (No. 2) Order 2016 (S.I. 2016/770), arts. 1, **2**

F180 Words in Sch. 2 inserted (16.12.2016) by The Terrorism Act 2000 (Proscribed Organisations) (Amendment) (No. 3) Order 2016 (S.I. 2016/1238), arts. 1, **2**

Note

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The entry for The Orange Volunteers refers to the organisation which uses that name and in the name of which a statement described as a press release was published on 14th October 1998.

[[F181]The entry for Jemaah Islamiyah refers to the organisation using that name that is based in south-east Asia, members of which were arrested by the Singapore authorities in December 2001 in connection with a plot to attack US and other Western targets in Singapore.**]**

Textual Amendments

F181 Sch. 2 Note: words added (1.11.2002) by The Terrorism Act 2000 (Proscribed Organisations) (Amendment) Order 2002 (S.I. 2002/2724), **art. 3**

SCHEDULE 3

Section 5.

THE PROSCRIBED ORGANISATIONS APPEAL COMMISSION

Constitution and administration

1 (1) The Commission shall consist of members appointed by the Lord Chancellor.

(2) The Lord Chancellor shall appoint one of the members as chairman.

(3) A member shall hold and vacate office in accordance with the terms of his appointment.

(4) A member may resign at any time by notice in writing to the Lord Chancellor.

2 The Lord Chancellor may appoint officers and servants for the Commission.

3 The Lord Chancellor—

(a) may pay sums by way of remuneration, allowances, pensions and gratuities to or in respect of members, officers and servants,

(b) may pay compensation to a person who ceases to be a member of the Commission if the Lord Chancellor thinks it appropriate because of special circumstances, and

(c) may pay sums in respect of expenses of the Commission.

Procedure

4 (1) The Commission shall sit at such times and in such places as the Lord Chancellor may direct **[**[F182] after consulting the following—

(a) the Lord Chief Justice of England and Wales;

(b) the Lord President of the Court of Session;

(c) the Lord Chief Justice of Northern Ireland**]**.

(2) The Commission may sit in two or more divisions.

(3) At each sitting of the Commission—

(a) three members shall attend,

(b) one of the members shall be a person who holds or has held high judicial office (within the meaning of **[**[F183]Part 3 of the Constitutional Reform Act

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2005) or is or has been a member of the Judicial Committee of the Privy Council**]**, and

(c) the chairman or another member nominated by him shall preside and report the Commission's decision.

[[F184](4) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this paragraph.

(5) The Lord President of the Court of Session may nominate a judge of the Court of Session who is a member of the First or Second Division of the Inner House of that Court to exercise his functions under this paragraph.

(6) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under this paragraph—

(a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002 (c. 26);

(b) a Lord Justice of Appeal (as defined in section 88 of that Act).**]**

Textual Amendments

F182 Words in Sch. 3 para. 4(1) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15(1), **Sch. 4 Pt. 1 para. 289(2)**; S.I. 2006/1014, **art. 2(1)**, Sch. 1

F183 Words in Sch. 3 para. 4(3)(b) substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), ss. 145, 148, **Sch. 17 para. 29**; S.I. 2009/1604, **art. 2(e)**

F184 Sch. 3 para. 4(4)-(6) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15(1), **Sch. 4 Pt. 1 para. 289(3)**; S.I. 2006/1014, **art. 2(1)**, Sch. 1

5 (1) The Lord Chancellor may make rules—

(a) regulating the exercise of the right of appeal to the Commission;

(b) prescribing practice and procedure to be followed in relation to proceedings before the Commission;

(c) providing for proceedings before the Commission to be determined without an oral hearing in specified circumstances;

(d) making provision about evidence in proceedings before the Commission (including provision about the burden of proof and admissibility of evidence);

(e) making provision about proof of the Commission's decisions.

(2) In making the rules the Lord Chancellor shall, in particular, have regard to the need to secure—

(a) that decisions which are the subject of appeals are properly reviewed, and

(b) that information is not disclosed contrary to the public interest.

(3) The rules shall make provision permitting organisations to be legally represented in proceedings before the Commission.

(4) The rules may, in particular—

(a) provide for full particulars of the reasons for proscription or refusal to deproscribe to be withheld from the organisation or applicant concerned and from any person representing it or him;

[[F185](aa) provide for full particulars of the reasons for—

Status: *Point in time view as at 29/06/2017.*
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(i) the making of an order under section 3(6), or

(ii) a refusal to provide for a name to cease to be treated as a name for an organisation,

to be withheld from the organisation or applicant concerned and from any person representing it or him;**]**

(b) enable the Commission to exclude persons (including representatives) from all or part of proceedings;

(c) enable the Commission to provide a summary of evidence taken in the absence of a person excluded by virtue of paragraph (b);

(d) permit preliminary or incidental functions to be discharged by a single member;

(e) permit proceedings for permission to appeal under section 6 to be determined by a single member;

(f) make provision about the functions of persons appointed under paragraph 7;

(g) make different provision for different parties or descriptions of party.

(5) Rules under this paragraph—

(a) shall be made by statutory instrument, and

(b) shall not be made unless a draft has been laid before and approved by resolution of each House of Parliament.

(6) In this paragraph a reference to proceedings before the Commission includes a reference to proceedings arising out of proceedings before the Commission.

Textual Amendments

F185 Sch. 3 para. 5(4)(aa) inserted (13.4.2006) by Terrorism Act 2006 (c. 11), **s. 22(11)**; S.I. 2006/1013, **art. 2**

6 (1) This paragraph applies to—

(a) proceedings brought by an organisation before the Commission, and

(b) proceedings arising out of proceedings to which paragraph (a) applies.

(2) Proceedings shall be conducted on behalf of the organisation by a person designated by the Commission (with such legal representation as he may choose to obtain).

(3) In **[**[F186]paragraph 5**]** of this Schedule a reference to an organisation includes a reference to a person designated under this paragraph.

Textual Amendments

F186 Words in Sch. 3 para. 6(3) substituted (2.10.2000) by 2000 c. 23, s. 82, **Sch. 4 para. 12(2)** (with s. 82(3)); S.I. 2000/2543, **art. 3**

7 (1) The relevant law officer may appoint a person to represent the interests of an organisation or other applicant in proceedings in relation to which an order has been made by virtue of paragraph 5(4)(b).

(2) The relevant law officer is—

(a) in relation to proceedings in England and Wales, the Attorney General,

(b) in relation to proceedings in Scotland, the Advocate General for Scotland, and

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(c) in relation to proceedings in Northern Ireland, the **[**[F187] Advocate General for Northern Ireland **]**.

(3) A person appointed under this paragraph must—

(a) have a general qualification for the purposes of section 71 of the [M109]Courts and Legal Services Act 1990 (qualification for legal appointments),

(b) be an advocate or a solicitor who has rights of audience in the Court of Session or the High Court of Justiciary by virtue of section 25A of the [M110]Solicitors (Scotland) Act 1980, or

(c) be a member of the Bar of Northern Ireland.

(4) A person appointed under this paragraph shall not be responsible to the organisation or other applicant whose interests he is appointed to represent.

(5) In **[**[F188]paragraph 5**]** of this Schedule a reference to a representative does not include a reference to a person appointed under this paragraph.

Textual Amendments

F187 Words in Sch. 3 para. 7(2)(c) substituted (12.4.2010 being the date that 2002 c. 26, s. 27 comes into force, see S.I. 2010/113, art. 2, Sch. para. 7) by Counter-Terrorism Act 2008 (c. 28), **s. 91(2)**(3) (with s. 101(2))

F188 Words in Sch. 3 para. 7(5) substituted (2.10.2000) by 2000 c. 23, s. 82, **Sch. 4 para. 12(2)** (with s. 82(3)); S.I. 2000/2543, **art. 3**

Marginal Citations

M109 1990 c. 41.

M110 1980 c. 46.

[F189]8 . . . . . .

Textual Amendments

F189 Sch. 3 para. 8 repealed (2.10.2000) by 2000 c. 23, s. 82, **Sch. 5** (with s. 82(3)); S.I. 2000/2543, **art. 3**

[[F190]SCHEDULE 3A

REGULATED SECTOR AND SUPERVISORY AUTHORITIES

Textual Amendments

F190 Sch. 3A inserted (20.12.2001) by 2001 c. 24, s. 3, **Sch. 2 Pt. 3 para. 6**; S.I. 2001/4019, **art. 2(1)(c)**

Modifications etc. (not altering text)

C38 Sch. 3A applied (8.10.2008 at 10.10 a.m.) by The Landsbanki Freezing Order 2008 (S.I. 2008/2668), arts. 1, 8, **Sch. para. 3(2)** (with art. 13)

C39 Sch. 3A applied (22.1.2016 at 12 noon) by The Andrey Lugovoy and Dmitri Kovtun Freezing Order 2016 (S.I. 2016/67), art. 1(1), **Sch. para. 3(2)**

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Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

[F191PART 1

REGULATED SECTOR

Textual Amendments

F191 Sch. 3A Pts. 1 and 2 substituted (15.12.2007) by The Terrorism Act 2000 (Business in the Regulated Sector and Supervisory Authorities) Order 2007 (S.I. 2007/3288), **art. 2**

Business in the regulated sector

1 (1) A business is in the regulated sector to the extent that it consists of—

(a) the acceptance by a credit institution of deposits or other repayable funds from the public, or the granting by a credit institution of credits for its own account;

(b) the carrying on of one or more of the activities listed in points 2 to 12 [F192, 14 and 15] of Annex 1 to the [F193Capital Requirements Directive] by an undertaking other than—

(i) a credit institution; or

[F194(ia) an undertaking whose only listed activity is as a creditor under an agreement which—

(aa) falls within section 12(a) of the Consumer Credit Act 1974 (debtor-creditor-supplier agreements);

(bb) provides fixed sum credit (within the meaning given in section 10(1)(b) of the Consumer Credit Act 1974 (running-account credit and fixed-sum credit)) in relation to the provision of services; and

(cc) provides financial accommodation by way of deferred payment or payment by instalments over a period not exceeding 12 months;]F195...

(ii) an undertaking whose only listed activity is trading for own account in one or more of the products listed in point 7 of Annex 1 to the [F193Capital Requirements Directive] and which does not act on behalf of a customer (that is, a third party which is not a member of the same group as the undertaking);

(c) the carrying on of activities covered by [F196the Solvency 2 Directive] by an insurance company authorised in accordance with that Directive;

(d) the provision of investment services or the performance of investment activities by a person (other than a person falling within Article 2 of the Markets in Financial Instruments Directive) whose regular occupation or business is the provision to other persons of an investment service or the performance of an investment activity on a professional basis;

(e) the marketing or other offering of units or shares by a collective investment undertaking;

(f) the activities of an insurance intermediary as defined in Article 2(5) of the Insurance Mediation Directive, other than a tied insurance intermediary as mentioned in Article 2(7) of that Directive, in respect of contracts of long-term insurance within the meaning given by article 3(1) of, and Part II of

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Schedule 1 to, the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001;

(g) the carrying on of any of the activities mentioned in paragraphs (b) to (f) by a branch located in an EEA State of a person referred to in those paragraphs (or of an equivalent person in any other State), wherever its head office is located;

(h) the activities of the National Savings Bank;

(i) any activity carried on for the purpose of raising money authorised to be raised under the National Loans Act 1968 under the auspices of the Director of Savings;

[[F197](j) the carrying on of statutory audit work within the meaning of section 1210 of the Companies Act 2006 (meaning of "statutory auditor" etc) by any firm or individual who is a statutory auditor within the meaning of Part 42 of that Act (statutory auditors); **]**

[[F198](ja) the carrying on of local audit work within the meaning of Schedule 5 to the Local Audit and Accountability Act 2014 (eligibility and regulation of local auditors) by any firm or individual who is a local auditor within the meaning of section 4(1) of that Act (general requirements for audit);**]**

(k) the activities of a person appointed to act as an insolvency practitioner within the meaning of section 388 of the Insolvency Act 1986 (meaning of "act as insolvency practitioner") or article 3 of the Insolvency (Northern Ireland) Order 1989;

(l) the provision to other persons of accountancy services by a firm or sole practitioner who by way of business provides such services to other persons;

(m) the provision of advice about the tax affairs of other persons by a firm or sole practitioner who by way of business provides advice about the tax affairs of other persons;

(n) the participation in financial or real property transactions concerning—

(i) the buying and selling of real property (or, in Scotland, heritable property) or business entities;

(ii) the managing of client money, securities or other assets;

(iii) the opening or management of bank, savings or securities accounts;

(iv) the organisation of contributions necessary for the creation, operation or management of companies; or

(v) the creation, operation or management of trusts, companies or similar structures,

by a firm or sole practitioner who by way of business provides legal or notarial services to other persons;

(o) the provision to other persons by way of business by a firm or sole practitioner of any of the services mentioned in sub-paragraph (4);

(p) the carrying on of estate agency work [F199]... by a firm or a sole practitioner who carries on, or whose employees carry on, such work;

(q) the trading in goods (including dealing as an auctioneer) whenever a transaction involves the **[**[F200]making or**]** receipt of a payment or payments in cash of at least **[**[F201]10,000**]** euros in total, whether the transaction is executed in a single operation or in several operations which appear to be linked, by a firm or sole trader who by way of business trades in goods;

(r) operating a casino under a casino operating licence (within the meaning given by section 65(2) of the Gambling Act 2005 (nature of licence)).

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[[F202](s) the auctioning by an auction platform of two-day spot or five-day futures, within the meanings given by Article 3 of the Emission Allowance Auctioning Regulation.**]**

[[F203](t) bidding directly, on behalf of clients, in auctions of emissions allowances in accordance with the Emission Allowance Auctioning Regulation.**]**

(2) For the purposes of sub-paragraph (1)(a) and (b) " credit institution " means—

(a) a credit institution as defined in **[**[F204]Article 4(1)(1) of the Capital Requirements Regulation**]** ; or

(b) a branch (within the meaning of **[**[F205]Article 4(1)(17) of that Regulation**]**) located in an EEA state of an institution falling within paragraph (a) (or of an equivalent institution in any other State) wherever its head office is located.

(3) For the purposes of sub-paragraph (1)(n) a person participates in a transaction by assisting in the planning or execution of the transaction or otherwise acting for or on behalf of a client in the transaction.

(4) The services referred to in sub-paragraph (1)(o) are—

(a) forming companies or other legal persons;

(b) acting, or arranging for another person to act—

(i) as a director or secretary of a company;

(ii) as a partner of a partnership; or

(iii) in a similar position in relation to other legal persons;

(c) providing a registered office, business address, correspondence or administrative address or other related services for a company, partnership or any other legal person or arrangement;

(d) acting, or arranging for another person to act, as—

(i) a trustee of an express trust or similar legal arrangement; or

(ii) a nominee shareholder for a person other than a company whose securities are listed on a regulated market.

(5) For the purposes of sub-paragraph (4)(d) "regulated market"—

(a) in relation to any EEA State, has the meaning given by **[**[F206]point 21**]** of Article 4(1) of the Markets in Financial Instruments Directive; and

(b) in relation to any other State, means a regulated financial market which subjects companies whose securities are admitted to trading to disclosure obligations which are [F207]... equivalent to the specified disclosure obligations.

[[F208](6) For the purposes of sub-paragraph (5) "the specified disclosure obligations" means—

(a) disclosure requirements set out in Articles 17 and 19 of Regulation (EU) No 596/2014 of the European Parliament and of the Council of 16 April 2014 on market abuse (market abuse regulation);

(b) disclosure requirements consistent with Articles 3, 5, 7, 8, 10, 14 and 16 of Directive 2003/71/EC of the European Parliament and of the Council of 4 November 2003 on the prospectuses to be published when securities are offered to the public or admitted to trading;

(c) disclosure requirements consistent with Articles 4 to 6, 14, 16 to 19 and 30 of Directive 2004/109/EC of the European Parliament and of the Council of 15 December 2004 relating to the harmonisation of transparency requirements

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in relation to information about issuers whose securities are admitted to trading on a regulated market; **[**[F209]and**]**

(d) disclosure requirements consistent with EU legislation made under the provisions mentioned in paragraphs (a) to (c).**]**

[[F210](6A) For the purposes of sub-paragraph (1)(p) "estate agency work" is to be read in accordance with section 1 of the Estate Agents Act 1979 (estate agency work), but for those purposes references in that section to disposing of or acquiring an interest in land are (despite anything in section 2 of that Act) to be taken to include references to disposing of or acquiring an estate or interest in land outside the United Kingdom where that estate or interest is capable of being owned or held as a separate interest.**]**

(7) For the purposes of sub-paragraph (1)(j) and (l) to (q) " firm " means any entity, whether or not a legal person, that is not an individual and includes a body corporate and a partnership or other unincorporated association.

(8) For the purposes of sub-paragraph (1)(q) " cash " means notes, coins or travellers' cheques in any currency.

[[F211](9) For the purposes of sub-paragraph (1)(s) "auction platform" means a platform on which auctions of emissions allowances are held in accordance with the Emission Allowance Auctioning Regulation.**]**

Textual Amendments

F192 Words in Sch. 3A para. 1(1)(b) substituted (9.2.2011 for specified purposes, 30.4.2011 in so far as not already in force) by The Electronic Money Regulations 2011 (S.I. 2011/99), reg. 1(2), **Sch. 4 para. 3(a)(i)**

F193 Words in Sch. 3A para. 1(1)(b) substituted (1.1.2014) by The Capital Requirements Regulations 2013 (S.I. 2013/3115), reg. 1(2), **Sch. 2 para. 40(2)(a)**

F194 Sch. 3A para. 1(1)(b)(ia) inserted (26.6.2017) by The Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 (S.I. 2017/692), reg. 1(2), **Sch. 7 para. 4(5)(a)(ii)** (with regs. 8, 15)

F195 Word in Sch. 3A para. 1(1)(b)(i) omitted (26.6.2017) by virtue of The Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 (S.I. 2017/692), reg. 1(2), **Sch. 7 para. 4(5)(a)(i)** (with regs. 8, 15)

F196 Words in Sch. 3A para. 1(1)(c) substituted (1.1.2016) by The Solvency 2 Regulations 2015 (S.I. 2015/575), reg. 1(2), **Sch. 1 para. 21(2)(a)**

F197 Sch. 3A para. 1(1)(j) substituted (6.4.2008) by The Companies Act 2006 (Consequential Amendments etc) Order 2008 (S.I. 2008/948), arts. 2(2), 3(1), **Sch. 1 para. 25(2)** (with arts. 6, 11, 12)

F198 Sch. 3A para. 1(1)(ja) inserted (26.6.2017) by The Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 (S.I. 2017/692), reg. 1(2), **Sch. 7 para. 4(5)(b)** (with regs. 8, 15)

F199 Words in Sch. 3A para. 1(1)(p) omitted (1.10.2012) by virtue of The Terrorism Act 2000 and Proceeds of Crime Act 2002 (Business in the Regulated Sector) (No.2) Order 2012 (S.I. 2012/2299), arts. 1, **2(a)**

F200 Words in Sch. 3A para. 1(1)(q) inserted (26.6.2017) by The Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 (S.I. 2017/692), reg. 1(2), **Sch. 7 para. 4(5)(c)(i)** (with regs. 8, 15)

F201 Word in Sch. 3A para. 1(1)(q) substituted (26.6.2017) by The Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 (S.I. 2017/692), reg. 1(2), **Sch. 7 para. 4(5)(c)(ii)** (with regs. 8, 15)

F202 Sch. 3A para. 1(1)(s) inserted (12.12.2011) by The Terrorism Act 2000 and Proceeds of Crime Act 2002 (Business in the Regulated Sector) Order 2011 (S.I. 2011/2701), arts. 1, **2(2)(a)**

F203 Sch. 3A para. 1(1)(t) inserted (7.7.2012) by The Terrorism Act 2000 and Proceeds of Crime Act 2002 (Business in the Regulated Sector) Order 2012 (S.I. 2012/1534), arts. 1, **2**

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F204 Words in Sch. 3A para. 1(2)(a) substituted (1.1.2014) by The Capital Requirements Regulations 2013 (S.I. 2013/3115), reg. 1(2), **Sch. 2 para. 40(2)(b)**

F205 Words in Sch. 3A para. 1(2)(b) substituted (1.1.2014) by The Capital Requirements Regulations 2013 (S.I. 2013/3115), reg. 1(2), **Sch. 2 para. 40(2)(c)**

F206 Words in Sch. 3A para. 1(5)(a) substituted (29.6.2017 for specified purposes) by The Financial Services and Markets Act 2000 (Markets in Financial Instruments) Regulations 2017 (S.I. 2017/701), reg. 1(2)(3)(4)(6), **Sch. 4 para. 6(2)** (with reg. 7)

F207 Words in Sch. 3A para. 1(5)(b) omitted (26.6.2017) by virtue of The Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 (S.I. 2017/692), reg. 1(2), **Sch. 7 para. 4(6)** (with regs. 8, 15)

F208 Sch. 3A para. 1(6) substituted (3.7.2016) by The Financial Services and Markets Act 2000 (Market Abuse) Regulations 2016 (S.I. 2016/680), regs. 1, **12**

F209 Word in Sch. 3A para. 1(6)(c) substituted (26.6.2017) by The Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 (S.I. 2017/692), reg. 1(2), **Sch. 7 para. 4(7)** (with regs. 8, 15)

F210 Sch. 3A para. 1(6A) inserted (1.10.2012) by The Terrorism Act 2000 and Proceeds of Crime Act 2002 (Business in the Regulated Sector) (No.2) Order 2012 (S.I. 2012/2299), arts. 1, **2(b)**

F211 Sch. 3A para. 1(9) inserted (12.12.2011) by The Terrorism Act 2000 and Proceeds of Crime Act 2002 (Business in the Regulated Sector) Order 2011 (S.I. 2011/2701), arts. 1, **2(2)(b)**

Excluded activities

2 (1) A business is not in the regulated sector to the extent that it consists of—

(a) the issuing of withdrawable share capital within the limit set by **[**[F212]section 24 of the Co-operative and Community Benefit Societies Act 2014 (maximum interest in a society's withdrawable shares)**]** , or the acceptance of deposits from the public within the limit set by **[**[F213]section 67(2) **]** of that Act (carrying on of banking by societies), by a society registered under that Act;

(b) the issuing of withdrawable share capital within the limit set by section 6 of the Industrial and Provident Societies Act (Northern Ireland) 1969 (maximum shareholding in society), or the acceptance of deposits from the public within the limit set by section 7(3) of that Act (carrying on of banking by societies), by a society registered under that Act;

(c) the carrying on of any activity in respect of which a person who is (or falls within a class of persons) specified in any of paragraphs 2 to 23, **[**[F214]26**]** to 38 or 40 to 49 of the Schedule to the Financial Services and Markets Act 2000 (Exemption) Order 2001 is exempt;

(d) the exercise of the functions specified in section 45 of the Financial Services Act 1986 (miscellaneous exemptions) by a person who was an exempted person for the purposes of that section immediately before its repeal;[F215]...

(e) the engaging in financial activity which fulfils all of the conditions set out in paragraphs (a) to (g) of sub-paragraph (3) of this paragraph by a person whose main activity is that of a high value dealer; [F216]...

[F217](f) . . . . . .

[[F218](g) the carrying on by a local authority (within the meaning given in article 3(1) of the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001) of an activity which would be a regulated activity for the purposes of the Financial Services and Markets Act 2000 but for article 72G of that Order; or

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(h) the preparation of a home report, which for these purposes means the documents prescribed for the purposes of sections 98, 99(1) or 101(2) of the Housing (Scotland) Act 2006.**]**

(2) For the purposes of sub-paragraph (1)(e) a " high value dealer " means a person mentioned in paragraph 1(1)(q) when carrying on the activities mentioned in that paragraph.

(3) A business is not in the regulated sector to the extent that it consists of financial activity if—

(a) the person's total annual turnover in respect of the financial activity does not exceed **[**[F219]£100,000;**]**

(b) the financial activity is limited in relation to any customer to no more than one transaction exceeding 1,000 euros, whether the transaction is carried out in a single operation, or a series of operations which appear to be linked;

(c) the financial activity does not exceed 5% of the person's total annual turnover;

(d) the financial activity is ancillary to the person's main activity and directly related to that activity;

(e) the financial activity is not the transmission or remittance of money (or any representation of monetary value) by any means;

(f) the main activity of the person carrying on the financial activity is not an activity mentioned in paragraph 1(1)(a) to (p) or (r) **[**[F220]to (t)**]** ; and

(g) the financial activity is provided only to customers of the person's main activity and is not offered to the public.

(4) A business is not in the regulated sector if it is carried on by—

(a) the Auditor General for Scotland;

(b) the Auditor General for Wales;

(c) the Bank of England **[**[F221](acting otherwise than in its capacity as the Prudential Regulation Authority)**]** ;

(d) the Comptroller and Auditor General;

(e) the Comptroller and Auditor General for Northern Ireland;

(f) the Official Solicitor to the Supreme Court, when acting as trustee in his official capacity; or

(g) the Treasury Solicitor.

Textual Amendments

F212 Words in Sch. 3A para. 2(1)(a) substituted (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, **Sch. 4 para. 73(2)** (with Sch. 5)

F213 Words in Sch. 3A para. 2(1)(a) substituted (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, **Sch. 4 para. 73(3)** (with Sch. 5)

F214 Word in Sch. 3A para. 2(1)(c) substituted (26.6.2017) by The Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 (S.I. 2017/692), reg. 1(2), **Sch. 7 para. 4(8)(a)** (with regs. 8, 15)

F215 Word in Sch. 3A para. 2(1)(d) omitted (26.6.2017) by virtue of The Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 (S.I. 2017/692), reg. 1(2), **Sch. 7 para. 4(8)(b)** (with regs. 8, 15)

F216 Word in Sch. 3A para. 2(1) repealed (15.1.2012) by Localism Act 2011 (c. 20), s. 240(1)(m), **Sch. 25 Pt. 29**

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F217 Sch. 3A para. 2(1)(f) repealed (15.1.2012) by Localism Act 2011 (c. 20), s. 240(1)(k), Sch. 18 para. 1(b), **Sch. 25 Pt. 29**

F218 Sch. 3A para. 2(1)(g)(h) inserted (26.6.2017) by The Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 (S.I. 2017/692), reg. 1(2), **Sch. 7 para. 4(8)(c)** (with regs. 8, 15)

F219 Word in Sch. 3A para. 2(3)(a) substituted (26.6.2017) by The Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 (S.I. 2017/692), reg. 1(2), **Sch. 7 para. 4(9)(a)** (with regs. 8, 15)

F220 Words in Sch. 3A para. 2(3)(f) inserted (26.6.2017) by The Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 (S.I. 2017/692), reg. 1(2), **Sch. 7 para. 4(9)(b)** (with regs. 8, 15)

F221 Words in Sch. 3A para. 2(4)(c) inserted (1.3.2017) by The Bank of England and Financial Services (Consequential Amendments) Regulations 2017 (S.I. 2017/80), reg. 1, **Sch. para. 11**

INTERPRETATION

3 (1) In this Part—

F222 …

[F223"the Capital Requirements Directive" means Directive 2013/36/EU of the European Parliament and of the Council of 26th June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms ;**]**

[F224the Capital Requirements Regulation" means Regulation (EU) No. 575/2013 of the European Parliament and of the Council**]**

[F225"the Emission Allowance Auctioning Regulation" means Commission Regulation (EU) No. 1031/2010 of 12 November 2010 on the timing, administration and other aspects of auctioning of greenhouse gas emission allowances pursuant to Directive 2003/87/EC of the European Parliament and of the Council establishing a scheme for greenhouse gas emission allowances trading within the Community;**]**

" the Insurance Mediation Directive " means directive 2002/92/ EC of the European Parliament and of the Council of 9th December 2002 on insurance mediation;

F226 …

" the Markets in Financial Instruments Directive " means directive **[F227**2014/65/EU of the European Parliament and of the Council of 15 May 2014**]** on markets in financial instruments.

[F228"the Solvency 2 Directive" means Directive 2009/138/EC of the European Parliament and of the Council of 25 November 2009 on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II).**]**

(2) In this Part references to amounts in euros include references to equivalent amounts in another currency.

(3) Terms used in this Part and in the **[F229**Capital Requirements Regulation**][F230**, the Capital Requirements Directive**]** or the Markets in Financial Instruments Directive have the same meaning in this Part as **[F231**in that Regulation or**]** in those Directives.**]**

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F222 Words in Sch. 3A para. 3(1) omitted (1.1.2014) by virtue of The Capital Requirements Regulations 2013 (S.I. 2013/3115), reg. 1(2), **Sch. 2 para. 40(2)(d)(i)**

F223 Words in Sch. 3A para. 3(1) inserted (26.6.2017) by The Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 (S.I. 2017/692), reg. 1(2), **Sch. 7 para. 4(10)(a)** (with regs. 8, 15)

F224 Words in Sch. 3A para. 3(1) inserted (1.1.2014) by The Capital Requirements Regulations 2013 (S.I. 2013/3115), reg. 1(2), **Sch. 2 para. 40(2)(d)(ii)**

F225 Words in Sch. 3A para. 3(1) inserted (12.12.2011) by The Terrorism Act 2000 and Proceeds of Crime Act 2002 (Business in the Regulated Sector) Order 2011 (S.I. 2011/2701), arts. 1, **2(3)**

F226 Words in Sch. 3A para. 3(1) omitted (1.1.2016) by virtue of The Solvency 2 Regulations 2015 (S.I. 2015/575), reg. 1(2), **Sch. 1 para. 21(2)(b)(i)**

F227 Words in Sch. 3A para. 3(1) substituted (29.6.2017 for specified purposes) by virtue of The Financial Services and Markets Act 2000 (Markets in Financial Instruments) Regulations 2017 (S.I. 2017/701), reg. 1(2)(3)(4)(6), **Sch. 4 para. 6(3)** (with reg. 7)

F228 Words in Sch. 3A para. 3(1) inserted (1.1.2016) by The Solvency 2 Regulations 2015 (S.I. 2015/575), reg. 1(2), **Sch. 1 para. 21(2)(b)(ii)**

F229 Words in Sch. 3A para. 3(3) substituted (1.1.2014) by The Capital Requirements Regulations 2013 (S.I. 2013/3115), reg. 1(2), **Sch. 2 para. 40(2)(e)**

F230 Words in Sch. 3A para. 3(3) inserted (26.6.2017) by The Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 (S.I. 2017/692), reg. 1(2), **Sch. 7 para. 4(10)(b)(i)** (with regs. 8, 15)

F231 Words in Sch. 3A para. 3(3) inserted (26.6.2017) by The Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 (S.I. 2017/692), reg. 1(2), **Sch. 7 para. 4(10)(b)(ii)** (with regs. 8, 15)

[F232 PART 2

SUPERVISORY AUTHORITIES

Textual Amendments

F232 Sch. 3A Pts. 1 and 2 substituted (15.12.2007) by The Terrorism Act 2000 (Business in the Regulated Sector and Supervisory Authorities) Order 2007 (S.I. 2007/3288), **art. 2**

4 (1) The following bodies are supervisory authorities—

(a) the Commissioners for Her Majesty's Revenue and Customs;

F233(b) . . . . . .

[F234(c) the Financial Conduct Authority;]

(d) the Gambling Commission;

F235(e) . . . . . .

F236(ea) . . . . . .

F237(f) . . . . . and

(g) the professional bodies listed in sub-paragraph (2).

(2) The professional bodies referred to in sub-paragraph (1)(g) are—

(a) the Association of Accounting Technicians;

Status: *Point in time view as at 29/06/2017.*
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(b) the Association of Chartered Certified Accountants;
(c) the Association of International Accountants;
(d) the Association of Taxation Technicians;
[F238(da) the Chartered Institute of Legal Executives;]
(e) the Chartered Institute of Management Accountants;
F239(f) . . . . . .
(g) the Chartered Institute of Taxation;
(h) the Council for Licensed Conveyancers;
(i) the Faculty of Advocates;
(j) the Faculty Office of the Archbishop of Canterbury;
(k) the General Council of the Bar;
(l) the General Council of the Bar of Northern Ireland;
(m) the Insolvency Practitioners Association;
(n) the Institute of Certified Bookkeepers;
(o) the Institute of Chartered Accountants in England and Wales;
(p) the Institute of Chartered Accountants in Ireland;
(q) the Institute of Chartered Accountants of Scotland;
(r) the Institute of Financial Accountants;
(s) the International Association of Book-keepers;
(t) the Law Society;
(u) the Law Society for Northern Ireland; and
(v) the Law Society of Scotland.]

Textual Amendments

F233 Sch. 3A para. 4(1)(b) omitted (26.6.2017) by virtue of The Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 (S.I. 2017/692), reg. 1(2), **Sch. 7 para. 4(11)(a)** (with regs. 8, 15)

F234 Sch. 3A para. 4(1)(c) substituted (1.4.2013) by Financial Services Act 2012 (c. 21), s. 122(3), **Sch. 18 para. 87(2)(a)** (with Sch. 20); S.I. 2013/423, art. 3, Sch.

F235 Sch. 3A para. 4(1)(e) omitted (1.4.2014) by virtue of The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 148** (with art. 3)

F236 Sch. 3A para. 4(1)(ea) omitted (26.6.2017) by virtue of The Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 (S.I. 2017/692), reg. 1(2), **Sch. 7 para. 4(11)(a)** (with regs. 8, 15)

F237 Sch. 3A para. 4(1)(f) omitted (26.6.2017) by virtue of The Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 (S.I. 2017/692), reg. 1(2), **Sch. 7 para. 4(11)(a)** (with regs. 8, 15)

F238 Sch. 3A para. 4(2)(da) inserted (26.6.2017) by The Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 (S.I. 2017/692), reg. 1(2), **Sch. 7 para. 4(11)(b)(i)** (with regs. 8, 15)

F239 Sch. 3A para. 4(2)(f) omitted (26.6.2017) by virtue of The Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 (S.I. 2017/692), reg. 1(2), **Sch. 7 para. 4(11)(b)(ii)** (with regs. 8, 15)

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

PART 3

POWER TO AMEND

5 (1) The Treasury may by order amend Part 1 or 2 of this Schedule.

(2) An order under sub-paragraph (1) must be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.**]**

SCHEDULE 4

Section 23.

FORFEITURE ORDERS

PART I

ENGLAND AND WALES

Interpretation

1 In this Part of this Schedule—

"forfeiture order" means an order made by a court in England and Wales under section 23 **[**[F240]or 23A**]**, and

"forfeited property" means the money or other property to which a forfeiture order applies.

[[F241] " relevant offence " means—

(a) an offence under any of sections 15 to 18,

(b) an offence to which section 23A applies, or

(c) in relation to a restraint order, any offence specified in Schedule 2 to the Counter-Terrorism Act 2008 (offences where terrorist connection to be considered).**]**

Textual Amendments

F240 Sch. 4 para. 1: words in definition of "forfeiture order" inserted (18.6.2009) by Counter-Terrorism Act 2008 (c. 28), ss. 39, 100(5), **Sch. 3 para. 5(2)(a)** (with s. 101(2)); S.I. 2009/1256, **art. 2(c)**

F241 Sch. 4 para. 1: definition of "relevant offence" inserted (18.6.2009) by Counter-Terrorism Act 2008 (c. 28), ss. 39, 100(5), **Sch. 3 para. 5(2)(b)** (with s. 101(2)); S.I. 2009/1256, **art. 2(c)**

Implementation of forfeiture orders

2 (1) Where a court in England and Wales makes a forfeiture order it may make such other provision as appears to it to be necessary for giving effect to the order, and in particular it may—

(a) require any of the forfeited property to be paid or handed over to the proper officer or to a constable designated for the purpose by the chief officer of police of a police force specified in the order;

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(b) direct any of the forfeited property other than money or land to be sold or otherwise disposed of in such manner as the court may direct and the proceeds (if any) to be paid to the proper officer;

(c) appoint a receiver to take possession, subject to such conditions and exceptions as may be specified by the court, of any of the forfeited property, to realise it in such manner as the court may direct and to pay the proceeds to the proper officer;

(d) direct a specified part of any forfeited money, or of the proceeds of the sale, disposal or realisation of any forfeited property, to be paid by the proper officer to a specified person falling within **[**[F242]section 23B(1)**]**.

(2) A forfeiture order shall not come into force until there is no further possibility of it being varied, or set aside, on appeal (disregarding any power of a court to grant leave to appeal out of time).

(3) In sub-paragraph (1)(b) and (d) a reference to the proceeds of the sale, disposal or realisation of property is a reference to the proceeds after deduction of the costs of sale, disposal or realisation.

(4) Section 140 of the [M111]Magistrates' Courts Act 1980 (disposal of non-pecuniary forfeitures) shall not apply.

Textual Amendments

F242 Words in Sch. 4 para. 2(1)(d) substituted (18.6.2009) by Counter-Terrorism Act 2008 (c. 28), ss. 39, 100(5), **Sch. 3 para. 5(3)** (with s. 101(2)); S.I. 2009/1256, **art. 2(c)**

Modifications etc. (not altering text)

C40 Sch. 4 para. 2(1) extended (with modifications) (13.12.2001) by S.I. 2001/3927 art. 11(1)

Marginal Citations

M111 1980 c. 43.

3 (1) A receiver appointed under paragraph 2 shall be entitled to be paid his remuneration and expenses by the proper officer out of the proceeds of the property realised by the receiver and paid to the proper officer under paragraph 2(1)(c).

(2) If and so far as those proceeds are insufficient, the receiver shall be entitled to be paid his remuneration and expenses by the prosecutor.

(3) A receiver appointed under paragraph 2 shall not be liable to any person in respect of any loss or damage resulting from action—

(a) which he takes in relation to property which is not forfeited property, but which he reasonably believes to be forfeited property,

(b) which he would be entitled to take if the property were forfeited property, and

(c) which he reasonably believes that he is entitled to take because of his belief that the property is forfeited property.

(4) Sub-paragraph (3) does not apply in so far as the loss or damage is caused by the receiver's negligence.

Status: *Point in time view as at 29/06/2017.*
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Modifications etc. (not altering text)

C41 Sch. 4 para. 3 applied (13.12.2001) by S.I. 2001/3927, **art. 11(1)**

4 (1) In paragraphs 2 and 3 "the proper officer" means—

(a) where the forfeiture order is made by a magistrates' court, the **[**[F243]designated officer**]** for that court,

(b) where the forfeiture order is made by the Crown Court and the defendant was committed to the Crown Court by a magistrates' court, the **[**[F243]designated officer**]** for the magistrates' court, and

(c) where the forfeiture order is made by the Crown Court and the proceedings were instituted by a bill of indictment preferred by virtue of section 2(2)(b) of the [M112]Administration of Justice (Miscellaneous Provisions) Act 1933, the **[**[F243]designated officer**]** for the magistrates' court for the place where the trial took place.

(2) The proper officer shall issue a certificate in respect of a forfeiture order if an application is made by—

(a) the prosecutor in the proceedings in which the forfeiture order was made,

(b) the defendant in those proceedings, or

(c) a person whom the court heard under **[**[F244]section 23B(1)**]** before making the order.

(3) The certificate shall state the extent (if any) to which, at the date of the certificate, effect has been given to the forfeiture order.

Textual Amendments

F243 Words in Sch. 4 para. 4(1) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 108(1), **Sch. 8 para. 388(2)**; S.I. 2005/910, **art. 3**

F244 Words in Sch. 4 para. 4(2)(c) substituted (18.6.2009) by Counter-Terrorism Act 2008 (c. 28), ss. 39, 100(5), **Sch. 3 para. 5(4)** (with s. 101(2)); S.I. 2009/1256, **art. 2(c)**

Marginal Citations

M112 1933 c. 36.

[[F245]*Application of proceeds to compensate victims*

Textual Amendments

F245 Sch. 4 para. 4A and preceding cross-heading inserted (18.6.2009) by Counter-Terrorism Act 2008 (c. 28), **ss. 37(1)**, 100(5) (with s. 101(2)); S.I. 2009/1256, **art. 2(c)**

4A (1) Where a court makes a forfeiture order in a case where—

(a) the offender has been convicted of an offence that has resulted in a person suffering personal injury, loss or damage, or

(b) any such offence is taken into consideration by the court in determining sentence,

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the court may also order that an amount not exceeding a sum specified by the court is to be paid to that person out of the proceeds of the forfeiture.

(2) For this purpose the proceeds of the forfeiture means the aggregate amount of—

(a) any forfeited money, and

(b) the proceeds of the sale, disposal or realisation of any forfeited property, after deduction of the costs of the sale, disposal or realisation,

reduced by the amount of any payment under paragraph 2(1)(d) or 3(1).

(3) The court may make an order under this paragraph only if it is satisfied that but for the inadequacy of the offender's means it would have made a compensation order under section 130 of the Powers of Criminal Courts (Sentencing) Act 2000 under which the offender would have been required to pay compensation of an amount not less than the specified amount.**]**

Restraint orders

5 (1) The High Court may make a restraint order under this paragraph where—

(a) proceedings have been instituted in England and Wales for **[**[F246]a relevant offence**]**,

(b) the proceedings have not been concluded,

(c) an application for a restraint order is made to the High Court by the prosecutor, and

(d) a forfeiture order has been made, or it appears to the High Court that a forfeiture order may be made, in the proceedings for the offence.

[[F247](2) The High Court may also make a restraint order under this paragraph where—

(a) a criminal investigation has been started in England and Wales with regard to **[**[F246]a relevant offence**]**,

(b) an application for a restraint order is made to the High Court by the person who the High Court is satisfied will have the conduct of any proceedings for the offence, and

(c) it appears to the High Court that a forfeiture order may be made in any proceedings for the offence.**]**

(3) A restraint order prohibits a person to whom notice of it is given, subject to any conditions and exceptions specified in the order, from dealing with property in respect of which a forfeiture order has been or could be made in **[**[F248]any proceedings**]** referred to in sub-paragraph (1) or (2).

(4) An application for a restraint order may be made to a judge in chambers without notice.

(5) In this paragraph a reference to dealing with property includes a reference to removing the property from Great Britain.

[[F249](6) In this paragraph " criminal investigation " means an investigation which police officers or other persons have a duty to conduct with a view to it being ascertained whether a person should be charged with an offence. **]**

Textual Amendments

F246 Words in Sch. 4 para. 5(1)(a)(2)(a) substituted (18.6.2009) by Counter-Terrorism Act 2008 (c. 28), ss. 39, 100(5), **Sch. 3 para. 5(5)** (with s. 101(2)); S.I. 2009/1256, **art. 2(c)**

F247 Sch. 4 Pt. 1 para. 5(2) substituted (20.12.2001) by 2001 c. 24, s. 3, **Sch. 2 Pt. 2 para. 2(2)**; S.I. 2001/4019, **art. 2(1)(c)**

F248 Words in Sch. 4 Pt. 1 para. 5(3) substituted (20.12.2001) by 2001 c. 24, s. 3, **Sch. 2 Pt. 2 para. 2(3)**; S.I. 2001/4019, **art. 2(1)(c)**

F249 Sch. 4 Pt. 1 para. 5(6) inserted (20.12.2001) by 2001 c. 24, s. 3, **Sch. 2 Pt. 2 para 2(4)**; S.I. 2001/4019, **art. 2(1)(c)**

6 (1) A restraint order shall provide for notice of it to be given to any person affected by the order.

(2) A restraint order may be discharged or varied by the High Court on the application of a person affected by it.

[[F250](3) A restraint order made under paragraph 5(1) shall in particular be discharged on an application under sub-paragraph (2) if the proceedings for the offence have been concluded.

(4) A restraint order made under paragraph 5(2) shall in particular be discharged on an application under sub-paragraph (2)—

(a) if no proceedings in respect of **[**[F251]relevant offences**]** are instituted within such time as the High Court considers reasonable, and

(b) if all proceedings in respect of **[**[F251]relevant offences**]** have been concluded.**]**

Textual Amendments

F250 Sch. 4 para. 6(3)(4) substituted for Sch. 4 para. 6(3) (20.12.2001) by 2001 c. 24, s. 3, **Sch. 2 Pt. 2 para. 2(5)**; S.I. 2001/4019, **art. 2(1)(c)**

F251 Words in Sch. 4 para. 6(4)(a)(b) substituted (18.6.2009) by Counter-Terrorism Act 2008 (c. 28), ss. 39, 100(5), **Sch. 3 para. 5(5)** (with s. 101(2)); S.I. 2009/1256, **art. 2(c)**

7 (1) A constable may seize any property subject to a restraint order for the purpose of preventing it from being removed from Great Britain.

(2) Property seized under this paragraph shall be dealt with in accordance with the High Court's directions.

Modifications etc. (not altering text)

C42 Sch. 4 para. 7 applied (13.12.2001) by S.I. 2001/3927, **art. 12**

8 (1) The [M113]Land Charges Act 1972 and the **[**[F252]Land Registration Act 2002**]**—

(a) shall apply in relation to restraint orders as they apply in relation to orders affecting land made by the court for the purpose of enforcing judgments or recognizances, and **[**[F253], except that no notice may be entered in the register of title under the Land Registration Act 2002 in respect of such orders**]**

(b) shall apply in relation to applications for restraint orders as they apply in relation to other pending land actions.

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(2) [F254] . . . . . .

(3) [F254] . . . . . .

Textual Amendments

F252 Words in Sch. 4 para. 8(1) substituted (13.10.2003) by 2002 c. 9, s. 133, Sch. 11 para. 38(a) (with s. 129); S.I. 2003/1725, **art. 2**

F253 Words in Sch. 4 para. 8(1)(a) inserted (13.10.2003) by 2002 c. 9, s. 133, Sch. 11 para. 38(b) (with s. 129); S.I. 2003/1725, **art. 2**

F254 Sch. 4 para. 8(2)(3) repealed (13.10.2003) by 2002 c. 9, s. 135, Sch. 13 (with s. 129, Sch. 12 para. 1); S.I. 2003/1725, **art. 2**

Modifications etc. (not altering text)

C43 Sch. 4 para. 8 applied (13.12.2001) by S.I. 2001/3927, **art. 12**

Marginal Citations

M113 1972 c. 61.

9 (1) This paragraph applies where a restraint order is discharged under **[**[F255]paragraph 6(4)(a)**]**.

(2) This paragraph also applies where a forfeiture order or a restraint order is made in or in relation to proceedings for **[**[F256]a relevant offence**]** which—

(a) do not result in conviction for **[**[F257]a relevant offence**]**,

(b) result in conviction for **[**[F257]a relevant offence**]** in respect of which the person convicted is subsequently pardoned by Her Majesty, or

(c) result in conviction for **[**[F257]a relevant offence**]** which is subsequently quashed.

(3) A person who had an interest in any property which was subject to the order may apply to the High Court for compensation.

(4) The High Court may order compensation to be paid to the applicant if satisfied—

(a) that there was a serious default on the part of a person concerned in the investigation or prosecution of the offence,

(b) that the person in default was or was acting as a member of a police force, or was a member of the Crown Prosecution Service or was acting on behalf of the Service,

(c) that the applicant has suffered loss in consequence of anything done in relation to the property by or in pursuance of the forfeiture order or restraint order, and

(d) that, having regard to all the circumstances, it is appropriate to order compensation to be paid.

(5) The High Court shall not order compensation to be paid where it appears to it that proceedings for the offence would have been instituted even if the serious default had not occurred.

(6) Compensation payable under this paragraph shall be paid—

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(a) where the person in default was or was acting as a member of a police force, out of the police fund out of which the expenses of that police force are met, and

(b) where the person in default was a member of the Crown Prosecution Service, or was acting on behalf of the Service, by the Director of Public Prosecutions.

Textual Amendments

F255 Words in Sch. 4 Pt. 1 para. 9(1) substituted (20.12.2001) by 2001 c. 24, s. 3, **Sch. 2 Pt. 2 para. 2(7)**; S.I. 2001/4019, **art. 2(1)(c)**

F256 Words in Sch. 4 para. 9(2) substituted (18.6.2009) by Counter-Terrorism Act 2008 (c. 28), ss. 39, 100(5), **Sch. 3 para. 5(8)(a)** (with s. 101(2)); S.I. 2009/1256, **art. 2(c)**

F257 Words in Sch. 4 para. 9(2)(a)(b)(c) substituted (18.6.2009) by Counter-Terrorism Act 2008 (c. 28), ss. 39, 100(5), **Sch. 3 para. 5(8)(b)** (with s. 101(2)); S.I. 2009/1256, **art. 2(c)**

10 (1) This paragraph applies where—

(a) a forfeiture order or a restraint order is made in or in relation to proceedings for **[**[F258]a relevant offence**]**, and

(b) the proceedings result in a conviction which is subsequently quashed on an appeal under section 7(2) or (5).

(2) A person who had an interest in any property which was subject to the order may apply to the High Court for compensation.

(3) The High Court may order compensation to be paid to the applicant if satisfied—

(a) that the applicant has suffered loss in consequence of anything done in relation to the property by or in pursuance of the forfeiture order or restraint order, and

(b) that, having regard to all the circumstances, it is appropriate to order compensation to be paid.

(4) Compensation payable under this paragraph shall be paid by the Secretary of State.

Textual Amendments

F258 Words in Sch. 4 para. 10(1)(a) substituted (18.6.2009) by Counter-Terrorism Act 2008 (c. 28), ss. 39, 100(5), **Sch. 3 para. 5(9)** (with s. 101(2)); S.I. 2009/1256, **art. 2(c)**

F259 . . .

Textual Amendments

F259 Sch. 4 para. 9: preceding cross-heading omitted (18.6.2009) by virtue of Counter-Terrorism Act 2008 (c. 28), ss. 39, 100(5), **Sch. 3 para. 5(7)** (with s. 101(2)); S.I. 2009/1256, **art. 2(c)**

Proceedings for an offence: timing

11 (1) For the purposes of this Part of this Schedule proceedings for an offence are instituted—

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(a) when a justice of the peace issues a summons or warrant under section 1 of the [M114]Magistrates' Courts Act 1980 in respect of the offence;

(b) when a person is charged with the offence after being taken into custody without a warrant;

(c) when a bill of indictment charging a person with the offence is preferred by virtue of section 2(2)(b) of the [M115]Administration of Justice (Miscellaneous Provisions) Act 1933.

(2) Where the application of sub-paragraph (1) would result in there being more than one time for the institution of proceedings they shall be taken to be instituted at the earliest of those times.

(3) For the purposes of this Part of this Schedule proceedings are concluded—

(a) when a forfeiture order has been made in those proceedings and effect has been given to it in respect of all the forfeited property, or

(b) when no forfeiture order has been made in those proceedings and there is no further possibility of one being made as a result of an appeal (disregarding any power of a court to grant leave to appeal out of time).

Marginal Citations

M114 1980 c. 43.

M115 1933 c. 36.

[F260 Domestic and overseas freezing orders

Textual Amendments

F260 Sch. 4 paras. 11A-11G and cross-headings inserted (3.12.2014) by Crime (International Co-operation) Act 2003 (c. 32), s. 94(1), **Sch. 4 para. 3**; S.I. 2014/3192, art. 2(b)

11A (1) This paragraph has effect for the purposes of paragraphs 11B to 11G.

(2) The relevant Framework Decision means the Framework Decision on the execution in the European Union of orders freezing property or evidence adopted by the Council of the European Union on 22nd July 2003.

(3) A listed offence means—

(a) an offence described in Article 3(2) of the relevant Framework Decision, or

(b) a prescribed offence or an offence of a prescribed description.

(4) An order under sub-paragraph (3)(b) which, for the purposes of paragraph 11D, prescribes an offence or a description of offences may require that the conduct which constitutes the offence or offences would, if it occurred in a part of the United Kingdom, constitute an offence in that part.

(5) Specified information, in relation to a certificate under paragraph 11B or 11D, means—

(a) any information required to be given by the form of certificate annexed to the relevant Framework Decision, or

(b) any prescribed information.

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(6) In this paragraph, " prescribed " means prescribed by an order made by the Secretary of State.

(7) A participating country means—

(a) a country other than the United Kingdom which is a member State on a day appointed for the commencement of Schedule 4 to the Crime (International Co-operation) Act 2003, and

(b) any other member State designated by an order made by the Secretary of State.

(8) " Country " includes territory.

(9) Section 14(2)(a) applies for the purposes of determining what are the proceeds of the commission of an offence.

Domestic freezing orders: certification

11B (1) If any of the property to which an application for a restraint order relates is property in a participating country, the applicant may ask the High Court to make a certificate under this paragraph.

(2) The High Court may make a certificate under this paragraph if—

(a) it makes a restraint order in relation to property in the participating country, and

(b) it is satisfied that there is a good arguable case that the property is likely to be used for the purposes of a listed offence or is the proceeds of the commission of a listed offence.

(3) A certificate under this paragraph is a certificate which—

(a) is made for the purposes of the relevant Framework Decision, and

(b) gives the specified information.

(4) If the High Court makes a certificate under this paragraph—

(a) the restraint order must provide for notice of the certificate to be given to the person affected by it, and

(b) paragraph 6(2) to (4) applies to the certificate as it applies to the restraint order.

Sending domestic freezing orders

11C (1) If a certificate is made under paragraph 11B, the restraint order and the certificate are to be sent to the Secretary of State for forwarding to—

(a) a court exercising jurisdiction in the place where the property is situated, or

(b) any authority recognised by the government of the participating country as the appropriate authority for receiving orders of that kind.

(2) The restraint order and the certificate must be accompanied by a forfeiture order, unless the certificate indicates when the court expects a forfeiture order to be sent.

(3) The certificate must include a translation of it into an appropriate language of the participating country (if that language is not English).

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(4) The certificate must be signed by or on behalf of the court and must include a statement as to the accuracy of the information given in it.

The signature may be an electronic signature.

(5) If the restraint order and the certificate are not accompanied by a forfeiture order, but a forfeiture order is subsequently made, it is to be sent to the Secretary of State for forwarding as mentioned in sub-paragraph (1).

Overseas freezing orders

11D (1) Paragraph 11E applies where an overseas freezing order made by an appropriate court or authority in a participating country is received by the Secretary of State from the court or authority which made or confirmed the order.

(2) An overseas freezing order is an order prohibiting dealing with property—
- (a) which is in the United Kingdom,
- (b) which the appropriate court or authority considers is likely to be used for the purposes of a listed offence or is the proceeds of the commission of such an offence, and
- (c) in respect of which an order has been or may be made by a court exercising criminal jurisdiction in the participating country for the forfeiture of the property,

and in respect of which the following requirements of this paragraph are met.

(3) The action which the appropriate court or authority considered would constitute or, as the case may be, constituted the listed offence is action done as an act of terrorism or for the purposes of terrorism.

(4) The order must relate to—
- (a) criminal proceedings instituted in the participating country, or
- (b) a criminal investigation being carried on there.

(5) The order must be accompanied by a certificate which gives the specified information; but a certificate may be treated as giving any specified information which is not given in it if the Secretary of State has the information in question.

(6) The certificate must—
- (a) be signed by or on behalf of the court or authority which made or confirmed the order,
- (b) include a statement as to the accuracy of the information given in it,
- (c) if it is not in English, include a translation of it into English (or, if appropriate, Welsh).

The signature may be an electronic signature.

(7) The order must be accompanied by an order made by a court exercising criminal jurisdiction in that country for the forfeiture of the property, unless the certificate indicates when such an order is expected to be sent.

(8) An appropriate court or authority in a participating country in relation to an overseas freezing order is—
- (a) a court exercising criminal jurisdiction in the country,
- (b) a prosecuting authority in the country,

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Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(c) any other authority in the country which appears to the Secretary of State to have the function of making such orders.

(9) References in paragraphs 11E to 11G to an overseas freezing order include its accompanying certificate.

Enforcement of overseas freezing orders

11E (1) Where this paragraph applies the Secretary of State must send a copy of the overseas freezing order to the High Court and to the Director of Public Prosecutions.

(2) The court is to consider the overseas freezing order on its own initiative within a period prescribed by rules of court.

(3) Before giving effect to the overseas freezing order, the court must give the Director an opportunity to be heard.

(4) The court may decide not to give effect to the overseas freezing order only if, in its opinion, giving effect to it would be incompatible with any of the Convention rights (within the meaning of the Human Rights Act 1998).

11F The High Court may postpone giving effect to an overseas freezing order in respect of any property—

(a) in order to avoid prejudicing a criminal investigation which is taking place in the United Kingdom, or

(b) if, under an order made by a court in criminal proceedings in the United Kingdom, the property may not be dealt with.

11G (1) Where the High Court decides to give effect to an overseas freezing order, it must—

(a) register the order in that court,

(b) provide for notice of the registration to be given to any person affected by it.

(2) For the purpose of enforcing an overseas freezing order registered in the High Court, the order is to have effect as if it were an order made by that court.

(3) Paragraph 7 applies to an overseas freezing order registered in the High Court as it applies to a restraint order under paragraph 5.

(4) The High Court may cancel the registration of the order, or vary the property to which the order applies, on an application by the Director of Public Prosecutions or any other person affected by it, if or to the extent that—

(a) the court is of the opinion mentioned in paragraph 11E(4), or

(b) the court is of the opinion that the order has ceased to have effect in the participating country.

(5) Her Majesty may by Order in Council make further provision for the enforcement in England and Wales of registered overseas freezing orders.

(6) An Order in Council under this paragraph—

(a) may make different provision for different cases,

(b) is not to be made unless a draft of it has been laid before and approved by resolution of each House of Parliament.**]**

Status: *Point in time view as at 29/06/2017.*
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Enforcement of orders made elsewhere in the British Islands

12 In the following provisions of this Part of this Schedule—

"a Scottish order" means—

(a) an order made in Scotland under section 23 **[**[F261]or 23A**]**("a Scottish forfeiture order"),

(b) an order made under paragraph 18 ("a Scottish restraint order"), or

(c) an order made under any other provision of Part II of this Schedule in relation to a Scottish forfeiture or restraint order;

"a Northern Ireland order" means—

(a) an order made in Northern Ireland under section 23 **[**[F261]or 23A**]**("a Northern Ireland forfeiture order"),

(b) an order made under paragraph 33 ("a Northern Ireland restraint order"), or

(c) an order made under any other provision of Part III of this Schedule in relation to a Northern Ireland forfeiture or restraint order;

"an Islands order" means an order made in any of the Islands under a provision of the law of that Island corresponding to—

(a) section 23 **[**[F261]or 23A**]**("an Islands forfeiture order"),

(b) paragraph 5 ("an Islands restraint order"), or

(c) any other provision of this Part of this Schedule.

Textual Amendments

F261 Words in Sch. 4 para. 12 inserted (18.6.2009) by Counter-Terrorism Act 2008 (c. 28), ss. 39, 100(5), **Sch. 3 para. 5(10)** (with s. 101(2)); S.I. 2009/1256, **art. 2(c)**

13 (1) Subject to the provisions of this paragraph, a Scottish, Northern Ireland or Islands order shall have effect in the law of England and Wales.

(2) But such an order shall be enforced in England and Wales only in accordance with—

(a) the provisions of this paragraph, and

(b) any provision made by rules of court as to the manner in which, and the conditions subject to which, such orders are to be enforced there.

(3) On an application made to it in accordance with rules of court for registration of a Scottish, Northern Ireland or Islands order, the High Court shall direct that the order shall, in accordance with such rules, be registered in that court.

(4) Rules of court shall also make provision—

(a) for cancelling or varying the registration of a Scottish, Northern Ireland or Islands forfeiture order when effect has been given to it, whether in England and Wales or elsewhere, in respect of all or, as the case may be, part of the money or other property to which the order applies;

(b) for cancelling or varying the registration of a Scottish, Northern Ireland or Islands restraint order which has been discharged or varied by the court by which it was made.

(5) If a Scottish, Northern Ireland or Islands forfeiture order is registered under this paragraph the High Court shall have, in relation to that order, the same powers as a court has under paragraph 2(1) to give effect to a forfeiture order made by it and—

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(a) paragraph 3 shall apply accordingly,

(b) any functions of **[**[F262]the designated officer for a magistrates' court**]** shall be exercised by the appropriate officer of the High Court, and

(c) after making any payment required by virtue of paragraph 2(1)(d) or 3, the balance of any sums received by the appropriate officer of the High Court by virtue of an order made under this sub-paragraph shall be paid by him to the Secretary of State.

(6) If a Scottish, Northern Ireland or Islands restraint order is registered under this paragraph—

(a) paragraphs 7 and 8 shall apply as they apply to a restraint order under paragraph 5, and

(b) the High Court shall have power to make an order under section 33 of the [M116]**[**[F263]Senior Courts Act 1981**]**(extended power to order inspection of property, &c.) in relation to proceedings brought or likely to be brought for a Scottish, Northern Ireland or Islands restraint order as if those proceedings had been brought or were likely to be brought in the High Court.

(7) In addition, if a Scottish, Northern Ireland or Islands order is registered under this paragraph—

(a) the High Court shall have, in relation to its enforcement, the same power as if the order had originally been made in the High Court,

(b) proceedings for or with respect to its enforcement may be taken as if the order had originally been made in the High Court, and

(c) proceedings for or with respect to contravention of such an order, whether before or after such registration, may be taken as if the order had originally been made in the High Court.

(8) The High Court may also make such orders or do otherwise as seems to it appropriate for the purpose of—

(a) assisting the achievement in England and Wales of the purposes of a Scottish, Northern Ireland or Islands order, or

(b) assisting a receiver or other person directed by a Scottish, Northern Ireland or Islands order to sell or otherwise dispose of property.

(9) The following documents shall be received in evidence in England and Wales without further proof—

(a) a document purporting to be a copy of a Scottish, Northern Ireland or Islands order and to be certified as such by a proper officer of the court by which it was made, and

(b) a document purporting to be a certificate for purposes corresponding to those of paragraph 4(2) and (3) and to be certified by a proper officer of the court concerned.

Textual Amendments

F262 Words in Sch. 4 para. 13(5)(b) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 109(1), **Sch. 8 para. 388(3)**; S.I. 2005/910, **art. 3**

F263 Act: for the words "Supreme Court Act 1981" wherever they occur in any enactment there are substituted (1.10.2009) the words "Senior Courts Act 1981" by Constitutional Reform Act 2005 (c. 4), ss. 59, 148(1), **Sch. 11 para. 1(2)**; S.I. 2009/1604, **art. 2(d)**

Status: *Point in time view as at 29/06/2017.*
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Commencement Information

I5 Sch. 4 para. 13 wholly in force at 19.2.2001; Sch. 4 para. 13 not in force at Royal Assent see s. 128; Sch. 4 para. 13(2)(b)(3)(4) in force at 31.10.2000 by S.I. 2000/2944, **art. 2(h)(i)**; Sch. 4 in force at 19.2.2001 in so far as not already in force by S.I. 2001/421, **art. 2**

Marginal Citations

M116 1981 c. 54.

Enforcement of orders made in designated countries

14 (1) Her Majesty may by Order in Council make provision for the purpose of enabling the enforcement in England and Wales of external orders.

(2) An "external order" means an order **[**[F264] (other than an overseas freezing order within the meaning of paragraph 11D) **]**—

(a) which is made in a country or territory designated for the purposes of this paragraph by the Order in Council, and

(b) which makes relevant provision.

(3) "Relevant provision" means—

(a) provision for the forfeiture of terrorist property ("an external forfeiture order"), or

(b) provision prohibiting dealing with property which is subject to an external forfeiture order or in respect of which such an order could be made in proceedings which have been or are to be instituted in the designated country or territory ("an external restraint order").

(4) An Order in Council under this paragraph may, in particular, include provision—

(a) which, for the purpose of facilitating the enforcement of any external order that may be made, has effect at times before there is an external order to be enforced;

(b) for matters corresponding to those for which provision is made by, or can be made under, paragraph 13(1) to (8) in relation to the orders to which that paragraph applies;

(c) for the proof of any matter relevant for the purposes of anything falling to be done in pursuance of the Order in Council.

(5) An Order in Council under this paragraph may also make provision with respect to anything falling to be done on behalf of the United Kingdom in a designated country or territory in relation to proceedings in that country or territory for or in connection with the making of an external order.

(6) An Order in Council under this paragraph—

(a) may make different provision for different cases, and

(b) shall not be made unless a draft of it has been laid before and approved by resolution of each House of Parliament.

Textual Amendments

F264 Words in Sch. 4 para. 14(2) inserted (3.12.2014) by Crime (International Co-operation) Act 2003 (c. 32), s. 94(1), **Sch. 4 para. 4**; S.I. 2014/3192, art. 2(b)

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

PART II

SCOTLAND

Implementation of forfeiture orders

15 In this Part of this Schedule—

"forfeiture order" means an order made by a court in Scotland under section 23 **[**[F265]or 23A**]**, and

"forfeited property" means the money or other property to which a forfeiture order applies.

[[F266] " relevant offence " means—

(a) an offence under any of sections 15 to 18,

(b) an offence to which section 23A applies, or

(c) in relation to a restraint order, any offence specified in Schedule 2 to the Counter-Terrorism Act 2008 (offences where terrorist connection to be considered).**]**

Textual Amendments

F265 Sch. 4 para. 15: words in definition of "forfeiture order" inserted (18.6.2009) by Counter-Terrorism Act 2008 (c. 28), ss. 39, 100(5), **Sch. 3 para. 5(11)(a)** (with s. 101(2)); S.I. 2009/1256, **art. 2(c)**

F266 Sch. 4 para. 15: definition of "relevant offence" inserted (18.6.2009) by Counter-Terrorism Act 2008 (c. 28), ss. 39, 100(5), **Sch. 3 para. 5(11)(b)** (with s. 101(2)); S.I. 2009/1256, **art. 2(c)**

16 (1) Where a court in Scotland makes a forfeiture order it may make such other provision as appears to it to be necessary for giving effect to the order, and in particular it may—

(a) direct any of the forfeited property other than money or land to be sold or otherwise disposed of in such manner as the court may direct;

(b) appoint an administrator to take possession, subject to such conditions and exceptions as may be specified by the court, of any of the forfeited property and to realise it in such manner as the court may direct;

(c) direct a specified part of any forfeited money, or of the proceeds of the sale, disposal or realisation of any forfeited property, to be paid to a specified person falling within **[**[F267]section 23B(1)**]**.

(2) A forfeiture order shall not come into force so long as an appeal is pending against the order or against the conviction on which it was made; and for this purpose where an appeal is competent but has not been brought it shall be treated as pending until the expiry of a period of fourteen days from the date when the order was made.

(3) Any balance remaining after making any payment required under sub-paragraph (1)(c) or paragraph 17 shall be treated for the purposes of section 211(5) of the [M117]Criminal Procedure (Scotland) Act 1995 (fines payable to the Treasury) as if it were a fine imposed in the High Court of Justiciary.

(4) The clerk of court shall, on the application of—

(a) the prosecutor in the proceedings in which a forfeiture order is made,

(b) the accused in those proceedings, or

(c) a person whom the court heard under **[**[F267]section 23B(1)**]** before making the order,

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certify in writing the extent (if any) to which, at the date of the certificate, effect has been given to the order in respect of the money or other property to which it applies.

(5) In sub-paragraph (1) references to the proceeds of the sale, disposal or realisation of property are references to the proceeds after deduction of the costs of sale, disposal or realisation.

Textual Amendments

F267 Words in Sch. 4 para. 16(1)(c)(4)(c) substituted (18.6.2009) by Counter-Terrorism Act 2008 (c. 28), ss. 39, 100(5), **Sch. 3 para. 5(12)** (with s. 101(2)); S.I. 2009/1256, **art. 2(c)**

Modifications etc. (not altering text)

C44 Sch. 4 para. 16(1) extended (13.12.2001) by S.I. 2001/3927, **art. 18**

C45 Sch. 4 paras. 16(3)-(5) applied (13.12.2001) by S.I. 2001/3927, **art. 18**

Marginal Citations

M117 1995 c.46.

Administrators

17 (1) The Court of Session may by rules of court prescribe the powers and duties of an administrator appointed under paragraph 16.

(2) An administrator appointed under paragraph 16 shall be entitled to be paid his remuneration and expenses out of the proceeds of the property realised by him or, if and so far as those proceeds are insufficient, by the Lord Advocate.

(3) The accountant of court shall supervise an administrator appointed under paragraph 16 in the exercise of the powers conferred, and discharge of the duties imposed, on him under or by virtue of that paragraph.

(4) An administrator appointed under paragraph 16 shall not be liable to any person in respect of any loss or damage resulting from action—

(a) which he takes in relation to property which is not forfeited property, but which he reasonably believes to be forfeited property,

(b) which he would be entitled to take if the property were forfeited property, and

(c) which he takes reasonably believing that he is entitled to take because of his belief that the property is forfeited property.

(5) Sub-paragraph (4) does not apply in so far as the loss or damage is caused by the administrator's negligence.

Modifications etc. (not altering text)

C46 Sch. 4 para. 17 applied (13.12.2001) by S.I. 2001/3927, **art. 18**

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

[F268 Application of proceeds to compensate victims

Textual Amendments

F268 Sch. 4 para. 17A and preceding cross-heading inserted (18.6.2009) by Counter-Terrorism Act 2008 (c. 28), **ss. 37(2)**, 100(5) (with s. 101(2)); S.I. 2009/1256, **art. 2(c)**

17A (1) Where a court makes a forfeiture order in a case where—

(a) the offender has been convicted of an offence that has resulted in a person suffering personal injury, loss or damage, or

(b) any such offence is taken into consideration by the court in determining sentence,

the court may also order that an amount not exceeding a sum specified by the court is to be paid to that person out of the proceeds of the forfeiture.

(2) For this purpose the proceeds of the forfeiture means the aggregate amount of—

(a) any forfeited money, and

(b) the proceeds of the sale, disposal or realisation of any forfeited property, after deduction of the costs of the sale, disposal or realisation,

reduced by the amount of any payment under paragraph 16(1)(c) or 17(2).

(3) The court may make an order under this paragraph only if it is satisfied that but for the inadequacy of the offender's means it would have made a compensation order under section 249 of the Criminal Procedure (Scotland) Act 1995 under which the offender would have been required to pay compensation of an amount not less than the specified amount.**]**

Restraint orders

18 (1) The Court of Session, on an application made by the Lord Advocate, may make a restraint order under this paragraph where—

(a) proceedings have been instituted in Scotland for **[**F269a relevant offence**]**,

(b) the proceedings have not been concluded, and

(c) a forfeiture order has been made, or it appears to the court that a forfeiture order may be made, in the proceedings for the offence.

[F270(2) The Court of Session may also make a restraint order on such an application where—

(a) a criminal investigation has been instituted in Scotland with regard to **[**F269a relevant offence**]**, and

(b) it appears to the Court of Session that a forfeiture order may be made in any proceedings for the offence.**]**

(3) A restraint order prohibits a person to whom notice of it is given, subject to any conditions and exceptions specified in the order, from dealing with property in respect of which a forfeiture order has been or could be made in **[**F271any proceedings**]** referred to in sub-paragraph (1) or (2).

(4) An application for a restraint order may be made ex parte in chambers.

(5) For the purposes of this paragraph, dealing with property includes removing the property from Great Britain.

Status: *Point in time view as at 29/06/2017.*
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[[F272](6) In this paragraph " criminal investigation " means an investigation which police officers or other persons have a duty to conduct with a view to it being ascertained whether a person should be charged with an offence. **]**

Textual Amendments

F269 Words in Sch. 4 para. 18(1)(a) substituted (18.6.2009) by Counter-Terrorism Act 2008 (c. 28), ss. 39, 100(5), **Sch. 3 para. 5(13)** (with s. 101(2)); S.I. 2009/1256, **art. 2(c)**

F270 Sch. 4 Pt. 2 para. 18(2) substituted (20.12.2001) by 2001 c. 24, s. 3, **Sch. 2 Pt. 2 para. 3(2)**; S.I. 2001/4019, **art. 2(1)(c)**

F271 Words in Sch. 4 Pt. 2 para. 18(3) substituted (20.12.2001) by 2001 c. 24, s. 3, **Sch. 2 Pt. 2 para. 3(3)**; S.I. 2001/4019, **art. 2(1)(c)**

F272 Sch. 4 Pt. 2 para. 18(6) inserted (20.12.2001) by 2001 c. 24, s. 3, **Sch. 2 Pt. 2 para. 3(4)**; S.I. 2001/4019, **art. 2(1)(c)**

19 (1) A restraint order shall provide for notice of it to be given to any person affected by the order.

(2) A restraint order may be recalled or varied by the Court of Session on the application of any person affected by it.

[[F273](3) A restraint order made under paragraph 18(1) shall in particular be recalled on an application under sub-paragraph (2) if the proceedings for the offence have been concluded.

(3A) A restraint order made under paragraph 18(2) shall in particular be discharged on an application under sub-paragraph (2)—

(a) if no proceedings in respect of **[**[F274]relevant offences**]** are instituted within such time as the Court of Session considers reasonable, and

(b) if all proceedings in respect of **[**[F274]relevant offences**]** have been concluded.**]**

(4) When proceedings for the offence are concluded the Lord Advocate shall forthwith apply to the Court for recall of the order.

Textual Amendments

F273 Sch. 4 para. 19(3)(3A) substituted for Sch. 4 para. 19(3) (20.12.2001) by 2001 c. 24, s. 3, **Sch. 2 Pt. 2 para. 3(5)**; S.I. 2001/4019, **art. 2(1)(c)**

F274 Words in Sch. 4 para. 19(3A)(a)(b) substituted (18.6.2009) by Counter-Terrorism Act 2008 (c. 28), ss. 39, 100(5), **Sch. 3 para. 5(14)** (with s. 101(2)); S.I. 2009/1256, **art. 2(c)**

20 (1) A constable may seize any property subject to a restraint order for the purpose of preventing it from being removed from Great Britain.

(2) Property seized under this paragraph shall be dealt with in accordance with the Court's directions.

Modifications etc. (not altering text)

C47 Sch. 4 para. 20 applied (13.12.2001) by S.I. 2001/3927, **art. 19**

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Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

21 (1) On the application of the Lord Advocate, the Court of Session may, in respect of heritable property in Scotland affected by a restraint order (whether such property generally or particular such property) grant warrant for inhibition against any person interdicted by the order.

(2) Subject to this Part of this Schedule, a warrant under sub-paragraph (1)—

(a) shall have effect as if granted on the dependence of an action for debt at the instance of the Lord Advocate against the person and may be executed, recalled, loosed or restricted accordingly;

(b) shall have the effect of letters of inhibition and shall forthwith be registered by the Lord Advocate in the register of inhibitions and adjudications.

(3) Section 155 of the [M118]Titles to Land Consolidation (Scotland) Act 1868 (effective date of inhibition) shall apply in relation to an inhibition for which warrant has been granted under sub-paragraph (2)(a) as that section applies to an inhibition by separate letters or contained in a summons.

(4) The execution of an inhibition under sub-paragraph (2) in respect of property shall not prejudice the exercise of an administrator's powers under or for the purposes of this Part of this Schedule in respect of that property.

(5) No inhibition executed under sub-paragraph (2) shall have effect once, or in so far as, the restraint order affecting the property in respect of which the warrant for the inhibition has been granted has ceased to have effect in respect of that property, and the Lord Advocate shall—

(a) apply for the recall, or as the case may be restriction, of the inhibition or arrestment accordingly; and

(b) ensure that recall, or restriction, of an inhibition on such application is reflected in the register of inhibitions and adjudications.

Modifications etc. (not altering text)

C48 Sch. 4 para. 20 applied (13.12.2001) by S.I. 2001/3927, **art. 19**

Marginal Citations

M118 1868 c.101.

22 (1) On the application of the Lord Advocate, the court may, in respect of moveable property affected by a restraint order (whether such property generally or particular such property), grant warrant for arrestment if the property would be arrestable if the person entitled to it were a debtor.

(2) A warrant under sub-paragraph (1) shall have effect as if granted on the dependence of an action for debt at the instance of the Lord Advocate against the person and may be executed, recalled, loosed or restricted accordingly.

(3) The execution of an arrestment under sub-paragraph (2) in respect of property shall not prejudice the exercise of an administrator's powers under or for the purposes of this Part of this Schedule in respect of that property.

(4) No arrestment executed under sub-paragraph (2) shall have effect once, or in so far as, the restraint order affecting the property in respect of which the warrant for such arrestment has been granted has ceased to have effect in respect of that property; and

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

the Lord Advocate shall apply to the court for an order recalling, or as the case may be, restricting the arrestment accordingly.

23 (1) This paragraph applies where a restraint order is recalled under paragraph **[**[F275]19(3A)(a)**]**.

(2) This paragraph also applies where a forfeiture order or a restraint order is made in or in relation to proceedings for **[**[F276]a relevant offence**]** which—

(a) do not result in conviction for an **[**[F277]a relevant offence**]**,

(b) result in conviction for **[**[F277]a relevant offence**]** s in respect of which the person convicted is subsequently pardoned by Her Majesty, or

(c) result in conviction for **[**[F277]a relevant offence**]** which is subsequently quashed.

(3) A person who had an interest in any property which was subject to the order may apply to the Court of Session for compensation.

(4) The Court of Session may order compensation to be paid to the applicant if it is satisfied—

(a) that there was a serious default on the part of a person concerned in the investigation or prosecution of the offence,

(b) that the person in default was a constable of a police force or a constable acting with the powers of such a constable, or was a procurator fiscal or was acting on behalf of the Lord Advocate,

(c) that the applicant has suffered loss in consequence of anything done in relation to the property by or in pursuance of the forfeiture order or the restraint order, and

(d) having regard to all the circumstances, it is appropriate to order compensation to be paid.

(5) The Court of Session shall not order compensation to be paid where it appears to it that the proceedings for the offence would have been instituted even if the serious default had not occurred.

(6) Compensation payable under this paragraph shall be paid—

(a) where the person in default was a constable of a police force, **[**[F278]by the Scottish Police Authority**]** ;

(b) where the person in default was a constable other than is mentioned in paragraph (a) above, but with the powers of such a constable, by the body under whose authority he acts; and

(c) where the person in default was a procurator fiscal or was acting on behalf of the Lord Advocate, by the Lord Advocate.

(7) This paragraph is without prejudice to any right which may otherwise exist to institute proceedings in respect of delictual liability disclosed by such circumstances as are mentioned in paragraphs (a) to (c) of sub-paragraph (2).

Textual Amendments

F275 Word in Sch. 4 Pt. 2 para. 23(1) substituted (20.12.2001) by 2001 c. 24, s. 3, **Sch. 2 Pt. 2 para. 3(6)**; S.I. 2001/4019, **art. 2(1)(c)**

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

F276 Words in Sch. 4 para. 23(2) substituted (18.6.2009) by Counter-Terrorism Act 2008 (c. 28), ss. 39, 100(5), **Sch. 3 para. 5(16)(a)** (with s. 101(2)); S.I. 2009/1256, **art. 2(c)**

F277 Words in Sch. 4 para. 23(2)(a)(b)(c) substituted (18.6.2009) by Counter-Terrorism Act 2008 (c. 28), ss. 39, 100(5), **Sch. 3 para. 5(16)(b)** (with s. 101(2)); S.I. 2009/1256, **art. 2(c)**

F278 Words in Sch. 4 para. 23(6)(a) substituted (1.4.2013) by The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602), art. 1(2), **Sch. 2 para. 32(3)**

X2 24 (1) This paragraph applies where—

(a) a forfeiture order or a restraint order is made in or in relation to proceedings for **[**F279 a relevant offence**]**, and

(b) the proceedings result in a conviction which is subsequently quashed on an appeal under section 7(2) or (5) as applied by section 8(1).

(2) A person who had an interest in any property which was subject to the order may apply to the Court of Session for compensation.

(3) The Court of Session may order compensation to be paid to the applicant if satisfied—

(a) that the applicant has suffered loss in consequence of anything done in relation to the property by or in pursuance of the forfeiture order or restraint order, and

(b) that, having regard to all the circumstances, it is appropriate to order compensation to be paid.

(4) Compensation payable under this paragraph shall be paid by the Secretary of State.

Editorial Information

X2 The omission of the cross-heading "Compensation" on 18.6.2009 gives rise to a change in the structure of this legislation on SLD which breaks the continuity of historical versions of the existing provisions which are now brought under "Restraint Orders" cross-heading.

Textual Amendments

F279 Words in Sch. 4 para. 24(1)(a) substituted (18.6.2009) by Counter-Terrorism Act 2008 (c. 28), ss. 39, 100(5), **Sch. 3 para. 5(17)** (with s. 101(2)); S.I. 2009/1256, **art. 2(c)**

F280 . . .

Textual Amendments

F280 Sch. 4 para. 23: preceding cross-heading omitted (18.6.2009) by virtue of Counter-Terrorism Act 2008 (c. 28), ss. 39, 100(5), **Sch. 3 para. 5(15)** (with s. 101(2)); S.I. 2009/1256, **art. 2(c)**

Proceedings for an offence: timing

25 (1) For the purposes of this Part of this Schedule proceedings for an offence are instituted—

(a) when a person is arrested for the offence,

(b) when a warrant to arrest or cite a person is granted,

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Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(c) when an indictment or complaint is served on a person in respect of the offence.

(2) Where the application of sub-paragraph (1) would result in there being more than one time for the institution of proceedings they shall be taken to be instituted at the earliest of those times.

(3) For the purposes of this Part of this Schedule proceedings are concluded—

(a) when a forfeiture order has been made in those proceedings and effect has been given to it in respect of all the money or other property to which it applies, or

(b) when (disregarding any power of a court to extend the period within which an appeal may be made) there is no further possibility of a forfeiture order being made in the proceedings.

[F281 Domestic and overseas freezing orders

Textual Amendments

F281 Sch. 4 paras. 25A-25G and cross-headings inserted (3.12.2014) by Crime (International Co-operation) Act 2003 (c. 32), s. 94(1), **Sch. 4 para. 5**; S.I. 2014/3192, art. 2(b)

25A (1) This paragraph has effect for the purposes of paragraphs 25B to 25G.

(2) The relevant Framework Decision means the Framework Decision on the execution in the European Union of orders freezing property or evidence adopted by the Council of the European Union on 22nd July 2003.

(3) A listed offence means—

(a) an offence described in Article 3(2) of the relevant Framework Decision, or

(b) a prescribed offence or an offence of a prescribed description.

(4) An order under sub-paragraph (3)(b) which, for the purposes of paragraph 25D, prescribes an offence or a description of offences may require that the conduct which constitutes the offence or offences would, if it occurred in a part of the United Kingdom, constitute an offence in that part.

(5) Specified information, in relation to a certificate under paragraph 25B or 25D, means—

(a) any information required to be given by the form of certificate annexed to the relevant Framework Decision, or

(b) any prescribed information.

(6) In this paragraph, " prescribed " means prescribed by an order made by the Secretary of State.

(7) A participating country means—

(a) a country other than the United Kingdom which is a member State on a day appointed for the commencement of Schedule 4 to the Crime (International Co-operation) Act 2003, and

(b) any other member State designated by an order made by the Secretary of State.

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(8) " Country " includes territory.

(9) Section 14(2)(a) applies for the purposes of determining what are the proceeds of the commission of an offence.

Domestic freezing orders: certification

25B (1) If any of the property to which an application for a restraint order relates is property in a participating country, the applicant may ask the Court of Session to make a certificate under this paragraph.

(2) The Court of Session may make a certificate under this paragraph if—
- (a) it makes a restraint order in relation to property in the participating country, and
- (b) it is satisfied that there is a good arguable case that the property is likely to be used for the purposes of a listed offence or is the proceeds of the commission of a listed offence.

(3) A certificate under this paragraph is a certificate which—
- (a) is made for the purposes of the relevant Framework Decision, and
- (b) gives the specified information.

(4) If the Court of Session makes a certificate under this paragraph—
- (a) the restraint order must provide for notice of the certificate to be given to the person affected by it, and
- (b) paragraph 19(2) to (4) applies to the certificate as it applies to the restraint order.

Sending domestic freezing orders

25C (1) If a certificate is made under paragraph 25B, the restraint order and the certificate are to be sent to the Lord Advocate for forwarding to—
- (a) a court exercising jurisdiction in the place where the property is situated, or
- (b) any authority recognised by the government of the participating country as the appropriate authority for receiving orders of that kind.

(2) The restraint order and the certificate must be accompanied by a forfeiture order, unless the certificate indicates when the court expects a forfeiture order to be sent.

(3) The certificate must include a translation of it into an appropriate language of the participating country (if that language is not English).

(4) The certificate must be signed by or on behalf of the court and must include a statement as to the accuracy of the information given in it.

The signature may be an electronic signature.

(5) If the restraint order and the certificate are not accompanied by a forfeiture order, but a forfeiture order is subsequently made, it is to be sent to the Lord Advocate for forwarding as mentioned in sub-paragraph (1).

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Overseas freezing orders

25D (1) Paragraph 25E applies where an overseas freezing order made by an appropriate court or authority in a participating country is received by the Secretary of State from the court or authority which made or confirmed the order.

(2) An overseas freezing order is an order prohibiting dealing with property—
- (a) which is in the United Kingdom,
- (b) which the appropriate court or authority considers is likely to be used for the purposes of a listed offence or is the proceeds of the commission of such an offence, and
- (c) in respect of which an order has been or may be made by a court exercising criminal jurisdiction in the participating country for the forfeiture of the property,

and in respect of which the following requirements of this paragraph are met.

(3) The action which the appropriate court or authority considered would constitute or, as the case may be, constituted the listed offence is action done as an act of terrorism or for the purposes of terrorism.

(4) The order must relate to—
- (a) criminal proceedings instituted in the participating country, or
- (b) a criminal investigation being carried on there.

(5) The order must be accompanied by a certificate which gives the specified information; but a certificate may be treated as giving any specified information which is not given in it if the Secretary of State has the information in question.

(6) The certificate must—
- (a) be signed by or on behalf of the court or authority which made or confirmed the order,
- (b) include a statement as to the accuracy of the information given in it,
- (c) if it is not in English, include a translation of it into English.

The signature may be an electronic signature.

(7) The order must be accompanied by an order made by a court exercising criminal jurisdiction in that country for the forfeiture of the property, unless the certificate indicates when such an order is expected to be sent.

(8) An appropriate court or authority in a participating country in relation to an overseas freezing order is—
- (a) a court exercising criminal jurisdiction in the country,
- (b) a prosecuting authority in the country,
- (c) any other authority in the country which appears to the Secretary of State to have the function of making such orders.

(9) References in paragraphs 25E to 25G to an overseas freezing order include its accompanying certificate.

Enforcement of overseas freezing orders

25E (1) Where this paragraph applies the Secretary of State must send a copy of the overseas freezing order to the Court of Session and to the Lord Advocate.

Status: *Point in time view as at 29/06/2017.*
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(2) The court is to consider the overseas freezing order on its own initiative within a period prescribed by rules of court.

(3) Before giving effect to the overseas freezing order, the court must give the Lord Advocate an opportunity to be heard.

(4) The court may decide not to give effect to the overseas freezing order only if, in its opinion, giving effect to it would be incompatible with any of the Convention rights (within the meaning of the Human Rights Act 1998).

25F The Court of Session may postpone giving effect to an overseas freezing order in respect of any property—

(a) in order to avoid prejudicing a criminal investigation which is taking place in the United Kingdom, or

(b) if, under an order made by a court in criminal proceedings in the United Kingdom, the property may not be dealt with.

25G (1) Where the Court of Session decides to give effect to an overseas freezing order, the Deputy Principal Clerk of Session must—

(a) register the order in the Books of Council and Session,

(b) provide for notice of the registration to be given to any person affected by it.

(2) For the purpose of enforcing an overseas freezing order registered in the Books of Council and Session, the order is to have effect as if it were an order made by the Court of Session.

(3) Paragraphs 20 and 21 apply to an overseas freezing order registered in the Books of Council and Session as they apply to a restraint order under paragraph 18.

(4) The Court of Session may cancel the registration of the order, or vary the property to which the order applies, on an application by the Lord Advocate or any other person affected by it, if or to the extent that—

(a) the court is of the opinion mentioned in paragraph 25E(4), or

(b) the court is of the opinion that the order has ceased to have effect in the participating country.

(5) Her Majesty may by Order in Council make further provision for the enforcement in Scotland of registered overseas freezing orders.

(6) An Order in Council under this paragraph—

(a) may make different provision for different cases,

(b) is not to be made unless a draft of it has been laid before and approved by resolution of each House of Parliament.**]**

Enforcement of orders made elsewhere in the British Islands

26 In the following provisions of this Part of this Schedule—

"an England and Wales order" means—

(a) an order made in England and Wales under section 23 **[**[F282]or 23A**]** ("an England and Wales forfeiture order"),

(b) an order made under paragraph 5 ("an England and Wales restraint order"), or

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Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(c) an order made under any other provision of Part I of this Schedule in relation to an England and Wales forfeiture or restraint order;

"a Northern Ireland order" means—

(a) an order made in Northern Ireland under section 23 **[**[F282]or 23A**]** ("a Northern Ireland forfeiture order"),

(b) an order made under paragraph 33 ("a Northern Ireland restraint order"), or

(c) an order made under any other provision of Part III of this Schedule in relation to a Northern Ireland forfeiture or restraint order;

"an Islands order" means an order made in any of the Islands under a provision of the law of that Island corresponding to—

(a) section 23 **[**[F282]or 23A**]** ("an Islands forfeiture order"),

(b) paragraph 18 ("an Islands restraint order"), or

(c) any other provision of this Part of this Schedule.

Textual Amendments

F282 Words in Sch. 4 para. 26 inserted (18.6.2009) by Counter-Terrorism Act 2008 (c. 28), ss. 39, 100(5), **Sch. 3 para. 5(18)** (with s. 101(2)); S.I. 2009/1256, **art. 2(c)**

27 (1) Subject to the provisions of this paragraph, an England and Wales order, Northern Ireland order or Islands order shall have effect in the law of Scotland.

(2) But such an order shall be enforced in Scotland only in accordance with—

(a) the provisions of this paragraph, and

(b) any provision made by rules of court as to the manner in which, and the conditions subject to which, such orders are to be enforced there.

(3) On an application made to it in accordance with rules of court for registration of an England and Wales order, Northern Ireland order or Islands order, the Court of Session shall direct that the order shall, in accordance with such rules, be registered in that court.

(4) Rules of court shall also make provision—

(a) for cancelling or varying the registration of an England and Wales, Northern Ireland or Islands forfeiture order when effect has been given to it, whether in Scotland or elsewhere, in respect of all or, as the case may be, part of the money or other property to which the order applies,

(b) for cancelling or varying the registration of an England and Wales, Northern Ireland or Islands restraint order which has been discharged or varied by the court by which it was made.

(5) If an England and Wales, Northern Ireland or Islands forfeiture order is registered under this paragraph the Court of Session shall have, in relation to that order, the same powers as a court has under paragraph 16(1) above in relation to a forfeiture order made by it and paragraphs 16(3) to (5) and 17 apply accordingly.

(6) If an England and Wales, Northern Ireland or Islands forfeiture order is registered under this paragraph—

(a) paragraphs 20 and 21 above shall apply as they apply to a restraint order, and

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Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(b) the Court of Session shall have the like power to make an order under section 1 of the [M119]Administration of Justice (Scotland) Act 1972 (extended power to order inspection of documents, &c.) in relation to proceedings brought or likely to be brought for an England and Wales, Northern Ireland or Islands restraint order as if those proceedings had been brought or were likely to be brought in the Court of Session.

(7) In addition, if an England and Wales order, Northern Ireland order or Islands order is registered under this paragraph—

(a) the Court of Session shall have, in relation to its enforcement, the same power,

(b) proceedings for or with respect to its enforcement may be taken, and

(c) proceedings for or with respect to any contravention of such an order (whether before or after such registration) may be taken,

as if the order had originally been made in the Court of Session.

(8) The Court of Session may also make such orders or do otherwise as seems to it appropriate for the purpose of—

(a) assisting the achievement in Scotland of the purposes of an England and Wales order, Northern Ireland order or Islands order, or

(b) assisting any receiver or other person directed by any such order to sell or otherwise dispose of property.

(9) The following documents shall, in Scotland, be sufficient evidence of their contents—

(a) a document purporting to be a copy of an England and Wales order, Northern Ireland order or Islands order and to be certified as such by a proper officer of the court by which it was made, and

(b) a document purporting to be a certificate for purposes corresponding to those of paragraph 16(4) and to be certified by a proper officer of the court concerned.

(10) Nothing in any England and Wales order, Northern Ireland order or Islands order prejudices any enactment or rule of law in respect of the recording of deeds relating to heritable property in Scotland or the registration of interests in such property.

Commencement Information

I6 Sch. 4 wholly in force at 19.2.2001; Sch. 4 not in force at Royal Assent see s. 128; Sch. 4 para. 27(2)(b)(3)(4) in force at 31.10.2000 by S.I. 2000/2944, **art. 2(h)(ii)**; Sch. 4 in force at 19.2.2001 in so far as not already in force by S.I. 2001/421, **art. 2**

Marginal Citations

M119 1972 c.59.

Enforcement of orders made in designated countries

28 (1) Her Majesty may by Order in Council make provision for the purpose of enabling the enforcement in Scotland of external orders.

(2) An "external order" means an order **[**[F283](other than an overseas freezing order within the meaning of paragraph 25D)**]**—

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Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(a) which is made in a country or territory designated for the purposes of this paragraph by the Order in Council, and
(b) which makes relevant provision.

(3) "Relevant provision" means—
(a) provision for the forfeiture of terrorist property ("an external forfeiture order"); or
(b) provision prohibiting dealing with property which is subject to an external forfeiture order or in respect of which such an order could be made in proceedings which have been or are to be instituted in the designated country or territory ("an external restraint order").

(4) An Order in Council under this paragraph may, in particular, include provision—
(a) which, for the purpose of facilitating the enforcement of any external order that may be made, has effect at times before there is an external order to be enforced,
(b) for matters corresponding to those for which provision is made by, or can be made under, paragraph 27(1) to (8) in relation to the orders to which that paragraph applies, and
(c) for the proof of any matter relevant for the purposes of anything falling to be done in pursuance of the Order in Council.

(5) An Order in Council under this paragraph may also make provision with respect to anything falling to be done on behalf of the United Kingdom in a designated country or territory in relation to proceedings in that country or territory for or in connection with the making of an external order.

(6) An Order under this paragraph—
(a) may make different provision for different cases, and
(b) shall not be made unless a draft of it has been laid before and approved by resolution of each House of Parliament.

Textual Amendments

F283 Words in Sch. 4 para. 28(2) inserted (3.12.2014) by Crime (International Co-operation) Act 2003 (c. 32), s. 94(1), **Sch. 4 para. 6**; S.I. 2014/3192, art. 2(b)

PART III

NORTHERN IRELAND

Interpretation

29 In this Part of this Schedule—

"forfeiture order" means an order made by a court in Northern Ireland under section 23 **[**[F284]or 23A**]**, and

"forfeited property" means the money or other property to which a forfeiture order applies.

[[F285] " relevant offence " means—

(a) an offence under any of sections 15 to 18, or

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(b) an offence to which section 23A applies.**]**

Textual Amendments

F284 Sch. 4 para. 29: words in definition of "forfeiture order" inserted (18.6.2009) by Counter-Terrorism Act 2008 (c. 28), ss. 39, 100(5), **Sch. 3 para. 5(19)(a)** (with s. 101(2)); S.I. 2009/1256, **art. 2(c)**

F285 Sch. 4 para. 29: definition of "relevance offence" inserted (18.6.2009) by Counter-Terrorism Act 2008 (c. 28), ss. 39, 100(5), **Sch. 3 para. 5(19)(b)** (with s. 101(2)); S.I. 2009/1256, **art. 2(c)**

Implementation of forfeiture orders

30 (1) Where a court in Northern Ireland makes a forfeiture order it may make such other provision as appears to it to be necessary for giving effect to the order, and in particular it may—

(a) require any of the forfeited property to be paid or handed over to the proper officer or to a member of the Royal Ulster Constabulary designated for the purpose by the Chief Constable;

(b) direct any of the forfeited property other than money or land to be sold or otherwise disposed of in such manner as the court may direct and the proceeds (if any) to be paid to the proper officer;

(c) appoint a receiver to take possession, subject to such conditions and exceptions as may be specified by the court, of any of the forfeited property, to realise it in such manner as the court may direct and to pay the proceeds to the proper officer;

(d) direct a specified part of any forfeited money, or of the proceeds of the sale, disposal or realisation of any forfeited property, to be paid by the proper officer to a specified person falling within **[**[F286]section 23B(1)**]**.

(2) A forfeiture order shall not come into force until there is no further possibility of it being varied, or set aside, on appeal (disregarding any power of a court to grant leave to appeal out of time).

(3) In sub-paragraph (1)(b) and (d) a reference to the proceeds of the sale, disposal or realisation of property is a reference to the proceeds after deduction of the costs of sale, disposal or realisation.

(4) Article 58 of the [M120]Magistrates' Courts (Northern Ireland) Order 1981 (disposal of non-pecuniary forfeitures) shall not apply.

Textual Amendments

F286 Words in Sch. 4 para. 30(1)(d) substituted (18.6.2009) by Counter-Terrorism Act 2008 (c. 28), ss. 39, 100(5), **Sch. 3 para. 5(20)** (with s. 101(2)); S.I. 2009/1256, **art. 2(c)**

Modifications etc. (not altering text)

C49 Sch. 4 para. 30(1) extended (with modifications) (13.12.2001) by S.I. 2001/3927, **art. 25(1)**

Marginal Citations

M120 S.I. 1981/1675 (N.I. 26).

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

31 (1) A receiver appointed under paragraph 30 shall be entitled to be paid his remuneration and expenses by the proper officer out of the proceeds of the property realised by the receiver and paid to the proper officer under paragraph 30(1)(c).

(2) If and so far as those proceeds are insufficient, the receiver shall be entitled to be paid his remuneration and expenses by the prosecutor.

(3) A receiver appointed under paragraph 30 shall not be liable to any person in respect of any loss or damage resulting from action—

(a) which he takes in relation to property which is not forfeited property, but which he reasonably believes to be forfeited property,

(b) which he would be entitled to take if the property were forfeited property, and

(c) which he reasonably believes that he is entitled to take because of his belief that the property is forfeited property.

(4) Sub-paragraph (3) does not apply in so far as the loss or damage is caused by the receiver's negligence.

Modifications etc. (not altering text)

C50 Sch. 4 para. 31 applied (13.12.2001) by S.I. 2001/3927, **art. 25(1)**

32 (1) In paragraphs 30 and 31 "the proper officer" means—

(a) where the forfeiture order is made by a court of summary jurisdiction, the clerk of petty sessions, and

(b) where the forfeiture order is made by the Crown Court, the appropriate officer of the Crown Court.

(2) The proper officer shall issue a certificate in respect of a forfeiture order if an application is made by—

(a) the prosecutor in the proceedings in which the forfeiture order was made,

(b) the defendant in those proceedings, or

(c) a person whom the court heard under **[**[F287]section 23B(1)**]** before making the order.

(3) The certificate shall state the extent (if any) to which, at the date of the certificate, effect has been given to the forfeiture order.

(4) Any balance in the hands of the proper officer after making any payment required under paragraph 30(1)(d) or 31 shall be treated for the purposes of section 20 of the [M121]Administration of Justice (Northern Ireland) Act 1954 (application of fines, &c.) as if it were a fine.

Textual Amendments

F287 Words in Sch. 4 para. 32(2)(c) substituted (18.6.2009) by Counter-Terrorism Act 2008 (c. 28), ss. 39, 100(5), **Sch. 3 para. 5(21)** (with s. 101(2)); S.I. 2009/1256, **art. 2(c)**

Marginal Citations

M121 1954 c. 9 (N.I.).

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Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

[F288 Application of proceeds to compensate victims

Textual Amendments

F288 Sch. 4 para. 32A and preceding cross-heading inserted (18.6.2009) by Counter-Terrorism Act 2008 (c. 28), **ss. 37(3)**, 100(5) (with s. 101(2)); S.I. 2009/1256, **art. 2(c)**

32A (1) Where a court makes a forfeiture order in a case where—

(a) the offender has been convicted of an offence that has resulted in a person suffering personal injury, loss or damage, or

(b) any such offence is taken into consideration by the court in determining sentence,

the court may also order that an amount not exceeding a sum specified by the court is to be paid to that person out of the proceeds of the forfeiture.

(2) For this purpose the proceeds of the forfeiture means the aggregate amount of—

(a) any forfeited money, and

(b) the proceeds of the sale, disposal or realisation of any forfeited property, after deduction of the costs of the sale, disposal or realisation,

reduced by the amount of any payment under paragraph 30(1)(d) or 31(1).

(3) The court may make an order under this paragraph only if it is satisfied that but for the inadequacy of the offender's means it would have made a compensation order under Article 14 of the Criminal Justice (Northern Ireland) Order 1994 under which the offender would have been required to pay compensation of an amount not less than the specified amount.**]**

Restraint orders

33 (1) The High Court may make a restraint order under this paragraph where—

(a) proceedings have been instituted in Northern Ireland for **[**F289 a relevant offence**]**,

(b) the proceedings have not been concluded,

(c) an application for a restraint order is made to the High Court by the prosecutor, and

(d) a forfeiture order has been made, or it appears to the High Court that a forfeiture order may be made, in the proceedings for the offence.

[F290 (2) The High Court may also make a restraint order under this paragraph where—

(a) a criminal investigation has been started in Northern Ireland with regard to **[**F289 a relevant offence**]**,

(b) an application for a restraint order is made to the High Court by the person who the High Court is satisfied will have the conduct of any proceedings for the offence, and

(c) it appears to the High Court that a forfeiture order may be made in any proceedings for the offence.**]**

(3) A restraint order prohibits a person to whom notice of it is given, subject to any conditions and exceptions specified in the order, from dealing with property in respect of which a forfeiture order has been or could be made in **[**F291 any proceedings**]** referred to in sub-paragraph (1) or (2).

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(4) An application for a restraint order may be made to a judge in chambers without notice.

(5) For the purposes of this paragraph a reference to dealing with property includes a reference to removing the property from Northern Ireland.

[[F292](6) In this paragraph " criminal investigation " means an investigation which police officers or other persons have a duty to conduct with a view to it being ascertained whether a person should be charged with an offence. **]**

Textual Amendments

F289 Words in Sch. 4 para. 33(1)(a)(2)(a) substituted (18.6.2009) by Counter-Terrorism Act 2008 (c. 28), ss. 39, 100(5), **Sch. 3 para. 5(22)** (with s. 101(2)); S.I. 2009/1256, **art. 2(c)**

F290 Sch. 4 Pt. 3 para. 33(2) substituted (20.12.2001) by 2001 c. 24, s. 3, **Sch. 2 Pt. 2 para. 4(2)**; S.I. 2001/4019, **art. 2(1)(c)**

F291 Words in Sch. 4 Pt. 3 para. 33(3) substituted (20.12.2001) by 2001 c. 24, s. 3, **Sch. 2 Pt. 2 para. 4(3)**; S.I. 2001/4019, **art. 2(1)(c)**

F292 Sch. 4 Pt. 3 para. 33(6) inserted (20.12.2001) by 2001 c. 24, s. 3, **Sch. 2 Pt. 2 para. 4(4)**; S.I. 2001/4019, **art. 2(1)(c)**

34 (1) A restraint order shall provide for notice of it to be given to any person affected by the order.

(2) A restraint order may be discharged or varied by the High Court on the application of a person affected by it.

[[F293](3) A restraint order made under paragraph 33(1) shall in particular be discharged on an application under sub-paragraph (2) if the proceedings for the offence have been concluded.

(4) A restraint order made under paragraph 33(2) shall in particular be discharged on an application under sub-paragraph (2)—

(a) if no proceedings in respect of **[**[F294]relevant offences**]** are instituted within such time as the High Court considers reasonable, and

(b) if all proceedings in respect of **[**[F294]relevant offences**]** have been concluded.**]**

Textual Amendments

F293 Sch. 4 Pt. 3 para. 34(3)(4) inserted (20.12.2001) by 2001 c. 24, s. 3, **Sch. 2 Pt. 2 para. 4(5)**; S.I. 2001/4019, **art. 2(1)(c)**

F294 Words in Sch. 4 para. 34(4)(a)(b) substituted (18.6.2009) by Counter-Terrorism Act 2008 (c. 28), ss. 39, 100(5), **Sch. 3 para. 5(23)** (with s. 101(2)); S.I. 2009/1256, **art. 2(c)**

35 (1) A constable may seize any property subject to a restraint order for the purpose of preventing it from being removed from Northern Ireland.

(2) Property seized under this paragraph shall be dealt with in accordance with the High Court's directions.

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Modifications etc. (not altering text)

C51 Sch. 4 para. 35 applied (13.12.2001) by S.I. 2001/3927, **art. 26**

[[F295]36 (1) The power to make a restraint order under the provisions of paragraph 33 shall be exercisable by the Secretary of State in any case in which it appears to him that the information which it would be necessary to provide in support of an application to the High Court or a judge under those provisions would, if disclosed, be likely to place any person in danger or prejudice the capability of members of the Royal Ulster Constabulary to investigate an offence under any of sections 15 to 18.

(2) In their application by virtue of sub-paragraph (1) paragraphs 33 to 35 shall have effect with the necessary modifications and as if references to the High Court were references to the Secretary of State.

(3) An order made by the Secretary of State by virtue of this paragraph may be varied or discharged by the High Court under paragraph 34.]

Textual Amendments

F295 Sch. 4 para. 36 ceased to have effect (N.I.) (19.2.2003) by virtue of The Terrorism Act 2000 (Continuance of Part VII) Order 2003 (S.I. 2003/427), **art. 2(2)(b)**; and repealed (N.I.) (19.2.2006) by Terrorism (Northern Ireland) Act 2006 (c. 4), s. 5(2)(3), **Sch.**

37 (1) A person commits an offence if he contravenes a restraint order.

(2) It is a defence for a person charged with an offence under this paragraph to prove that he had a reasonable excuse for the contravention.

(3) A person guilty of an offence under this paragraph shall be liable—

(a) on conviction on indictment, to imprisonment for a term not exceeding 14 years, to a fine or to both, or

(b) on summary conviction, to imprisonment for a term not exceeding six months, to a fine not exceeding the statutory maximum, or to both.

(4) Nothing in this paragraph shall be taken to prejudice any power of the High Court to deal with the contravention of a restraint order as a contempt of court.

Modifications etc. (not altering text)

C52 Sch. 4 para. 37 modified (N.I.) (19.2.2006) by Terrorism (Northern Ireland) Act 2006 (c. 4), ss. {1(9)}, 5(3)

38 (1) The prosecutor shall be treated for the purposes of section 66 of the [M122]Land Registration Act (Northern Ireland) 1970 (cautions) as a person interested in respect of any registered land to which a restraint order or an application for such an order relates.

(2) On the application of the prosecutor, the Registrar of Titles shall, in respect of any registered land to which a restraint order or an application for such an order relates, make an entry inhibiting any dealing with the land without the consent of the High Court.

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(3) Subsections (2) and (4) of section 67 of the [M123]Land Registration Act (Northern Ireland) 1970 (inhibitions) shall apply to an entry made on the application of the prosecutor under sub-paragraph (2) as they apply to an entry made on the application of any person interested in the registered land under subsection (1) of that section.

(4) In this paragraph—

"registered land" has the meaning assigned to it by section 45(1)(a) of the [M124]Interpretation Act (Northern Ireland) 1954,

"Registrar of Titles" and "entry" have the same meanings as in the [M125]Land Registration Act (Northern Ireland) 1970, and

"prosecutor" in a case where a restraint order is made under paragraph 33(2) or an application for such an order is made, means the person who the High Court is satisfied has or will have the conduct of **[**[F296]any proceedings for **[**[F297]a relevant offence**]]**.

Textual Amendments

F296 Words in Sch. 4 para. 38(4) substituted (20.12.2001) by 2001 c. 24, s. 3, **Sch. 2 Pt. 2 para. 4(6)**; S.I. 2001/4019, **art. 2(1)(c)**

F297 Sch. 4 para. 38(4): words in definition of "prosecutor" substituted (18.6.2009) by Counter-Terrorism Act 2008 (c. 28), ss. 39, 100(5), **Sch. 3 para. 5(24)** (with s. 101(2)); S.I. 2009/1256, **art. 2(c)**

Modifications etc. (not altering text)

C53 Sch. 4 para. 38 applied (13.12.2001) by S.I. 2001/3927, **art. 26**

Marginal Citations

M122 1970 c. 18(N.I.).
M123 1970 c. 18(N.I.).
M124 1954 c. 33(N.I.).
M125 1970 c. 18(N.I.).

[X3]39 (1) This paragraph applies where a restraint order is discharged under **[**[F298]paragraph 34(4)(a)**]**.

(2) This paragraph also apples where a forfeiture order or a restraint order is made in or in relation to proceedings for **[**[F299]a relevant offence**]** which—

(a) do not result in conviction for **[**[F300]a relevant offence**]**,

(b) result in conviction for **[**[F300]a relevant offence**]** in respect of which the person convicted is subsequently pardoned by Her Majesty, or

(c) result in a conviction for **[**[F300]a relevant offence**]** which is subsequently quashed.

(3) A person who had an interest in any property which was subject to the order may apply to the High Court for compensation.

(4) The High Court may order compensation to be paid to the applicant if satisfied—

(a) that there was a serious default on the part of a person concerned in the investigation or prosecution of the offence,

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(b) that the person in default was or was acting as a member of the Royal Ulster Constabulary, or was a **[**[F301]member of staff of the Public Prosecution Service for Northern Ireland**]**,

(c) that the applicant has suffered loss in consequence of anything done in relation to the property by or in pursuance of the forfeiture order or restraint order, and

(d) that, having regard to all the circumstances, it is appropriate to order compensation to be paid.

(5) The High Court shall not order compensation to be paid where it appears to it that proceedings for the offence would have been instituted even if the serious default had not occurred.

(6) Compensation payable under this paragraph shall be paid—

(a) where the person in default was or was acting as a member of the Royal Ulster Constabulary, out of funds put at the disposal of the Chief Constable under section 10(5) of the [M126]Police (Northern Ireland) Act 1998, and

(b) where the person in default was a **[**[F302]member of staff of the Public Prosecution Service for Northern Ireland**]**, by the Director of Public Prosecutions for Northern Ireland.

Editorial Information

X3 The omission of the cross-heading "Compensation" on 18.6.2009 gives rise to a change in the structure of this legislation on SLD which breaks the continuity of historical versions of the existing provisions which are now brought under "Restraint Orders" cross-heading.

Textual Amendments

F298 Word in Sch. 4 Pt. 3 para. 39(1) substituted (20.12.2001) by 2001 c. 24, s. 3, **Sch. 2 Pt. 2 para. 4(7)**; S.I. 2001/4019, **art. 2(1)(c)**

F299 Words in Sch. 4 para. 39(2) substituted (18.6.2009) by Counter-Terrorism Act 2008 (c. 28), ss. 39, 100(5), **Sch. 3 para. 5(26)(a)** (with s. 101(2)); S.I. 2009/1256, **art. 2(c)**

F300 Words in Sch. 4 para. 39(2)(a)(b)(c) substituted (18.6.2009) by Counter-Terrorism Act 2008 (c. 28), ss. 39, 100(5), **Sch. 3 para. 5(26)(b)** (with s. 101(2)); S.I. 2009/1256, **art. 2(c)**

F301 Words in Sch. 4 para. 39(4)(b) substituted (13.6.2005) by 2002 c. 26, s. 85, Sch. 12 para. 80; S.R. 2005/281, **art. 2**, Sch. 1

F302 Words in Sch. 4 para. 39(6)(b) substituted (13.6.2005) by 2002 c. 26, s. 85, Sch. 12 para. 80; S.R. 2005/281, **art. 2**, Sch. 1

Marginal Citations

M126 1998 c. 32.

[X4]40 (1) This paragraph applies where—

(a) a forfeiture order or a restraint order is made in or in relation to proceedings for **[**[F303]a relevant offence**]**, and

(b) the proceedings result in a conviction which is subsequently quashed on an appeal under section 7(2) or (5), as applied by section 8(2).

(2) A person who had an interest in any property which was subject to the order may apply to the High Court for compensation.

(3) The High Court may order compensation to be paid to the applicant if satisfied—

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(a) that the applicant has suffered loss in consequence of anything done in relation to the property by or in pursuance of the forfeiture order or restraint order, and

(b) that, having regard to all the circumstances, it is appropriate to order compensation to be paid.

(4) Compensation payable under this paragraph shall be paid by the Secretary of State.

Editorial Information

X4 The omission of the cross-heading "Compensation" on 18.6.2009 gives rise to a change in the structure of this legislation on SLD which breaks the continuity of historical versions of the existing provisions which are now brought under "Restraint Orders" cross-heading.

Textual Amendments

F303 Words in Sch. 4 para. 40(1)(a) substituted (18.6.2009) by Counter-Terrorism Act 2008 (c. 28), ss. 39, 100(5), **Sch. 3 para. 5(27)** (with s. 101(2)); S.I. 2009/1256, **art. 2(c)**

F304 . . .

Textual Amendments

F304 Sch. 4 para. 39: preceding cross-heading omitted (18.6.2009) by virtue of Counter-Terrorism Act 2008 (c. 28), ss. 39, 100(5), **Sch. 3 para. 5(25)** (with s. 101(2)); S.I. 2009/1256, **art. 2(c)**

Proceedings for an offence: timing

41 (1) For the purposes of this Part of this Schedule proceedings for an offence are instituted—

(a) when a summons or warrant is issued under Article 20 of the [M127]Magistrates' Courts (Northern Ireland) Order 1981 in respect of the offence;

(b) when a person is charged with the offence after being taken into custody without a warrant;

(c) when an indictment charging a person with the offence is presented under section 2(2)(c), (e) or (f) of the [M128]Grand Jury (Abolition) Act (Northern Ireland) 1969.

(2) Where the application of sub-paragraph (1) would result in there being more than one time for the institution of proceedings they shall be taken to be instituted at the earliest of those times.

(3) For the purposes of this Part of this Schedule proceedings are concluded—

(a) when a forfeiture order has been made in those proceedings and effect has been given to it in respect of all the forfeited property, or

(b) when no forfeiture order has been made in those proceedings and there is no further possibility of one being made as a result of an appeal (disregarding any power of a court to grant leave to appeal out of time).

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Marginal Citations

M127 S.I. 1981/1675 (N.I. 26).

M128 1969 c. 15(N.I.).

[F305 Domestic and overseas freezing orders

Textual Amendments

F305 Sch. 4 paras. 41A-41G and cross-headings inserted (3.12.2014) by Crime (International Co-operation) Act 2003 (c. 32), s. 94(1), **Sch. 4 para. 7**; S.I. 2014/3192, art. 2(b)

41A (1) This paragraph has effect for the purposes of paragraphs 41B to 41G.

(2) The relevant Framework Decision means the Framework Decision on the execution in the European Union of orders freezing property or evidence adopted by the Council of the European Union on 22nd July 2003.

(3) A listed offence means—

(a) an offence described in Article 3(2) of the relevant Framework Decision, or

(b) a prescribed offence or an offence of a prescribed description.

(4) An order under sub-paragraph (3)(b) which, for the purposes of paragraph 41D, prescribes an offence or a description of offences may require that the conduct which constitutes the offence or offences would, if it occurred in a part of the United Kingdom, constitute an offence in that part.

(5) Specified information, in relation to a certificate under paragraph 41B or 41D, means—

(a) any information required to be given by the form of certificate annexed to the relevant Framework Decision, or

(b) any prescribed information.

(6) In this paragraph, " prescribed " means prescribed by an order made by the Secretary of State.

(7) A participating country means—

(a) a country other than the United Kingdom which is a member State on a day appointed for the commencement of Schedule 4 to the Crime (International Co-operation) Act 2003, and

(b) any other member State designated by an order made by the Secretary of State.

(8) " Country " includes territory.

(9) Section 14(2)(a) applies for the purposes of determining what are the proceeds of the commission of an offence.

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Domestic freezing orders: certification

41B (1) If any of the property to which an application for a restraint order relates is property in a participating country, the applicant may ask the High Court to make a certificate under this paragraph.

(2) The High Court may make a certificate under this paragraph if—
- (a) it makes a restraint order in relation to property in the participating country, and
- (b) it is satisfied that there is a good arguable case that the property is likely to be used for the purposes of a listed offence or is the proceeds of the commission of a listed offence.

(3) A certificate under this paragraph is a certificate which—
- (a) is made for the purposes of the relevant Framework Decision, and
- (b) gives the specified information.

(4) If the High Court makes a certificate under this paragraph—
- (a) the restraint order must provide for notice of the certificate to be given to the person affected by it, and
- (b) paragraph 34(2) to (4) applies to the certificate as it applies to the restraint order.

Sending domestic freezing orders

41C (1) If a certificate is made under paragraph 41B, the restraint order and the certificate are to be sent to the Secretary of State for forwarding to—
- (a) a court exercising jurisdiction in the place where the property is situated, or
- (b) any authority recognised by the government of the participating country as the appropriate authority for receiving orders of that kind.

(2) The restraint order and the certificate must be accompanied by a forfeiture order, unless the certificate indicates when the court expects a forfeiture order to be sent.

(3) The certificate must include a translation of it into an appropriate language of the participating country (if that language is not English).

(4) The certificate must be signed by or on behalf of the court and must include a statement as to the accuracy of the information given in it.

The signature may be an electronic signature.

(5) If the restraint order and the certificate are not accompanied by a forfeiture order, but a forfeiture order is subsequently made, it is to be sent to the Secretary of State for forwarding as mentioned in sub-paragraph (1).

Overseas freezing orders

41D (1) Paragraph 41E applies where an overseas freezing order made by an appropriate court or authority in a participating country is received by the Secretary of State from the court or authority which made or confirmed the order.

(2) An overseas freezing order is an order prohibiting dealing with property—
- (a) which is in the United Kingdom,

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(b) which the appropriate court or authority considers is likely to be used for the purposes of a listed offence or is the proceeds of the commission of such an offence, and

(c) in respect of which an order has been or may be made by a court exercising criminal jurisdiction in the participating country for the forfeiture of the property,

and in respect of which the following requirements of this paragraph are met.

(3) The action which the appropriate court or authority considered would constitute or, as the case may be, constituted the listed offence is action done as an act of terrorism or for the purposes of terrorism.

(4) The order must relate to—

(a) criminal proceedings instituted in the participating country, or

(b) a criminal investigation being carried on there.

(5) The order must be accompanied by a certificate which gives the specified information; but a certificate may be treated as giving any specified information which is not given in it if the Secretary of State has the information in question.

(6) The certificate must—

(a) be signed by or on behalf of the court or authority which made or confirmed the order,

(b) include a statement as to the accuracy of the information given in it,

(c) if it is not in English, include a translation of it into English.

The signature may be an electronic signature.

(7) The order must be accompanied by an order made by a court exercising criminal jurisdiction in that country for the forfeiture of the property, unless the certificate indicates when such an order is expected to be sent.

(8) An appropriate court or authority in a participating country in relation to an overseas freezing order is—

(a) a court exercising criminal jurisdiction in the country,

(b) a prosecuting authority in the country,

(c) any other authority in the country which appears to the Secretary of State to have the function of making such orders.

(9) References in paragraphs 41E to 41G to an overseas freezing order include its accompanying certificate.

Enforcement of overseas freezing orders

41E (1) Where this paragraph applies the Secretary of State must send a copy of the overseas freezing order to the High Court and to the Director of Public Prosecutions for Northern Ireland.

(2) The court is to consider the overseas freezing order on its own initiative within a period prescribed by rules of court.

(3) Before giving effect to the overseas freezing order, the court must give the Director an opportunity to be heard.

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(4) The court may decide not to give effect to the overseas freezing order only if, in its opinion, giving effect to it would be incompatible with any of the Convention rights (within the meaning of the Human Rights Act 1998).

41F The High Court may postpone giving effect to an overseas freezing order in respect of any property—

(a) in order to avoid prejudicing a criminal investigation which is taking place in the United Kingdom, or

(b) if, under an order made by a court in criminal proceedings in the United Kingdom, the property may not be dealt with.

41G (1) Where the High Court decides to give effect to an overseas freezing order, it must—

(a) register the order in that court,

(b) provide for notice of the registration to be given to any person affected by it.

(2) For the purpose of enforcing an overseas freezing order registered in the High Court, the order is to have effect as if it were an order made by that court.

(3) Paragraph 35 applies to an overseas freezing order registered in the High Court as it applies to a restraint order under paragraph 33.

(4) The High Court may cancel the registration of the order, or vary the property to which the order applies, on an application by the Director of Public Prosecutions for Northern Ireland or any other person affected by it, if or to the extent that—

(a) the court is of the opinion mentioned in paragraph 41E(4), or

(b) the court is of the opinion that the order has ceased to have effect in the participating country.

(5) Her Majesty may by Order in Council make further provision for the enforcement in Northern Ireland of registered overseas freezing orders.

(6) An Order in Council under this paragraph—

(a) may make different provision for different cases,

(b) is not to be made unless a draft of it has been laid before and approved by resolution of each House of Parliament.**]**

Enforcement of orders made elsewhere in the British Islands

42 In the following provisions of this Part of this Schedule—

"an England and Wales order" means—

(a) an order made in England and Wales under section 23 **[**[F306]or 23A**]** ("an England and Wales forfeiture order"),

(b) an order made under paragraph 5 ("an England and Wales restraint order"), or

(c) an order made under any other provision of Part I of this Schedule in relation to an England and Wales forfeiture or restraint order;

"a Scottish order" means—

(a) an order made in Scotland under section 23 **[**[F306]or 23A**]** ("a Scottish forfeiture order"),

(b) an order made under paragraph 18 ("a Scottish restraint order"), or

(c) an order made under any other provision of Part II of this Schedule in relation to a Scottish forfeiture or restraint order;

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

"an Islands order" means an order made in any of the Islands under a provision of the law of that Island corresponding to—

(a) section 23 **[**[F306]or 23A**]** ("an Islands forfeiture order"),

(b) paragraph 33 ("an Islands restraint order"), or

(c) any other provision of this Part of this Schedule.

Textual Amendments

F306 Words in Sch. 4 para. 42 inserted (18.6.2009) by Counter-Terrorism Act 2008 (c. 28), ss. 39, 100(5), **Sch. 3 para. 5(28)** (with s. 101(2)); S.I. 2009/1256, **art. 2(c)**

43 (1) Subject to the provisions of this paragraph, an England and Wales, Scottish or Islands order shall have effect in the law of Northern Ireland.

(2) But such an order shall be enforced in Northern Ireland only in accordance with—

(a) the provisions of this paragraph, and

(b) any provision made by rules of court as to the manner in which, and the conditions subject to which, such orders are to be enforced there.

(3) On an application made to it in accordance with rules of court for registration of an England and Wales, Scottish or Islands order, the High Court shall direct that the order shall, in accordance with such rules, be registered in that court.

(4) Rules of court shall also make provision—

(a) for cancelling or varying the registration of an England and Wales, Scottish or Islands forfeiture order when effect has been given to it, whether in Northern Ireland or elsewhere, in respect of all or, as the case may be, part of the money or other property to which the order applies;

(b) for cancelling or varying the registration of an England and Wales, Scottish or Islands restraint order which has been discharged or varied by the court by which it was made.

(5) If an England and Wales, Scottish or Islands forfeiture order is registered under this paragraph the High Court shall have, in relation to that order, the same powers as a court has under paragraph 30(1) to give effect to a forfeiture order made by it and—

(a) paragraph 31 shall apply accordingly,

(b) any functions of the clerk of petty sessions or the appropriate officer of the Crown Court shall be exercised by the appropriate officer of the High Court, and

(c) after making any payment required by virtue of paragraph 30(1)(d) or 31, the balance of any sums received by the appropriate officer of the High Court by virtue of an order made under this sub-paragraph shall be paid into the Consolidated Fund.

(6) If an England and Wales, Scottish or Islands restraint order is registered under this paragraph—

(a) paragraphs 35 and 38 shall apply as they apply to a restraint order under paragraph 33, and

(b) the High Court shall have the like power to make an order under section 21 of the [M129]Administration of Justice Act 1969 (extended power to order inspection of property, &c.) in relation to proceedings brought or likely to be brought for an England and Wales, Scottish or Islands restraint order as

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if those proceedings had been brought or were likely to be brought in the High Court.

(7) In addition, if an England and Wales, Scottish or Islands order is registered under this paragraph—

(a) the High Court shall have, in relation to its enforcement, the same power as if the order had originally been made in the High Court,

(b) proceedings for or with respect to its enforcement may be taken as if the order had originally been made in the High Court, and

(c) proceedings for or with respect to any contravention of such an order, whether before or after such registration, may be taken as if the order had originally been made in the High Court.

(8) The High Court may also make such orders or do otherwise as seems to it appropriate for the purpose of—

(a) assisting the achievement in Northern Ireland of the purposes of an England and Wales, Scottish or Islands order, or

(b) assisting any receiver or other person directed by any such order to sell or otherwise dispose of property.

(9) The following documents shall be received in evidence in Northern Ireland without further proof—

(a) a document purporting to be a copy of an England and Wales, Scottish or Islands order and to be certified as such by a proper officer of the court by which it was made, and

(b) a document purporting to be a certificate for purposes corresponding to those of paragraph 32(2) and (3) and to be certified by a proper officer of the court concerned.

Commencement Information

I7 Sch. 4 wholly in force at 19.2.2001; Sch. 4 not in force at Royal Assent see s. 128; Sch. 4 para. 43(2)(b)(3)(4) in force at 31.10.2000 by S.I. 2000/2944, **art. 2(h)(iii)**; Sch. 4 para. 43 in force at 19.2.2001 in so far as not already in force by S.I. 2001/421, **art. 2**

Marginal Citations

M129 1969 c. 58.

Enforcement of orders made in designated countries

44 (1) Her Majesty may by Order in Council make provision for the purpose of enabling the enforcement in Northern Ireland of external orders.

(2) An "external order" means an order **[**[F307](other than an overseas freezing order within the meaning of paragraph 41D) **]** —

(a) which is made in a country or territory designated for the purposes of this paragraph by the Order in Council, and

(b) which makes relevant provision.

(3) "Relevant provision" means—

(a) provision for the forfeiture of terrorist property ("an external forfeiture order"), or

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(b) provision prohibiting dealing with property which is subject to an external forfeiture order or in respect of which such an order could be made in proceedings which have been or are to be instituted in the designated country or territory ("an external restraint order").

(4) An Order in Council under this paragraph may, in particular, include provision—

(a) which, for the purpose of facilitating the enforcement of any external order that may be made, has effect at times before there is an external order to be enforced;

(b) for matters corresponding to those for which provision is made by, or can be made under, paragraph 43(1) to (8) in relation to the orders to which that paragraph applies;

(c) for the proof of any matter relevant for the purposes of anything falling to be done in pursuance of the Order in Council.

(5) An Order in Council under this paragraph may also make provision with respect to anything falling to be done on behalf of the United Kingdom in a designated country or territory in relation to proceedings in that country or territory for or in connection with the making of an external order.

(6) An Order in Council under this paragraph—

(a) may make different provision for different cases, and

(b) shall not be made unless a draft of it has been laid before and approved by resolution of each House of Parliament.

Textual Amendments

F307 Words in Sch. 4 para. 44(2) inserted (3.12.2014) by Crime (International Co-operation) Act 2003 (c. 32), s. 94(1), **Sch. 4 para. 8**; S.I. 2014/3192, art. 2(b)

PART IV

INSOLVENCY: UNITED KINGDOM PROVISIONS

General

45 In this Part of this Schedule—

"ancillary order" means an order made in connection with a forfeiture, other than the forfeiture order,

"forfeiture order" means—

(a) an order made in England and Wales, Scotland or Northern Ireland under section 23 **[**[F308]or 23A**]**,

(b) an Islands forfeiture order within the meaning given in paragraph 12, 26 or 42, or

(c) an external forfeiture order which is enforceable in England and Wales, Scotland or Northern Ireland by virtue of an Order in Council made under paragraph 14, 28 or 44,

"forfeited property" means the money or other property to which a forfeiture order applies, and

"restraint order" means—

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(a) an order made under paragraph 5, 18 or 33,

(b) an Islands restraint order within the meaning given in paragraph 12, 26 or 42, or

(c) an external restraint order which is enforceable in England and Wales, Scotland or Northern Ireland by virtue of an Order in Council made under paragraph 14, 28 or 44 **[**[F309]or an order which is enforceable in England and Wales, Scotland or Northern Ireland by virtue of paragraph 11G, 25G or 41G **]** .

Textual Amendments

F308 Words in Sch. 4 para. 45 inserted (18.6.2009) by Counter-Terrorism Act 2008 (c. 28), ss. 39, 100(5), **Sch. 3 para. 5(29)** (with s. 101(2)); S.I. 2009/1256, **art. 2(c)**

F309 Words in Sch. 4 para. 45 inserted (3.12.2014) by Crime (International Co-operation) Act 2003 (c. 32), s. 94(1), **Sch. 4 para. 9**; S.I. 2014/3192, art. 2(b)

Protection of creditors against forfeiture

46 (1) During the period of six months beginning with the making of a forfeiture order, the following shall not be finally disposed of under this Schedule—

(a) the money to which the order applies, and

(b) the money which represents any property to which the order applies.

(2) For the purposes of this paragraph money is finally disposed of under this Schedule when—

(a) in England and Wales, it is paid to the Lord Chancellor in accordance with **[**[F310]section 38 of the Courts Act 2003 (application of receipts of designated officers)**]** or to the Secretary of State in accordance with paragraph 13(5)(c),

(b) in Scotland, it is paid to the Treasury in accordance with section 211(5) of the [M130]Criminal Procedure (Scotland) Act 1995 (as modified by paragraph 16(3)), or

(c) in Northern Ireland, it is paid into the Consolidated Fund in accordance with paragraph 32(4) or 43(5)(c).

Textual Amendments

F310 Words in Sch. 4 para. 46(2)(a) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 109(1), **Sch. 8 para. 388(4)**; S.I. 2005/910, **art. 3**

Marginal Citations

M130 1995 c. 46.

47 (1) This paragraph applies where—

(a) before or after a forfeiture order is made, the commencement of an insolvency occurs in qualifying insolvency proceedings,

(b) an insolvency practitioner would, but for the forfeiture order, exercise a function in those proceedings in relation to property to which the forfeiture order applies, and

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(c) he gives written notice to the relevant officer of the matters referred to in paragraphs (a) and (b) before the end of the period of six months beginning with the making of the forfeiture order.

(2) Sub-paragraph (3) shall apply to—

(a) the property in relation to which the insolvency practitioner would, but for the forfeiture order, exercise a function as described in sub-paragraph (1)(b), and

(b) the proceeds of sale of that property.

(3) The property—

(a) shall cease to be subject to the forfeiture order and any ancillary order, and

(b) shall be dealt with in the insolvency proceedings as if the forfeiture order had never been made.

(4) But—

(a) the property to which sub-paragraph (3) applies is the balance remaining after the relevant officer has exercised his powers under paragraph 50(1), and

(b) sub-paragraph (3) shall not take effect in respect of property in relation to which the relevant officer, or any person acting in pursuance of an ancillary order, has incurred obligations until those obligations have been discharged.

(5) In this paragraph "the commencement of an insolvency" means—

(a) the making of a bankruptcy order,

(b) the award of sequestration,

(c) in England and Wales or in Northern Ireland, in the case of the insolvent estate of a deceased person, the making of an insolvency administration order, or

(d) in the case of a company, the passing of a resolution for its winding up, or where no such resolution has been passed, the making of an order by the court for the winding up of the company.

48 (1) Where by virtue of paragraph 47(3) property falls to be dealt with in insolvency proceedings, the Secretary of State shall be taken to be a creditor in those proceedings to the amount or value of the property.

(2) Except in a sequestration, his debt—

(a) shall rank after the debts of all other creditors, and

(b) shall not be paid until they have been paid in full with interest under the relevant provision.

(3) In sub-paragraph (2)(b) the "relevant provision" means—

(a) in relation to the winding up of a company in England and Wales or Scotland, section 189(2) of the [M131]Insolvency Act 1986,

(b) in relation to a bankruptcy in England and Wales, section 328(4) of that Act,

(c) in relation to the winding up of a company in Northern Ireland, Article 160(2) of the [M132]Insolvency (Northern Ireland) Order 1989, and

(d) in relation to a bankruptcy in Northern Ireland, Article 300(4) of that Order.

(4) In a sequestration, his debt shall rank after all of the debts mentioned in section **[**[F311]129(1) of the Bankruptcy (Scotland) Act 2016**]** and shall not be paid until they have been paid in full.

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(5) Sub-paragraphs (2) to (4) apply notwithstanding any provision contained in or made under any other enactment.

Textual Amendments

F311 Words in Sch. 4 para. 48(4) substituted (30.11.2016) by The Bankruptcy (Scotland) Act 2016 (Consequential Provisions and Modifications) Order 2016 (S.I. 2016/1034), art. 1, **Sch. 1 para. 21(2)**

Marginal Citations

M131 1986 c. 45.

M132 S.I. 1989/2405 (N.I. 19).

49 (1) This paragraph applies to property which ceased to be subject to a forfeiture order by virtue of paragraph 47(3) in consequence of the making of a bankruptcy order or an award of sequestration.

(2) The property shall again become subject to the forfeiture order and, if applicable, any ancillary order if—

(a) the bankruptcy order is annulled, or

(b) the award of sequestration is recalled or reduced.

(3) Where the property is money or has been converted into money—

(a) the relevant court shall make an order specifying property comprised in the estate of the bankrupt or debtor to the amount or value of the property, and

(b) the specified property shall become subject to the forfeiture order, and any applicable ancillary order, in place of the property.

(4) In sub-paragraph (3) the "relevant court" means—

(a) the court which ordered the annulment of the bankruptcy, or

(b) the court which recalled or reduced the award of sequestration.

Expenses incurred in connection with forfeiture

50 (1) Where money or other property falls to be dealt with in accordance with paragraph 47(3), the relevant officer may—

(a) deduct allowable forfeiture expenses from that money;

(b) retain so much of that property as he considers necessary for the purpose of realising it and deducting allowable forfeiture expenses from the proceeds of realisation.

(2) Where property is delivered up in pursuance of paragraph 47(3) and the relevant officer has not made provision under sub-paragraph (1) for all the allowable forfeiture expenses then—

(a) a person who has incurred allowable forfeiture expenses for which provision has not been made shall have a claim to their value in the insolvency proceedings, and

(b) the expenses in question shall be treated for the purposes of the insolvency proceedings as if they were expenses of those proceedings.

(3) In this paragraph "allowable forfeiture expenses"—

(a) means expenses incurred in relation to the forfeited property by the relevant officer,

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(b) means expenses incurred in relation to the forfeited property by a receiver, administrator or other person appointed by the relevant officer,

(c) means expenses incurred in relation to the forfeited property by any person appointed or directed to deal with any property under paragraph 16, and

(d) includes sums paid or required to be paid under paragraph 2(1)(d), 16(1)(c) or 30(1)(d).

Protection of insolvency practitioners

51 (1) This paragraph applies where an insolvency practitioner seizes or disposes of property which is subject to a forfeiture order or a restraint order and—

(a) he reasonably believes that he is entitled to do so in the exercise of his functions, and

(b) he would be so entitled if the property were not subject to a forfeiture order or a restraint order.

(2) The insolvency practitioner shall not be liable to any person in respect of any loss or damage resulting from the seizure or disposal except in so far as the loss or damage is caused by his negligence.

(3) The insolvency practitioner shall have a lien on the property seized or the proceeds of its sale—

(a) for such of his expenses as were incurred in connection with the insolvency proceedings in relation to which the seizure or disposal purported to take place, and

(b) for so much of his remuneration as may be reasonably assigned for his acting in connection with those proceedings.

(4) Sub-paragraphs (1) to (3) are without prejudice to the generality of any provision contained in the [M133]Insolvency Act 1986 or the Bankruptcy (Scotland) Act **[**[F312]2016**]** or any other Act or the [M134]Insolvency (Northern Ireland) Order 1989.

(5) In this paragraph "insolvency practitioner", in any part of the United Kingdom, means a person acting as an insolvency practitioner in that or any other part of the United Kingdom.

(6) For the purpose of sub-paragraph (5) any question whether a person is acting as an insolvency practitioner in England and Wales or in Scotland shall be determined in accordance with section 388 of the [M135]Insolvency Act 1986, except that—

(a) the reference in section 388(2)(a) to a permanent or interim trustee in the sequestration of a debtor's estate shall be taken to include a reference to a trustee in sequestration,

(b) section 388(5) shall be disregarded, and

(c) the expression shall also include the Official Receiver acting as receiver or manager of property.

(7) For the purpose of sub-paragraph (5) any question whether a person is acting as an insolvency practitioner in Northern Ireland shall be determined in accordance with Article 3 of the [M136]Insolvency (Northern Ireland) Order 1989, except that—

(a) Article 3(5) shall be disregarded, and

(b) the expression shall also include the Official Receiver acting as receiver or manager of property.

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F312 Word in Sch. 4 para. 51(4) substituted (30.11.2016) by The Bankruptcy (Scotland) Act 2016 (Consequential Provisions and Modifications) Order 2016 (S.I. 2016/1034), art. 1, **Sch. 1 para. 21(3)**

Marginal Citations

M133 1986 c. 45.
M134 S.I. 1989/2405 (N.I. 19).
M135 1986 c. 45.
M136 S.I. 1989/2405 (N.I. 19).

Insolvency practitioners in the Islands and designated countries

52 (1) An order may be made under this paragraph to secure that an Islands or external insolvency practitioner has the same rights under this Part of this Schedule in relation to—

(a) property situated in England and Wales,
(b) property situated in Scotland, or
(c) property situated in Northern Ireland,

as he would have if he were an insolvency practitioner in that part of the United Kingdom.

(2) The Secretary of State may make an order—

(a) under sub-paragraph (1)(a) with the concurrence of the Lord Chancellor;
(b) under sub-paragraph (1)(b).

(3) An order under sub-paragraph (1)(c)—

(a) may be made by the Department of Enterprise, Trade and Investment in Northern Ireland,
(b) shall be a statutory rule for the purposes of the [M137]Statutory Rules (Northern Ireland) Order 1979, and
(c) shall be subject to negative resolution within the meaning of section 41(6) of the [M138]Interpretation (Northern Ireland) Act 1954.

(4) An order under this paragraph may, in particular, include—

(a) provision which modifies the rights under this Part of this Schedule which are to be conferred under the order;
(b) provision as to the manner in which the rights conferred under the order are to be exercised;
(c) provision as to the conditions subject to which those rights are to be exercised, including the obtaining of leave from a court;
(d) provision for empowering a court granting such leave to impose such conditions as it thinks fit.

(5) An order under this paragraph may make different provision for different purposes.

(6) In this paragraph—

"Islands or external insolvency practitioner" means a person exercising under the insolvency law of a relevant country or territory functions corresponding to those exercised by insolvency practitioners under the insolvency law of any part of the United Kingdom,

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

"insolvency law" has the same meaning as in section 426(10) of the [M139]Insolvency Act 1986, except that the reference to a relevant country or territory shall be construed in accordance with this paragraph, and

"relevant country or territory" means—

(a) any of the Channel Islands,

(b) the Isle of Man, or

(c) any country or territory designated as mentioned in paragraph 14, 28 or 44.

Marginal Citations

M137 S.I. 1979/1573 (N.I. 12).

M138 1954 c. 33 (N.I.).

M139 1986 c. 45.

Interpretation

53 (1) In this Part of this Schedule (other than in paragraph 51) "insolvency practitioner" means a person acting in any qualifying insolvency proceedings in any part of the United Kingdom as—

(a) a liquidator of a company or partnership,

(b) a trustee in bankruptcy,

(c) the **[**[F313]trustee or interim trustee in the sequestration of a**]** debtor's estate,

(d) an administrator of the insolvent estate of a deceased person, or

(e) a receiver or manager of any property.

(2) In this Part of this Schedule "qualifying insolvency proceedings" means—

(a) any proceedings under the [M140]Insolvency Act 1986 or the [M141]Insolvency (Northern Ireland) Order 1989 for the winding up of a company or an unregistered company and includes any voluntary winding up of a company under Part IV of that Act or Part V of that Order,

(b) any proceedings in England and Wales or Northern Ireland under or by virtue of section 420 of the [M142]Insolvency Act 1986 or Article 364 of the [M143]Insolvency (Northern Ireland) Order 1989 for the winding up of an insolvent partnership,

(c) any proceedings in bankruptcy or, in Scotland, any sequestration of a debtor's estate, or

(d) any proceedings in England and Wales or in Northern Ireland under or by virtue of section 421 of the [M144]Insolvency Act 1986 or Article 365 of the [M145]Insolvency (Northern Ireland) Order 1989 in relation to the insolvent estate of a deceased person.

(3) In this Part of this Schedule "the relevant officer" means in England and Wales and in Northern Ireland—

(a) where the forfeiture order in question is made by a court in England and Wales, the proper officer within the meaning given in paragraph 4,

(b) where the forfeiture order in question is made by a court in Northern Ireland, the proper officer within the meaning given in paragraph 32, and

(c) in any other case, the appropriate officer of the High Court.

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(4) In this Part of this Schedule "the relevant officer" means in Scotland—

(a) where the forfeiture order in question is made by a court in Scotland, the clerk of the court,

(b) in any other case, the Principal Clerk of Session and Justiciary.

(5) In this Part of this Schedule references to the proceeds of sale or realisation of property are references to the proceeds after deduction of the costs of sale or realisation.

Textual Amendments

F313 Words in Sch. 4 para. 53(1)(c) substituted (30.11.2016) by The Bankruptcy (Scotland) Act 2016 (Consequential Provisions and Modifications) Order 2016 (S.I. 2016/1034), art. 1, **Sch. 1 para. 21(4)**

Marginal Citations

M140 1986 c. 45.
M141 S.I. 1989/2405 (N.I. 19).
M142 1986 c. 45.
M143 S.I. 1989/2405 (N.I. 19).
M144 1986 c. 45.
M145 S.I. 1989/2405 (N.I. 19).

SCHEDULE 5

Section 37.

TERRORIST INVESTIGATIONS: INFORMATION

PART I

ENGLAND AND WALES AND NORTHERN IRELAND

Searches

1 (1) A constable may apply to a justice of the peace for the issue of a warrant under this paragraph for the purposes of a terrorist investigation.

(2) A warrant under this paragraph shall authorise any constable—

(a) to enter **[**[F314]premises mentioned in sub-paragraph (2A)**]** ,

(b) to search the premises and any person found there, and

(c) to seize and retain any relevant material which is found on a search under paragraph (b).

[[F315](2A) The premises referred to in sub-paragraph (2)(a) are—

(a) one or more sets of premises specified in the application (in which case the application is for a "specific premises warrant"); or

(b) any premises occupied or controlled by a person specified in the application, including such sets of premises as are so specified (in which case the application is for an "all premises warrant").**]**

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(3) For the purpose of sub-paragraph (2)(c) material is relevant if the constable has reasonable grounds for believing that—

(a) it is likely to be of substantial value, whether by itself or together with other material, to a terrorist investigation, and

(b) it must be seized in order to prevent it from being concealed, lost, damaged, altered or destroyed.

(4) A warrant under this paragraph shall not authorise—

(a) the seizure and retention of items subject to legal privilege, or

(b) a constable to require a person to remove any clothing in public except for headgear, footwear, an outer coat, a jacket or gloves.

(5) Subject to paragraph 2, a justice may grant an application under this paragraph if satisfied—

(a) that the warrant is sought for the purposes of a terrorist investigation,

(b) that there are reasonable grounds for believing that there is material on **[**[F316]premises to which the application relates**]** which is likely to be of substantial value, whether by itself or together with other material, to a terrorist investigation and which does not consist of or include excepted material (within the meaning of paragraph 4 below), and

(c) that the issue of a warrant is likely to be necessary in the circumstances of the case **[**[F317], and**]**

[[F318](d) in the case of an application for an all premises warrant, that it is not reasonably practicable to specify in the application all the premises which the person so specified occupies or controls and which might need to be searched.**]**

Textual Amendments

F314 Words in Sch. 5 para. 1(2)(a) substituted (13.4.2006) by Terrorism Act 2006 (c. 11), **s. 26(2)**; S.I. 2006/1013, **art. 2**

F315 Sch. 5 para. 1(2A) inserted (13.4.2006) by Terrorism Act 2006 (c. 11), **s. 26(2)**; S.I. 2006/1013, **art. 2**

F316 Words in Sch. 5 para. 1(5)(b) substituted (13.4.2006) by Terrorism Act 2006 (c. 11), **s. 26(4)(a)**; S.I. 2006/1013, **art. 2**

F317 Word in Sch. 5 para. 1(5)(c) inserted (13.4.2006) by Terrorism Act 2006 (c. 11), **s. 26(4)(b)**; S.I. 2006/1013, **art. 2**

F318 Sch. 5 para. 1(5)(d) inserted (13.4.2006) by Terrorism Act 2006 (c. 11), **s. 26(4)(c)**; S.I. 2006/1013, **art. 2**

Modifications etc. (not altering text)

C54 Sch. 5 para. 1: power(s) of seizure extended (1.4.2003) by 2001 c. 16, ss. 50, 52-54, 68, Sch. 1 Pt. 1 para. 71; S.I. 2003/708, **art. 2**

C55 Sch. 5 para. 1: power(s) of seizure extended (1.4.2003) by 2001 c. 16, ss. 51-54, 68, Sch. 1 Pt. 2 para. 83; S.I. 2003/708, **art. 2**

C56 Sch. 5 para. 1 modified (E.W.N.I) (1.4.2003) by 2001 c. 16, ss. 55, 68, Sch. 1 Pt. 3 para. 109(1) (with s. 57(3)); S.I. 2003/708, **art. 2**

2 (1) This paragraph applies where an application **[**[F319]for a specific premises warrant**]** is made under paragraph 1 and—

(a) the application is made by a police officer of at least the rank of superintendent,

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Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(b) the application does not relate to residential premises, and

(c) the justice to whom the application is made is not satisfied of the matter referred to in paragraph 1(5)(c).

(2) The justice may grant the application if satisfied of the matters referred to in paragraph 1(5)(a) and (b).

(3) Where a warrant under paragraph 1 is issued by virtue of this paragraph, the powers under paragraph 1(2)(a) and (b) are exercisable only within the period of 24 hours beginning with the time when the warrant is issued.

(4) For the purpose of sub-paragraph (1) "residential premises" means any premises which the officer making the application has reasonable grounds for believing are used wholly or mainly as a dwelling.

Textual Amendments

F319 Words in Sch. 5 para. 2(1) inserted (13.4.2006) by Terrorism Act 2006 (c. 11), **s. 26(5)**; S.I. 2006/1013, **art. 2**

[F320 2A (1) This paragraph applies where an application for an all premises warrant is made under paragraph 1 and—

(a) the application is made by a police officer of at least the rank of superintendent, and

(b) the justice to whom the application is made is not satisfied of the matter referred to in paragraph 1(5)(c).

(2) The justice may grant the application if satisfied of the matters referred to in paragraph 1(5)(a), (b) and (d).

(3) Where a warrant under paragraph 1 is issued by virtue of this paragraph, the powers under paragraph 1(2)(a) and (b) are exercisable only—

(a) in respect of premises which are not residential premises, and

(b) within the period of 24 hours beginning with the time when the warrant is issued.

(4) For the purpose of sub-paragraph (3) " residential premises ", in relation to a power under paragraph 1(2)(a) or (b), means any premises which the constable exercising the power has reasonable grounds for believing are used wholly or mainly as a dwelling.]

Textual Amendments

F320 Sch. 5 para. 2A inserted (13.4.2006) by Terrorism Act 2006 (c. 11), **s. 26(6)**; S.I. 2006/1013, **art. 2**

3 (1) Subject to sub-paragraph (2), a police officer of at least the rank of superintendent may by a written authority signed by him authorise a search of specified premises which are wholly or partly within a cordoned area.

(2) A constable who is not of the rank required by sub-paragraph (1) may give an authorisation under this paragraph if he considers it necessary by reason of urgency.

(3) An authorisation under this paragraph shall authorise any constable—

(a) to enter the premises specified in the authority,

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Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(b) to search the premises and any person found there, and

(c) to seize and retain any relevant material (within the meaning of paragraph 1(3)) which is found on a search under paragraph (b).

(4) The powers under sub-paragraph (3)(a) and (b) may be exercised—

(a) on one or more occasions, and

(b) at any time during the period when the designation of the cordoned area under section 33 has effect.

(5) An authorisation under this paragraph shall not authorise—

(a) the seizure and retention of items subject to legal privilege;

(b) a constable to require a person to remove any clothing in public except for headgear, footwear, an outer coat, a jacket or gloves.

(6) An authorisation under this paragraph shall not be given unless the person giving it has reasonable grounds for believing that there is material to be found on the premises which—

(a) is likely to be of substantial value, whether by itself or together with other material, to a terrorist investigation, and

(b) does not consist of or include excepted material.

(7) A person commits an offence if he wilfully obstructs a search under this paragraph.

(8) A person guilty of an offence under sub-paragraph (7) shall be liable on summary conviction to—

(a) imprisonment for a term not exceeding three months,

(b) a fine not exceeding level 4 on the standard scale, or

(c) both.

Modifications etc. (not altering text)

C57 Sch. 5 para. 3: power(s) of seizure extended (1.4.2003) by 2001 c. 16, ss. 50, 52-54, 68, Sch. 1 Pt. 1 para. 71; S.I. 2003/708, **art. 2**

C58 Sch. 5 para. 3: power(s) of seizure extended (1.4.2003) by 2001 c. 16, ss. 51-54, 68, Sch. 1 Pt. 2 para. 83; S.I. 2003/708, **art. 2**

C59 Sch. 5 para. 3 modified (1.4.2003) by 2001 c. 16, ss. 55, 68, Sch. 1 Pt. 3 para. 109(1) (with s. 57(3)); S.I. 2003/708, **art. 2**

Excepted material

4 In this Part—

(a) "excluded material" has the meaning given by section 11 of the [M146]Police and Criminal Evidence Act 1984,

(b) "items subject to legal privilege" has the meaning given by section 10 of that Act, and

(c) "special procedure material" has the meaning given by section 14 of that Act;

and material is "excepted material" if it falls within any of paragraphs (a) to (c).

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Marginal Citations

M146 1984 c. 60.

Excluded and special procedure material: production & access

5 (1) **[**[F321]An appropriate officer**]** may apply to a Circuit judge for an order under this paragraph for the purposes of a terrorist investigation.

[[F322](1A) Where the appropriate officer is a counter-terrorism financial investigator, the officer may apply for an order under this paragraph only for the purposes of a terrorist investigation so far as relating to terrorist property.**]**

(2) An application for an order shall relate to particular material, or material of a particular description, which consists of or includes excluded material or special procedure material.

(3) An order under this paragraph may require a specified person—

(a) to produce to **[**[F323]an appropriate officer**]** within a specified period for seizure and retention any material which he has in his possession, custody or power and to which the application relates;

(b) to give **[**[F324]an appropriate officer**]** access to any material of the kind mentioned in paragraph (a) within a specified period;

(c) to state to the best of his knowledge and belief the location of material to which the application relates if it is not in, and it will not come into, his possession, custody or power within the period specified under paragraph (a) or (b).

(4) For the purposes of this paragraph—

(a) an order may specify a person only if he appears to the Circuit judge to have in his possession, custody or power any of the material to which the application relates, and

(b) a period specified in an order shall be the period of seven days beginning with the date of the order unless it appears to the judge that a different period would be appropriate in the particular circumstances of the application.

(5) Where a Circuit judge makes an order under sub-paragraph (3)(b) in relation to material on any premises, he may, on the application of a constable, order any person who appears to the judge to be entitled to grant entry to the premises to allow any constable to enter the premises to obtain access to the material.

[[F325](6) "Appropriate officer" means—

(a) a constable, or

(b) a counter-terrorism financial investigator.**]**

Textual Amendments

F321 Words in Sch. 5 para. 5(1) substituted (27.4.2017 for specified purposes, 27.6.2017 in so far as not already in force) by Criminal Finances Act 2017 (c. 22), **ss. 41(3)(a)(i)**, 58(4)(6)

F322 Sch. 5 para. 5(1A) inserted (27.4.2017 for specified purposes, 27.6.2017 in so far as not already in force) by Criminal Finances Act 2017 (c. 22), **ss. 41(3)(a)(ii)**, 58(4)(6)

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

F323 Words in Sch. 5 para. 5(3)(a) substituted (27.4.2017 for specified purposes, 27.6.2017 in so far as not already in force) by Criminal Finances Act 2017 (c. 22), **ss. 41(3)(a)(iii)**, 58(4)(6)

F324 Words in Sch. 5 para. 5(3)(b) substituted (27.4.2017 for specified purposes, 27.6.2017 in so far as not already in force) by Criminal Finances Act 2017 (c. 22), **ss. 41(3)(a)(iv)**, 58(4)(6)

F325 Sch. 5 para. 5(6) inserted (27.4.2017 for specified purposes, 27.6.2017 in so far as not already in force) by Criminal Finances Act 2017 (c. 22), **ss. 41(3)(a)(v)**, 58(4)(6)

6 (1) A Circuit judge may grant an application under paragraph 5 if satisfied—

(a) that the material to which the application relates consists of or includes excluded material or special procedure material,

(b) that it does not include items subject to legal privilege, and

(c) that the conditions in sub-paragraphs (2) and (3) are satisfied in respect of that material.

(2) The first condition is that—

(a) the order is sought for the purposes of a terrorist investigation, and

(b) there are reasonable grounds for believing that the material is likely to be of substantial value, whether by itself or together with other material, to a terrorist investigation.

(3) The second condition is that there are reasonable grounds for believing that it is in the public interest that the material should be produced or that access to it should be given having regard—

(a) to the benefit likely to accrue to a terrorist investigation if the material is obtained, and

(b) to the circumstances under which the person concerned has any of the material in his possession, custody or power.

[[F326](4) In the case of an order sought by a counter-terrorism financial investigator, the first condition is satisfied only to the extent that the terrorist investigation mentioned in sub-paragraph (2)(a) and (b) relates to terrorist property.**]**

Textual Amendments

F326 Sch. 5 para. 6(4) inserted (27.4.2017 for specified purposes, 27.6.2017 in so far as not already in force) by Criminal Finances Act 2017 (c. 22), **ss. 41(3)(b)**, 58(4)(6)

7 (1) An order under paragraph 5 may be made in relation to—

(a) material consisting of or including excluded or special procedure material which is expected to come into existence within the period of 28 days beginning with the date of the order;

(b) a person who the Circuit judge thinks is likely to have any of the material to which the application relates in his possession, custody or power within that period.

(2) Where an order is made under paragraph 5 by virtue of this paragraph, paragraph 5(3) shall apply with the following modifications—

(a) the order shall require the specified person to notify a named **[**[F327]appropriate officer (as defined in paragraph 5(6))**]** as soon as is reasonably practicable after any material to which the application relates comes into his possession, custody or power,

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(b) the reference in paragraph 5(3)(a) to material which the specified person has in his possession, custody or power shall be taken as a reference to the material referred to in paragraph (a) above which comes into his possession, custody or power, and

(c) the reference in paragraph 5(3)(c) to the specified period shall be taken as a reference to the period of 28 days beginning with the date of the order.

(3) Where an order is made under paragraph 5 by virtue of this paragraph, paragraph 5(4) shall not apply and the order—

(a) may only specify a person falling within sub-paragraph (1)(b), and

(b) shall specify the period of seven days beginning with the date of notification required under sub-paragraph (2)(a) unless it appears to the judge that a different period would be appropriate in the particular circumstances of the application.

Textual Amendments

F327 Words in Sch. 5 para. 7(2)(a) substituted (27.4.2017 for specified purposes, 27.6.2017 in so far as not already in force) by Criminal Finances Act 2017 (c. 22), **ss. 41(3)(c)**, 58(4)(6)

8 (1) An order under paragraph 5—

(a) shall not confer any right to production of, or access to, items subject to legal privilege, and

(b) shall have effect notwithstanding any restriction on the disclosure of information imposed by statute or otherwise.

(2) Where the material to which an application under paragraph 5 relates consists of information contained in a computer—

(a) an order under paragraph 5(3)(a) shall have effect as an order to produce the material in a form in which it can be taken away and in which it is visible and legible, and

(b) an order under paragraph 5(3)(b) shall have effect as an order to give access to the material in a form in which it is visible and legible.

9 (1) An order under paragraph 5 may be made in relation to material in the possession, custody or power of a government department.

(2) Where an order is made by virtue of sub-paragraph (1)—

(a) it shall be served as if the proceedings were civil proceedings against the department, and

(b) it may require any officer of the department, whether named in the order or not, who may for the time being have in his possession, custody or power the material concerned, to comply with the order.

(3) In this paragraph "government department" means an authorised government department for the purposes of the [M147]Crown Proceedings Act 1947.

Marginal Citations

M147 1947 c. 44.

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

10 (1) An order of a Circuit judge **[**[F328]or a District Judge (Magistrates' Courts)**]** under paragraph 5 shall have effect as if it were an order of the Crown Court.

(2) **[**[F329]Criminal Procedure Rules**]** may make provision about proceedings relating to an order under paragraph 5.

(3) In particular, the rules may make provision about the variation or discharge of an order.

Textual Amendments

F328 Words in Sch. 5 para. 10(1) inserted (1.4.2005) by Courts Act 2003 (c. 39), s. 65(2), **Sch. 4 para. 9(a)**; S.I. 2005/910, **art. 3(u)**

F329 Words in Sch. 5 para. 10(2) substituted (1.9.2004 subject to art. 3 of the commencing S.I.) by Courts Act 2003 (c. 39), s. 109(1), **Sch. 8 para. 389(2)**; S.I. 2004/2066, **art. 2**

Commencement Information

I8 Sch. 5 para. 10 wholly in force at 19.2.2001; Sch. 5 para. 10 not in force at Royal Assent see s. 128; Sch. 5 para. 10(2)(3) in force at 31.10.2000 by S.I. 2000/2944, **art. 2(i)**; Sch. 5 para. 10 in force at 19.2.2001 in so far as not already in force by S.I. 2001/421, **art. 2**

Excluded or special procedure material: search

11 (1) A constable may apply to a Circuit judge for the issue of a warrant under this paragraph for the purposes of a terrorist investigation.

(2) A warrant under this paragraph shall authorise any constable—

(a) to enter **[**[F330]premises mentioned in sub-paragraph (3A)**]**,

(b) to search the premises and any person found there, and

(c) to seize and retain any relevant material which is found on a search under paragraph (b).

(3) A warrant under this paragraph shall not authorise—

(a) the seizure and retention of items subject to legal privilege;

(b) a constable to require a person to remove any clothing in public except for headgear, footwear, an outer coat, a jacket or gloves.

[[F331](3A) The premises referred to in sub-paragraph (2)(a) are—

(a) one or more sets of premises specified in the application (in which case the application is for a "specific premises warrant"); or

(b) any premises occupied or controlled by a person specified in the application, including such sets of premises as are so specified (in which case the application is for an "all premises warrant").**]**

(4) For the purpose of sub-paragraph (2)(c) material is relevant if the constable has reasonable grounds for believing that it is likely to be of substantial value, whether by itself or together with other material, to a terrorist investigation.

[[F332](5) Criminal Procedure Rules may make provision about proceedings relating to a warrant under this paragraph.**]**

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F330 Words in Sch. 5 para. 11(2)(a) substituted (13.4.2006) by Terrorism Act 2006 (c. 11), **s. 26(7)**; S.I. 2006/1013, **art. 2**

F331 Sch. 5 para. 11(3A) inserted (13.4.2006) by Terrorism Act 2006 (c. 11), **s. 26(8)**; S.I. 2006/1013, **art. 2**

F332 Sch. 5 para. 11(5) inserted (26.5.2015) by Deregulation Act 2015 (c. 20), **ss. 82(4)**, 115(7); S.I. 2015/994, art. 6(o)

Modifications etc. (not altering text)

C60 Sch. 5 para. 11: power(s) of seizure extended (1.4.2003) by 2001 c. 16, ss. 50, 52-54, 68, Sch. 1 Pt. 1 para. 71; S.I. 2003/708, **art. 2**

C61 Sch. 5 para. 11: power(s) of seizure extended (1.4.2003) by 2001 c. 16, ss. 51-54, 68, Sch. 1 Pt. 2 para. 83; S.I. 2003/708, **art. 2**

12 (1) A Circuit judge may grant an application **[**[F333]for a specific premises warrant**]** under paragraph 11 if satisfied that an order made under paragraph 5 in relation to material on the premises specified in the application has not been complied with.

(2) A Circuit judge may also grant an application **[**[F333]for a specific premises warrant**]** under paragraph 11 if satisfied that there are reasonable grounds for believing that—

(a) there is material on premises specified in the application which consists of or includes excluded material or special procedure material but does not include items subject to legal privilege, and

(b) the conditions in sub-paragraphs (3) and (4) are satisfied.

[[F334](2A) A Circuit judge or a District Judge (Magistrates' Courts) may grant an application for an all premises warrant under paragraph 11 if satisfied—

(a) that an order made under paragraph 5 has not been complied with, and

(b) that the person specified in the application is also specified in the order.

(2B) A Circuit judge or a District Judge (Magistrates' Courts) may also grant an application for an all premises warrant under paragraph 11 if satisfied that there are reasonable grounds for believing—

(a) that there is material on premises to which the application relates which consists of or includes excluded material or special procedure material but does not include items subject to legal privilege, and

(b) that the conditions in sub-paragraphs (3) and (4) are met.**]**

(3) The first condition is that—

(a) the warrant is sought for the purposes of a terrorist investigation, and

(b) the material is likely to be of substantial value, whether by itself or together with other material, to a terrorist investigation.

(4) The second condition is that it is not appropriate to make an order under paragraph 5 in relation to the material because—

(a) it is not practicable to communicate with any person entitled to produce the material,

(b) it is not practicable to communicate with any person entitled to grant access to the material or entitled to grant entry to **[**[F335]premises to which the application for the warrant relates**]** , or

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(c) a terrorist investigation may be seriously prejudiced unless a constable can secure immediate access to the material.

Textual Amendments

F333 Words in Sch. 5 para. 12(1)(2) inserted (13.4.2006) by Terrorism Act 2006 (c. 11), **s. 26(9)**; S.I. 2006/1013, **art. 2**

F334 Sch. 5 para. 12(2A)(2B) inserted (13.4.2006) by Terrorism Act 2006 (c. 11), **s. 26(10)**; S.I. 2006/1013, **art. 2**

F335 Words in Sch. 5 para. 12(4)(b) substituted (13.4.2006) by Terrorism Act 2006 (c. 11), **s. 26(11)**; S.I. 2006/1013, **art. 2**

Explanations

13 (1) A constable may apply to a Circuit judge for an order under this paragraph requiring any person specified in the order to provide an explanation of any material—

(a) seized in pursuance of a warrant under paragraph 1 or 11, or

(b) produced or made available to a constable under paragraph 5.

[[F336](1A) A counter-terrorism financial investigator may apply to a Circuit Judge or a District Judge (Magistrates' Courts) for an order under this paragraph requiring any person specified in the order to provide an explanation of any material produced or made available to a counter-terrorism financial investigator under paragraph 5.**]**

(2) An order under this paragraph shall not require any person to disclose any information which he would be entitled to refuse to disclose on grounds of legal professional privilege in proceedings in the High Court.

(3) But a lawyer may be required to provide the name and address of his client.

(4) A statement by a person in response to a requirement imposed by an order under this paragraph—

(a) may be made orally or in writing, and

(b) may be used in evidence against him only on a prosecution for an offence under paragraph 14.

(5) Paragraph 10 shall apply to orders under this paragraph as it applies to orders under paragraph 5.

Textual Amendments

F336 Sch. 5 para. 13(1A) inserted (27.4.2017 for specified purposes, 27.6.2017 in so far as not already in force) by Criminal Finances Act 2017 (c. 22), **ss. 41(3)(d)**, 58(4)(6)

14 (1) A person commits an offence if, in purported compliance with an order under paragraph 13, he—

(a) makes a statement which he knows to be false or misleading in a material particular, or

(b) recklessly makes a statement which is false or misleading in a material particular.

(2) A person guilty of an offence under sub-paragraph (1) shall be liable—

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(a) on conviction on indictment, to imprisonment for a term not exceeding two years, to a fine or to both, or

(b) on summary conviction, to imprisonment for a term not exceeding six months, to a fine not exceeding the statutory maximum or to both.

Urgent cases

15 (1) A police officer of at least the rank of superintendent may by a written order signed by him give to any constable the authority which may be given by a search warrant under paragraph 1 or 11.

(2) An order shall not be made under this paragraph unless the officer has reasonable grounds for believing—

(a) that the case is one of great emergency, and

(b) that immediate action is necessary.

(3) Where an order is made under this paragraph particulars of the case shall be notified as soon as is reasonably practicable to the Secretary of State.

(4) A person commits an offence if he wilfully obstructs a search under this paragraph.

(5) A person guilty of an offence under sub-paragraph (4) shall be liable on summary conviction to—

(a) imprisonment for a term not exceeding three months,

(b) a fine not exceeding level 4 on the standard scale, or

(c) both.

Modifications etc. (not altering text)

C62 Sch. 5 para. 15: power(s) of seizure extended (1.4.2003) by 2001 c. 16, ss. 50, 52-54, 68, Sch. 1 Pt. 1 para. 71; S.I. 2003/708, **art. 2**

C63 Sch. 5 para. 15: power(s) of seizure extended (1.4.2003) by 2001 c. 16, ss. 51-54, 68. Sch. 1 Pt. 1 para. 83; S.I. 2003/708, **art. 2**

C64 Sch. 5 para. 15 modified (1.4.2003) by 2001 c. 16, ss. 55, 68, Sch. 1 Pt. 3 para. 109(2) (with s. 57(3)); S.I. 2003/708, **art. 2**

16 (1) If a police officer of at least the rank of superintendent has reasonable grounds for believing that the case is one of great emergency he may by a written notice signed by him require any person specified in the notice to provide an explanation of any material seized in pursuance of an order under paragraph 15.

(2) Sub-paragraphs (2) to (4) of paragraph 13 and paragraph 14 shall apply to a notice under this paragraph as they apply to an order under paragraph 13.

(3) A person commits an offence if he fails to comply with a notice under this paragraph.

(4) It is a defence for a person charged with an offence under sub-paragraph (3) to show that he had a reasonable excuse for his failure.

(5) A person guilty of an offence under sub-paragraph (3) shall be liable on summary conviction to—

(a) imprisonment for a term not exceeding six months,

(b) a fine not exceeding level 5 on the standard scale, or

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(c) both.

Supplementary

17 For the purposes of sections 21 and 22 of the [M148]Police and Criminal Evidence Act 1984 (seized material: access, copying and retention)—

(a) a terrorist investigation shall be treated as an investigation of or in connection with an offence, and

(b) material produced in pursuance of an order under paragraph 5 shall be treated as if it were material seized by a constable.

Marginal Citations

M148 1984 c. 60.

Northern Ireland

18 In the application of this Part to Northern Ireland—

(a) the reference in paragraph 4(a) to section 11 of the [M149]Police and Criminal Evidence Act 1984 shall be taken as a reference to Article 13 of the [M150]Police and Criminal Evidence (Northern Ireland) Order 1989,

(b) the reference in paragraph 4(b) to section 10 of that Act shall be taken as a reference to Article 12 of that Order,

(c) the reference in paragraph 4(c) to section 14 of that Act shall be taken as a reference to Article 16 of that Order,

(d) the references in paragraph 9(1) and (2) to "government department" shall be taken as including references to an authorised Northern Ireland department for the purposes of the [M151]Crown Proceedings Act 1947,

[[F337](dd) the reference in paragraph 10(2) to "Criminal Procedure Rules" shall be taken as a reference to Crown Court Rules,**]**

[F338](e) . . . . . .

(f) the reference in paragraph 17 to sections 21 and 22 of the [M152]Police and Criminal Evidence Act 1984 shall be taken as a reference to Articles 23 and 24 of the [M153]Police and Criminal Evidence (Northern Ireland) Order 1989, and

(g) references to "a Circuit judge" shall be taken as references to a **[**[F339]Crown Court judge**]**.

Textual Amendments

F337 Sch. 5 para. 18(dd) inserted (1.9.2004 subject to art. 3 of the commencing S.I.) by Courts Act 2003 (c. 39), s. 109(1), **Sch. 8 para. 389(3)**; S.I. 2004/2066, **art. 2**

F338 Sch. 5 para. 18(e) repealed (7.7.2002) by 2001 c. 24, ss. 121(2)(a), 125, **Sch. 8 Pt. 7**; S.I. 2002/1558, **art. 2**

F339 Words in Sch. 5 para. 18(g) substituted (7.7.2002) by 2001 c. 24, **s. 121(2)(b)**; S.I. 2002/1558, **art. 2**

Marginal Citations

M149 1984 c. 60.

M150 S.I. 1989/1341 (N.I. 12).

M151 1947 c. 44.

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

M152 1984 c. 60.
M153 S.I. 1989/1341 (N.I. 12).

[F340 19(1) The Secretary of State may by a written order which relates to specified premises give to any constable in Northern Ireland—

(a) the authority which may be given by a search warrant under paragraph 1;

(b) the authority which may be given by a search warrant under paragraph 11.

(2) An order shall not be made under this paragraph unless—

(a) it appears to the Secretary of State that the information which it would be necessary to provide to the court in support of an application for a warrant would, if disclosed, be likely to place any person in danger or prejudice the capability of members of the Royal Ulster Constabulary to investigate an offence under any of sections 15 to 18 or under section 56, and

(b) the order is made for the purposes of an investigation of the commission, preparation or instigation of an offence under any of sections 15 to 18 or under section 56.

(3) The Secretary of State may make an order under sub-paragraph (1)(a) in relation to particular premises only if satisfied—

(a) that there are reasonable grounds for believing that there is material on the premises which is likely to be of substantial value, whether by itself or together with other material, to the investigation mentioned in sub-paragraph (2)(b), and which does not consist of or include excepted material, and

(b) that the authority of an order is likely to be necessary in the circumstances of the case.

(4) The Secretary of State may make an order under sub-paragraph (1)(b) in relation to particular premises if satisfied that an order made under paragraph 5 in relation to material on the premises has not been complied with.

(5) The Secretary of State may also make an order under sub-paragraph (1)(b) in relation to particular premises if satisfied that there are reasonable grounds for believing that—

(a) there is material on the premises which consists of or includes excluded material or special procedure material but does not include items subject to legal privilege,

(b) the material is likely to be of substantial value, whether by itself or together with other material, to the investigation mentioned in sub-paragraph (2)(b), and

(c) an order under paragraph 5 would not be appropriate in relation to the material for the reason mentioned in paragraph 12(4)(a) or (b) or because the investigation mentioned in sub-paragraph (2)(b) might be seriously prejudiced unless a constable can secure immediate access to the material.

(6) An order under sub-paragraph (1)(b) may not be made except in the circumstances specified in sub-paragraphs (4) and (5).

(7) A person commits an offence if he wilfully obstructs a search under this paragraph.

(8) A person guilty of an offence under sub-paragraph (7) shall be liable on summary conviction to—

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(a) imprisonment for a term not exceeding three months,
(b) a fine not exceeding level 4 on the standard scale, or
(c) both.**]**

Textual Amendments

F340 Sch. 5 paras. 19-21 ceased to have effect (N.I.) (19.2.2003) by virtue of The Terrorism Act 2000 (Continuance of Part VII) Order 2003 (S.I. 2003/427), **art. 2(2)(c)**; and repealed (N.I.) (19.2.2006) by Terrorism (Northern Ireland) Act 2006 (c. 4), s. 5(2)(3), **Sch.**

Modifications etc. (not altering text)

C65 Sch. 5 para. 19: power(s) of seizure extended (1.4.2003) by 2001 c. 16, ss. 50, 52-54, 68, Sch. 1 Pt. 1 para. 71; S.I. 2003/708, **art. 2**

C66 Sch. 5 para. 19: power(s) of seizure extended (1.4.2003) by 2001 c. 16, ss. 51-54, 68, Sch. 1 Pt. 2 para. 83; S.I. 2003/708, **art. 2**

C67 Sch. 5 para. 19 modified (1.4.2003) by 2001 c. 16, ss. 55, 68, Sch. 1 Pt. 3 para. 109(2) (with s. 57(3)); S.I. 2003/708, **art. 2**

[[F341]20(1) The Secretary of State may exercise the power to make an order under paragraph 5 in relation to any person in Northern Ireland who is specified in the order.

(2) An order shall not be made by virtue of this paragraph unless it appears to the Secretary of State that the information which it would be necessary to provide to a **[**[F342]Crown Court judge**]]** in support of an application for an order under paragraph 5 would, if disclosed—
(a) be likely to place any person in danger, or
(b) be likely to prejudice the capability of members of the Royal Ulster Constabulary to investigate an offence under any of sections 15 to 18 or under section 56.

(3) Paragraphs 5 to 9 shall apply to the making of an order under paragraph 5 by virtue of this paragraph with the following modifications—
(a) references to a **[**[F342]Crown Court judge**]** shall be taken as references to the Secretary of State,
(b) the references to "a terrorist investigation" in paragraphs 5(1) and 6(2)(a) shall be taken as references to an investigation of the commission, preparation or instigation of an offence under any of sections 15 to 18 or under section 56, and
(c) the references to "a terrorist investigation" in paragraphs 6(2)(b) and 6(3)(a) shall be taken as references to the investigation mentioned in paragraph 6(2)(a).

(4) Paragraph 10 shall not apply in relation to an order made under paragraph 5 by virtue of this paragraph.

(5) The Secretary of State may vary or revoke an order made by virtue of this paragraph.

(6) A person commits an offence if he contravenes an order made by virtue of this paragraph.

(7) A person guilty of an offence under sub-paragraph (6) shall be liable—
(a) on conviction on indictment, to imprisonment for a term not exceeding two years, to a fine or to both, or

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(b) on summary conviction, to imprisonment for a term not exceeding six months, to a fine not exceeding the statutory maximum or to both.

Textual Amendments

F341 Sch. 5 paras. 19-21 ceased to have effect (N.I.) (19.2.2003) by virtue of The Terrorism Act 2000 (Continuance of Part VII) Order 2003 (S.I. 2003/427), **art. 2(2)(c)**; and repealed (N.I.) (19.2.2006) by Terrorism (Northern Ireland) Act 2006 (c. 4), s. 5(2)(3), **Sch.**

F342 Words in Sch. 5 para. 20(2)(3)(a) substituted (7.7.2002) by 2001 c. 24, **s. 121(3)**; S.I. 2002/1558, **art. 2**

[[F343]21(1) The Secretary of State may by a written order require any person in Northern Ireland who is specified in the order to provide an explanation of any material—

(a) seized in pursuance of an order under paragraph 19, or

(b) produced or made available to a constable in pursuance of an order made by virtue of paragraph 20.

(2) The provisions of paragraphs 13(2) to (4) and 14 shall apply to an order under this paragraph as they apply to an order under paragraph 13.

(3) The provisions of paragraph 16(3) to (5) shall apply to an order under this paragraph as they apply to a notice under paragraph 16.**]**

Textual Amendments

F343 Sch. 5 paras. 19-21 ceased to have effect (N.I.) (19.2.2003) by virtue of The Terrorism Act 2000 (Continuance of Part VII) Order 2003 (S.I. 2003/427), **art. 2(2)(c)**; and repealed (N.I.) (19.2.2006) by Terrorism (Northern Ireland) Act 2006 (c. 4), s. 5(2)(3), **Sch.**

PART II

SCOTLAND

Order for production of material

22 (1) The procurator fiscal may apply to the sheriff for an order under this paragraph for the purposes of a terrorist investigation.

(2) An application for an order shall relate to particular material, or material of a particular description.

(3) An order under this paragraph may require a specified person—

(a) to produce to a constable within a specified period for seizure and retention any material which he has in his possession, custody or power and to which the application relates;

(b) to give a constable access to any material of the kind mentioned in paragraph (a) within a specified period;

(c) to state to the best of his knowledge and belief the location of material to which the application relates if it is not in, and it will not come into, his possession, custody or power within the period specified under paragraph (a) or (b).

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(4) For the purposes of this paragraph—

(a) an order may specify a person only if he appears to the sheriff to have in his possession, custody or power any of the material to which the application relates, and

(b) a period specified in an order shall be the period of seven days beginning with the date of the order unless it appears to the sheriff that a different period would be appropriate in the particular circumstances of the application.

(5) Where the sheriff makes an order under sub-paragraph (3)(b) in relation to material on any premises, he may, on the application of the procurator fiscal, order any person who appears to the sheriff to be entitled to grant entry to the premises to allow any constable to enter the premises to obtain access to the material.

23 (1) The sheriff may grant an application under paragraph 22 if satisfied that the conditions in sub-paragraphs (2) and (3) are satisfied in respect of that material.

(2) The first condition is that—

(a) the order is sought for the purposes of a terrorist investigation, and

(b) there are reasonable grounds for believing that the material is likely to be of substantial value, whether by itself or together with other material, to a terrorist investigation.

(3) The second condition is that there are reasonable grounds for believing that it is in the public interest that the material should be produced or that access to it should be given having regard—

(a) to the benefit likely to accrue to a terrorist investigation if the material is obtained, and

(b) to the circumstances under which the person concerned has any of the material in his possession, custody or power.

24 (1) An order under paragraph 22 may be made in relation to a person who appears to the sheriff to be likely to have any of the material to which the application relates in his possession, custody or power within the period of 28 days beginning with the date of the order.

(2) Where an order is made under paragraph 22 by virtue of this paragraph, paragraph 22(3) shall apply with the following modifications—

(a) the order shall require the specified person to notify a named constable as soon as is reasonably practicable after any material to which the application relates comes into his possession, custody or power,

(b) the reference in paragraph 22(3)(a) to material which the specified person has in his possession, custody or power shall be taken as a reference to the material referred to in paragraph (a) above which comes into his possession, custody or power, and

(c) the reference in paragraph 22(3)(c) to the specified period shall be taken as a reference to the period of 28 days beginning with the date of the order.

(3) Where an order is made under paragraph 22 by virtue of this paragraph, paragraph 22(4) shall not apply and the order—

(a) may only specify a person falling within sub-paragraph (1), and

(b) shall specify the period of seven days beginning with the date of notification required under sub-paragraph (2)(a) unless it appears to the sheriff that a

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

different period would be appropriate in the particular circumstances of the application.

25 (1) Subject to paragraph 33(1), an order under paragraph 22 shall have effect notwithstanding any obligation as to secrecy or other restriction on the disclosure of the information imposed by statute or otherwise.

(2) Where the material to which an application under paragraph 22 relates consists of information contained in a computer—

(a) an order under paragraph 22(3)(a) shall have effect as an order to produce the material in a form in which it can be taken away and in which it is visible and legible, and

(b) an order under paragraph 22(3)(b) shall have effect as an order to give access to the material in a form in which it is visible and legible.

26 (1) An order under paragraph 22 may be made in relation to material in the possession, custody or power of a government department.

(2) Where an order is made by virtue of sub-paragraph (1)—

(a) it shall be served as if the proceedings were civil proceedings against the department, and

(b) it may require any officer of the department, whether named in the order or not, who may for the time being have in his possession, custody or power the material concerned, to comply with it.

(3) In this paragraph "government department" means a public department within the meaning of the Crown Suits Scotland Act 1857 and any part of the Scottish Administration.

27 (1) Provision may be made by Act of Adjournal as to—

(a) the recall and variation of orders under paragraph 22; and

(b) proceedings relating to such orders.

(2) The following provisions shall have effect pending the coming into force of an Act of Adjournal under sub-paragraph (1)—

(a) an order under paragraph 22 may be recalled or varied by the sheriff on a written application made to him by any person subject to the order;

(b) unless the sheriff otherwise directs on grounds of urgency, the applicant shall, not less than 48 hours before making the application, send a copy of it and a notice in writing of the time and place where the application is to be made to the procurator fiscal on whose application the order was made.

Searches

28 (1) The procurator fiscal may apply to the sheriff to grant a warrant under this paragraph for the purposes of a terrorist investigation.

(2) A warrant under this paragraph shall authorise any constable—

(a) to enter **[**[F344]premises mentioned in sub-paragraph (2A)**]** ,

(b) to search the premises and any person found there, and

(c) to seize and retain any relevant material which is found on a search under paragraph (b).

[[F345](2A) The premises referred to in sub-paragraph (2)(a) are—

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(a) one or more sets of premises specified in the application (in which case the application is for a "specific premises warrant"); or

(b) any premises occupied or controlled by a person specified in the application, including such sets of premises as are so specified (in which case the application is for an "all premises warrant").**]**

(3) For the purpose of sub-paragraph (2)(c) material is relevant if the constable has reasonable grounds for believing that it is likely to be of substantial value, whether by itself or together with other material, to a terrorist investigation.

(4) The sheriff may grant an application under this paragraph if satisfied—

(a) that the warrant is sought for the purposes of a terrorist investigation,

(b) that there are reasonable grounds for believing that there is material on **[**[F346]premises to which the application relates**]** which is likely to be of substantial value to a terrorist investigation, [F347]. . .

(c) that one of the conditions in paragraph 29 is satisfied **[**[F348], and**]**

[[F349](d) in the case of an application for an all premises warrant, that it is not reasonably practicable to specify in the application all the premises which the person so specified occupies or controls and which might need to be searched.**]**

(5) Where **[**[F350]a specific premises warrant**]** is granted in relation to non-residential premises, the entry and search must be within the period of 24 hours beginning with the time when the warrant is granted.

(6) For the purpose of sub-paragraph (5) "non-residential premises" means any premises other than those which the procurator fiscal has reasonable grounds for believing are used wholly or mainly as a dwelling.

[[F351](6A) Where an all premises warrant is granted, entry and search in pursuance of the warrant of any premises which are non-residential premises must be within the period of 24 hours beginning with the time when the warrant is granted.

(6B) For the purpose of sub-paragraph (6A) " non-residential premises " means any premises other than those which the constable executing the warrant has reasonable grounds for believing are used wholly or mainly as a dwelling. **]**

(7) A warrant under this paragraph may authorise the persons named in the warrant to accompany the constable who is executing it.

Textual Amendments

F344 Words in Sch. 5 para. 28(2)(a) substituted (13.4.2006) by Terrorism Act 2006 (c. 11), **s. 27(2)**; S.I. 2006/1013, **art. 2**

F345 Sch. 5 para. 28(2A) inserted (13.4.2006) by Terrorism Act 2006 (c. 11), **s. 27(3)**; S.I. 2006/1013, **art. 2**

F346 Words in Sch. 5 para. 28(4)(b) substituted (13.4.2006) by Terrorism Act 2006 (c. 11), **s. 27(4)(a)**; S.I. 2006/1013, **art. 2**

F347 Word in Sch. 5 para. 28(4)(b) repealed (13.4.2006) by Terrorism Act 2006 (c. 11), s. 37(5), **Sch. 3**; S.I. 2006/1013, **art. 2**

F348 Word in Sch. 5 para. 28(4)(c) inserted (13.4.2006) by Terrorism Act 2006 (c. 11), **s. 27(4)(b)**; S.I. 2006/1013, **art. 2**

F349 Sch. 5 para. 28(4)(d) inserted (13.4.2006) by Terrorism Act 2006 (c. 11), **s. 27(4)(c)**; S.I. 2006/1013, **art. 2**

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

F350 Words in Sch. 5 para. 28(5) substituted (13.4.2006) by Terrorism Act 2006 (c. 11), **s. 27(5)**; S.I. 2006/1013, **art. 2**

F351 Sch. 5 para. 28(6A)(6B) inserted (13.4.2006) by Terrorism Act 2006 (c. 11), **s. 27(6)**; S.I. 2006/1013, **art. 2**

29 (1) The conditions referred to in paragraph 28(4)(c) are—

(a) that an order made under paragraph **[**[F352]22**]** in relation to material on the premises has not been complied with **[**[F353]and, in the case of an application for an all premises warrant, the person specified in the order in pursuance of paragraph 22(3) is also specified in the application**]** , or

(b) that for any of the reasons mentioned in sub-paragraph (2) it would not be appropriate to make such an order.

(2) The reasons are—

(a) it is not practicable to communicate with any person entitled to produce the material,

(b) it is not practicable to communicate with any person entitled to grant access to the material or entitled to grant entry to the premises **[**[F354]to which the application for the warrant relates**]** , or

(c) the investigation for the purposes of which the application is made may be seriously prejudiced unless a constable can secure immediate access to the material.

Textual Amendments

F352 Word in Sch. 5 para. 29(1)(a) substituted (1.4.2003) by 2001 c. 16, s. 70, Sch. 2 Pt. 2 para. 27; S.I. 2003/708, **art. 2**

F353 Words in Sch. 5 para. 29(1)(a) inserted (13.4.2006) by Terrorism Act 2006 (c. 11), **s. 27(7)(a)**; S.I. 2006/1013, **art. 2**

F354 Words in Sch. 5 para. 29(2)(b) substituted (13.4.2006) by Terrorism Act 2006 (c. 11), **s. 27(7)(b)**; S.I. 2006/1013, **art. 2**

Explanations

30 (1) The procurator fiscal may apply to the sheriff for an order under this paragraph requiring any person specified in the order to provide an explanation of any material—

(a) seized in pursuance of a warrant under paragraph 28, or

(b) produced or made available to a constable under paragraph 22.

(2) Without prejudice to paragraph 33(1), an order under this paragraph may require a lawyer to provide the name and address of his client.

(3) A statement by a person in response to a requirement imposed by an order under this paragraph may only be used in evidence against him—

(a) on a prosecution for an offence under **[**[F355] section 44(2) of the Criminal Law (Consolidation) (Scotland) Act 1995 (c.39) **]**, or

(b) on a prosecution for some other offence where in giving evidence he makes a statement inconsistent with it.

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(4) Paragraphs 26 and 27 shall apply to orders under this paragraph as they apply to orders under paragraph 22.

Textual Amendments

F355 Words in Sch. 5 para. 30(3)(a) substituted (28.3.2011) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), s. 206(1), **sch. 7 para. 69**; S.S.I. 2011/178, art. 2, sch.

Urgent cases

31 (1) A police officer of at least the rank of superintendent may by a written order signed by him give to any constable the authority which may be given by a search warrant under paragraph 28.

(2) An order shall not be made under this paragraph unless the officer has reasonable grounds for believing—

(a) that the case is one of great emergency, and

(b) that immediate action is necessary.

(3) Where an order is made under this paragraph particulars of the case shall be notified as soon as is reasonably practicable to the Secretary of State.

32 (1) If a police officer of at least the rank of superintendent has reasonable grounds for believing that the case is one of great emergency he may by a written notice signed by him require any person specified in the notice to provide an explanation of any material seized in pursuance of an order under paragraph 22.

(2) Sub-paragraphs (2) and (3) of paragraph 30 shall apply to a notice under this paragraph as they apply to an order under that paragraph.

(3) A person commits an offence if he fails to comply with a notice under this paragraph.

(4) It is a defence for a person charged with an offence under sub-paragraph (3) to show that he had a reasonable excuse for his failure.

(5) A person guilty of an offence under sub-paragraph (3) is liable on summary conviction to imprisonment for a term not exceeding six months, to a fine not exceeding level 5 on the standard scale or to both.

Supplementary

33 (1) This Part of this Schedule is without prejudice to any rule of law whereby—

(a) communications between a professional legal adviser and his client, or

(b) communications made in connection with or in contemplation of legal proceedings and for the purposes of those proceedings,

are in legal proceedings protected from disclosure on the ground of confidentiality.

(2) For the purpose of exercising any powers conferred on him under this Part of this Schedule a constable may, if necessary, open lockfast places on **[**[F356]premises which he is entitled to enter in pursuance of**]** an order under paragraph 22, a warrant under paragraph 28 or **[**[F357]an order under paragraph 31**]** .

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(3) A search of a person under this Part of this Schedule may only be carried out by a person of the same sex.

Textual Amendments

F356 Words in Sch. 5 para. 33(2) substituted (13.4.2006) by Terrorism Act 2006 (c. 11), **s. 27(8)(a)**; S.I. 2006/1013, **art. 2**

F357 Words in Sch. 5 para. 33(2) substituted (13.4.2006) by Terrorism Act 2006 (c. 11), **s. 27(8)(b)**; S.I. 2006/1013, **art. 2**

[F358SCHEDULE 5A

TERRORIST FINANCING INVESTIGATIONS: DISCLOSURE ORDERS

Textual Amendments

F358 Sch. 5A Pt. 1 inserted (E.W.N.I.) (27.4.2017 for specified purposes) by Criminal Finances Act 2017 (c. 22), s. 58(1)(6), **Sch. 2 para. 3**

PART 1

ENGLAND AND WALES AND NORTHERN IRELAND

Interpretation

1 This paragraph applies for the purposes of this Part of this Schedule.

2 A disclosure order is an order made under paragraph 9.

3 A judge is—
(a) in England and Wales, a judge entitled to exercise the jurisdiction of the Crown Court;
(b) in Northern Ireland, a Crown Court judge.

4 A terrorist financing investigation is a terrorist investigation into—
(a) the commission, preparation or instigation of an offence under any of sections 15 to 18, or
(b) the identification of terrorist property or its movement or use.

5 An appropriate officer is—
(a) a constable, or
(b) a counter-terrorism financial investigator.

6 A senior police officer is a police officer of at least the rank of superintendent.

7 "Document" means anything in which information of any description is recorded.

8 "Excluded material"—
(a) in relation to England and Wales, has the same meaning as in the Police and Criminal Evidence Act 1984;

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(b) in relation to Northern Ireland, has the same meaning as in the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12)).

Disclosure orders

9 (1) A judge may, on the application of an appropriate officer, make a disclosure order if satisfied that each of the requirements for the making of the order is fulfilled.

(2) The application must state that a person or property specified in the application is subject to a terrorist financing investigation and the order is sought for the purposes of the investigation.

(3) A disclosure order is an order authorising an appropriate officer to give to any person the officer considers has relevant information notice in writing requiring the person to do any or all of the following with respect to any matter relevant to the terrorist financing investigation concerned—

(a) answer questions, either at a time specified in the notice or at once, at a place so specified;

(b) provide information specified in the notice, by a time and in a manner so specified;

(c) produce documents, or documents of a description, specified in the notice, either at or by a time so specified or at once, and in a manner so specified.

(4) Relevant information is information (whether or not contained in a document) which the appropriate officer concerned considers to be relevant to the investigation.

(5) A person is not bound to comply with a requirement imposed by a notice given under a disclosure order unless evidence of authority to give the notice is produced.

(6) An appropriate officer may not make an application under this paragraph unless the officer is a senior police officer or is authorised to do so by a senior police officer.

Requirements for making of disclosure order

10 (1) These are the requirements for the making of a disclosure order.

(2) There must be reasonable grounds for suspecting that a person has committed an offence under any of sections 15 to 18 or that the property specified in the application is terrorist property.

(3) There must be reasonable grounds for believing that information which may be provided in compliance with a requirement imposed under the order is likely to be of substantial value (whether or not by itself) to the terrorist financing investigation concerned.

(4) There must be reasonable grounds for believing that it is in the public interest for the information to be provided, having regard to the benefit likely to accrue to the investigation if the information is obtained.

Offences

11 (1) A person commits an offence if without reasonable excuse the person fails to comply with a requirement imposed under a disclosure order.

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2) A person guilty of an offence under sub-paragraph (1) is liable—
- (a) on summary conviction in England and Wales, to imprisonment for a term not exceeding 51 weeks, or to a fine, or to both;
- (b) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 6 months, or to a fine not exceeding level 5 on the standard scale, or to both.

(3) A person commits an offence if, in purported compliance with a requirement imposed under a disclosure order, the person—
- (a) makes a statement which the person knows to be false or misleading in a material particular, or
- (b) recklessly makes a statement which is false or misleading in a material particular.

(4) A person guilty of an offence under sub-paragraph (3) is liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding 2 years, or to a fine, or to both;
- (b) on summary conviction in England and Wales, to imprisonment for a term not exceeding 12 months, or to a fine, or to both;
- (c) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 6 months, or to a fine not exceeding the statutory maximum, or to both.

(5) In relation to an offence committed before the coming into force of section 281(5) of the Criminal Justice Act 2003 (alteration of penalties for certain summary offences), the reference in sub-paragraph (2)(a) to 51 weeks is to be read as a reference to 6 months.

(6) In relation to an offence committed before the coming into force of section 282 of the Criminal Justice Act 2003 (increase in maximum sentence on summary conviction of offence triable either way), the reference in sub-paragraph (4)(b) to 12 months is to be read as a reference to 6 months.

Statements

12 (1) A statement made by a person in response to a requirement imposed under a disclosure order may not be used in evidence against that person in criminal proceedings.

(2) Sub-paragraph (1) does not apply—
- (a) in the case of proceedings under this Part of this Act (including paragraph 11(1) or (3)),
- (b) on a prosecution for an offence under section 5 of the Perjury Act 1911 or Article 10 of the Perjury (Northern Ireland) Order 1979 (S.I. 1979/1714 (N.I. 19)) (false statements), or
- (c) on a prosecution for some other offence where, in giving evidence, the person 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 person unless—
- (a) evidence relating to it is adduced, or

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(b) a question relating to it is asked,

by or on behalf of the person in the proceedings arising out of the prosecution.

Further provisions

13 (1) A disclosure order does not confer the right to require a person—

(a) to answer any privileged question,

(b) to provide any privileged information, or

(c) to produce any privileged document or other material,

except that a lawyer may be required to provide the name and address of a client.

(2) For the purposes of sub-paragraph (1)—

(a) a privileged question is a question which the person would be entitled to refuse to answer on grounds of legal professional privilege in proceedings in the High Court;

(b) privileged information is any information which the person would be entitled to refuse to provide on grounds of legal professional privilege in proceedings in the High Court;

(c) a privileged document or other material is any document or material which the person would be entitled to refuse to produce on grounds of legal professional privilege in proceedings in the High Court.

(3) A disclosure order does not confer the right to require a person to produce excluded material.

(4) A disclosure order has effect in spite of any restriction on the disclosure of information (however imposed).

(5) An appropriate officer may take copies of any documents produced in compliance with a requirement to produce them imposed under a disclosure order.

(6) The documents may be retained for so long as it is necessary to retain them (as opposed to a copy of them) in connection with the terrorist financing investigation for the purposes of which the order was made.

(7) But if an appropriate officer has reasonable grounds for believing that—

(a) the documents may need to be produced for the purposes of any legal proceedings, and

(b) they might otherwise be unavailable for those purposes,

they may be retained until the proceedings are concluded.

(8) An appropriate officer may retain documents under sub-paragraph (7) only if the officer is a senior police officer or is authorised to do so by a senior police officer.

Supplementary

14 (1) An application for a disclosure order may be made without notice to a judge in chambers.

(2) Rules of court may make provision as to the practice and procedure to be followed in connection with proceedings relating to disclosure orders.

(3) An application to discharge or vary a disclosure order may be made to the Crown Court by—

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(a) the person who applied for the order;
(b) any person affected by the order.

(4) The Crown Court may—
(a) discharge the order;
(b) vary the order.

(5) An application to discharge or vary a disclosure order need not be made by the same appropriate officer that applied for the order.

(6) References to a person who applied for a disclosure order are to be construed accordingly.

(7) An appropriate officer may not make an application to discharge or vary a disclosure order unless the officer is a senior police officer or is authorised to do so by a senior police officer.**]**

[[F359]PART 2

SCOTLAND

Textual Amendments

F359 Sch. 5A Pt. 2 inserted (27.4.2017 for specified purposes) by Criminal Finances Act 2017 (c. 22), s. 58(1)(6), **Sch. 2 para. 4**

Interpretation

15 This paragraph applies for the purposes of this Part of this Schedule.

16 A disclosure order is an order made under paragraph 19.

17 A terrorist financing investigation is a terrorist investigation into—
(a) the commission, preparation or instigation of an offence under any of sections 15 to 18, or
(b) the identification of terrorist property or its movement or use.

18 "Document" means anything in which information of any description is recorded.

Disclosure orders

19 (1) The High Court of Justiciary may, on the application of the Lord Advocate, make a disclosure order if satisfied that each of the requirements for the making of the order is fulfilled.

(2) The application must state that a person or property specified in the application is subject to a terrorist financing investigation and the order is sought for the purposes of the investigation.

(3) A disclosure order is an order authorising the Lord Advocate to give to any person the Lord Advocate considers has relevant information notice in writing requiring the person to do any or all of the following with respect to any matter relevant to the terrorist financing investigation concerned—

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(a) answer questions, either at a time specified in the notice or at once, at a place so specified;
(b) provide information specified in the notice, by a time and in a manner so specified;
(c) produce documents, or documents of a description, specified in the notice, either at or by a time so specified or at once, and in a manner so specified.

(4) Relevant information is information (whether or not contained in a document) which the Lord Advocate considers to be relevant to the investigation.

(5) A person is not bound to comply with a requirement imposed by a notice given under a disclosure order unless evidence of authority to give the notice is produced.

Requirements for making of disclosure order

20 (1) These are the requirements for the making of a disclosure order.

(2) There must be reasonable grounds for suspecting that a person has committed an offence under any of sections 15 to 18 or that the property specified in the application is terrorist property.

(3) There must be reasonable grounds for believing that information which may be provided in compliance with a requirement imposed under the order is likely to be of substantial value (whether or not by itself) to the terrorist financing investigation concerned.

(4) There must be reasonable grounds for believing that it is in the public interest for the information to be provided, having regard to the benefit likely to accrue to the investigation if the information is obtained.

Offences

21 (1) A person commits an offence if without reasonable excuse the person fails to comply with a requirement imposed under a disclosure order.

(2) A person guilty of an offence under sub-paragraph (1) is liable on summary conviction to—
(a) imprisonment for a term not exceeding 6 months,
(b) a fine not exceeding level 5 on the standard scale, or
(c) both.

(3) A person commits an offence if, in purported compliance with a requirement imposed under a disclosure order, the person—
(a) makes a statement which the person knows to be false or misleading in a material particular, or
(b) recklessly makes a statement which is false or misleading in a material particular.

(4) A person guilty of an offence under sub-paragraph (3) is liable—
(a) on summary conviction, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum or to both, or
(b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Statements

22 (1) A statement made by a person in response to a requirement imposed under a disclosure order may not be used in evidence against that person in criminal proceedings.

(2) Sub-paragraph (1) does not apply—

(a) in the case of proceedings under this Part of this Act (including paragraph 21(1) or (3)),

(b) on a prosecution for perjury, or

(c) on a prosecution for some other offence where, in giving evidence, the person 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 person unless—

(a) evidence relating to it is adduced, or

(b) a question relating to it is asked,

by or on behalf of the person in the proceedings arising out of the prosecution.

Further provisions

23 (1) A disclosure order does not confer the right to require a person—

(a) to answer any question,

(b) to provide any information, or

(c) to produce any document,

which the person would be entitled to refuse to answer, provide or produce on grounds of legal privilege.

(2) A disclosure order has effect in spite of any restriction on the disclosure of information (however imposed).

(3) The Lord Advocate may take copies of any documents produced in compliance with a requirement to produce them imposed under a disclosure order.

(4) The documents may be retained for so long as it is necessary to retain them (as opposed to a copy of them) in connection with the terrorist financing investigation for the purposes of which the order was made.

(5) But if the Lord Advocate has reasonable grounds for believing that—

(a) the documents may need to be produced for the purposes of any legal proceedings, and

(b) they might otherwise be unavailable for those purposes,

they may be retained until the proceedings are concluded.

Supplementary

24 (1) An application for a disclosure order may be made without notice to a judge of the High Court of Justiciary.

(2) Provision may be made in rules of court as to the discharge and variation of disclosure orders.

Status: *Point in time view as at 29/06/2017.*
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(3) An application to discharge or vary a disclosure order may be made to the High Court of Justiciary by—
  (a) the Lord Advocate;
  (b) any person affected by the order.

(4) The High Court of Justiciary may—
  (a) discharge the order;
  (b) vary the order.**]**

SCHEDULE 6

Section 38.

FINANCIAL INFORMATION

Orders

1 (1) Where an order has been made under this paragraph in relation to a terrorist investigation, a constable **[**[F360]or counter-terrorism financial investigator**]** named in the order may require a financial institution **[**[F361]to which the order applies**]**to provide customer information for the purposes of the investigation.

[[F362](1A) The order may provide that it applies to—
  (a) all financial institutions,
  (b) a particular description, or particular descriptions, of financial institutions, or
  (c) a particular financial institution or particular financial institutions.**]**

(2) The information shall be provided—
  (a) in such manner and within such time as the constable **[**[F363]or counter-terrorism financial investigator**]** may specify, and
  (b) notwithstanding any restriction on the disclosure of information imposed by statute or otherwise.

(3) An institution which fails to comply with a requirement under this paragraph shall be guilty of an offence.

(4) It is a defence for an institution charged with an offence under sub-paragraph (3) to prove—
  (a) that the information required was not in the institution's possession, or
  (b) that it was not reasonably practicable for the institution to comply with the requirement.

(5) An institution guilty of an offence under sub-paragraph (3) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Textual Amendments

F360 Words in Sch. 6 para. 1(1) inserted (27.4.2017 for specified purposes, 27.6.2017 in so far as not already in force) by Criminal Finances Act 2017 (c. 22), **ss. 41(4)(a)**, 58(4)(6)

F361 Words in Sch. 6 para. 1(1) inserted (20.12.2001) by 2001 c. 24, s. 3, **Sch. 2 Pt. 4 para. 6(2)**; S.I. 2001/4019, **art. 2(1)(c)**

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

F362 Sch. 6 para. 1(1A) inserted (20.12.2001) by 2001 c. 24, s. 3, **Sch. 2 Pt. 4 para. 6(3)**; S.I. 2001/4019, **art. 2(1)(c)**

F363 Words in Sch. 6 para. 1(2)(a) inserted (27.4.2017 for specified purposes, 27.6.2017 in so far as not already in force) by Criminal Finances Act 2017 (c. 22), **ss. 41(4)(b)**, 58(4)(6)

Procedure

2 An order under paragraph 1 may be made only on the application of—

(a) in England and Wales or Northern Ireland, a police officer of at least the rank of superintendent, or

(b) in Scotland, the procurator fiscal.

3 An order under paragraph 1 may be made only by—

(a) in England and Wales, a Circuit judge **[**[F364]or a District Judge (Magistrates' Courts)**]** ,

(b) in Scotland, the sheriff, or

(c) in Northern Ireland, a **[**[F365]Crown Court judge**]**.

Textual Amendments

F364 Words in Sch. 6 para. 3(a) inserted (1.4.2005) by Courts Act 2003 (c. 39), s. 65(2), **Sch. 4 para. 10**; S.I. 2005/910, **art. 3(u)**

F365 Words in Sch. 6 para. 3(c) substituted (7.7.2002) by 2001 c. 24, **ss. 121(4)**; S.I. 2002/1558, **art. 2**

4 (1) **[**[F366]Criminal Procedure Rules**]** may make provision about the procedure for an application under paragraph 1.

(2) The High Court of Justiciary may, by Act of Adjournal, make provision about the procedure for an application under paragraph 1.

[[F367](3) Crown Court Rules may make provision about the procedure for an application under paragraph 1.**]**

Textual Amendments

F366 Words in Sch. 6 para. 4(1) substituted (1.9.2004 subject to saving in art. 3 of the commencing S.I.) by Courts Act 2003 (c. 39), s. 109(1), **Sch. 8 para. 390(2)**; S.I. 2004/2066, **art. 2**

F367 Sch. 6 para. 4(3) inserted (1.9.2004 subject to saving in art. 3 of the commencing S.I.) by Courts Act 2003 (c. 39), s. 109(1), **Sch. 8 para. 390(3)**; S.I. 2004/2066, **art. 2**

Criteria for making order

5 An order under paragraph 1 may be made only if the person making it is satisfied that—

(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.

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Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Financial institution

6 (1) In this Schedule "financial institution" means—

[F368(a) a person who has permission under [F369Part 4A] of the Financial Services and Markets Act 2000 to accept deposits,]

F370(b) . . . . . .

(c) a credit union (within the meaning of the M154Credit Unions Act 1979 or the M155Credit Unions (Northern Ireland) Order 1985),

[F371(d) a person carrying on a relevant regulated activity,]

(e) the National Savings Bank,

(f) a person who carries out an activity for the purposes of raising money authorised to be raised under the M156National Loans Act 1968 under the auspices of the Director of National Savings,

[F372(g) a European institution carrying on a home Member State regulated activity (within the meaning of Regulation (EU) No. 575/2013 of the European Parliament and of the Council);]

(h) a person carrying out an activity specified in any of points 1 to 12 [F373, 14 and 15] of [F374Annex 1] to [F375Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013,] , F376...

[F377(ha) an electronic money institution within the meaning of Directive 2009/110/EC of the European Parliament and of the Council of 16th September 2009 relating to the taking up, pursuit and prudential supervision of the business of electronic money institutions, and]

(i) a person who carries on an insurance business in accordance with an authorisation pursuant to [F378Article 14 or 162 of Directive 2009/138/EC of the European Parliament and of the Council of 25 November 2009 on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II)] .

[F379(1A) For the purposes of sub-paragraph (1)(d), a relevant regulated activity means—

(a) dealing in investments as principal or as agent,

(b) arranging deals in investments,

[F380(ba) [operating a multilateral trading facility,]

[F381(bb) [operating an organised trading facility,]

(c) managing investments,

(d) safeguarding and administering investments,

(e) sending dematerialised instructions,

[F382(ea) [managing a UCITS,

(eb) acting as trustee or depositary of a UCITS,

(ec) managing an AIF,

(ed) acting as trustee or depositary of an AIF,]

(f) establishing etc. collective investment schemes,

(g) advising on investments.

(1B) Sub-paragraphs (1)(a) and (1A) must be read with—

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(a) section 22 of the Financial Services and Markets Act 2000;
(b) any relevant order under that section; and
(c) Schedule 2 to that Act.**]**

(2) The Secretary of State may by order provide for a class of person—
(a) to be a financial institution for the purposes of this Schedule, or
(b) to cease to be a financial institution for the purposes of this Schedule.

(3) An institution which ceases to be a financial institution for the purposes of this Schedule (whether by virtue of sub-paragraph (2)(b) or otherwise) shall continue to be treated as a financial institution for the purposes of any requirement under paragraph 1 to provide customer information which relates to a time when the institution was a financial institution.

Textual Amendments

F368 Sch. 6 para. 6(1)(a) substituted (1.12.2001) by S.I. 2001/3649, **arts. 1**, 361(2)(a)

F369 Words in Sch. 6 para. 6(1)(a) substituted (1.4.2013) by Financial Services Act 2012 (c. 21), s. 122(3), **Sch. 18 para. 87(3)** (with Sch. 20); S.I. 2013/423, art. 3, Sch.

F370 Sch. 6 para. 6(1)(b) repealed (1.12.2001) by S.I. 2001/3649, **arts. 1**, 361(2)(b)

F371 Sch. 6 para. 6(1)(d) substituted (1.12.2001) by S.I. 2001/3649, **arts. 1**, 361(2)(c)

F372 Sch. 6 para. 6(1)(g) substituted (1.1.2014) by The Capital Requirements Regulations 2013 (S.I. 2013/3115), reg. 1(2), **Sch. 2 para. 40(3)(a)**

F373 Words in Sch. 6 para. 6(1)(h) substituted (9.2.2011 for specified purposes, 30.4.2011 in so far as not already in force) by The Electronic Money Regulations 2011 (S.I. 2011/99), reg. 1(2), **Sch. 4 para. 3(b)(iii)**

F374 Words in Sch. 6 para. 6(1)(h) substituted (22.11.2000) by S.I. 2000/2952, **reg. 9(b)**

F375 Words in Sch. 6 para. 6(1)(h) substituted (1.1.2014) by The Capital Requirements Regulations 2013 (S.I. 2013/3115), reg. 1(2), **Sch. 2 para. 40(3)(b)**

F376 Word in Sch. 6 para. 6(1)(h) omitted (9.2.2011 for specified purposes, 30.4.2011 in so far as not already in force) by virtue of The Electronic Money Regulations 2011 (S.I. 2011/99), reg. 1(2), **Sch. 4 para. 3(b)(ii)**

F377 Sch. 6 para. 6(1)(ha) inserted (9.2.2011 for specified purposes, 30.4.2011 in so far as not already in force) by The Electronic Money Regulations 2011 (S.I. 2011/99), reg. 1(2), **Sch. 4 para. 3(b)(ii)**

F378 Words in Sch. 6 para. 6(1)(i) substituted (1.1.2016) by The Solvency 2 Regulations 2015 (S.I. 2015/575), reg. 1(2), **Sch. 1 para. 21(3)**

F379 Sch. 6 para 6(1A)(1B) inserted (1.12.2001) by S.I. 2001/3649, **arts. 1**, 361(3)

F380 Sch. 6 para. 6(1A)(ba) inserted (1.4.2007 for certain purposes and otherwise 1.11.2007) by The Financial Services and Markets Act 2000 (Regulated Activities) (Amendment No. 3) Order 2006 (S.I. 2006/3384), **art. 33**

F381 Sch. 6 para. 6(1A)(bb) inserted (1.4.2017 for specified purposes, 3.1.2018 in so far as not already in force) by The Financial Services and Markets Act 2000 (Regulated Activities) (Amendment) Order 2017 (S.I. 2017/488), art. 1(2), **Sch. para. 3**

F382 Sch. 6 para. 6(1A)(ea)-(ed) inserted (22.7.2013) by The Alternative Investment Fund Managers Regulations 2013 (S.I. 2013/1773), reg. 1, **Sch. 1 para. 41**

Commencement Information

I9 Sch. 6 wholly in force at 19.2.2001; Sch. 6 not in force at Royal Assent see s. 128; Sch. 6 para. 6(2) in force at 31.10.2000 by S.I. 2000/2944, **art. 2(j)(ii)**; Sch. 6 in force at 19.2.2001 in so far as not already in force by S.I. 2001/421, **art. 2**

Marginal Citations

M154 1979 c. 34.

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Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

M155 S.I. 1985/1205 (N.I.12).
M156 1968 c. 13.

Customer information

7 (1) In this Schedule "customer information" means (subject to sub-paragraph (3))—
- (a) information whether a business relationship exists or existed between a financial institution and a particular person ("a customer"),
- (b) a customer's account number,
- (c) a customer's full name,
- (d) a customer's date of birth,
- (e) a customer's address or former address,
- (f) the date on which a business relationship between a financial institution and a customer begins or ends,
- (g) any evidence of a customer's identity obtained by a financial institution in pursuance of or for the purposes of any legislation relating to money laundering, and
- (h) the identity of a person sharing an account with a customer.

(2) For the purposes of this Schedule there is a business relationship between a financial institution and a person if (and only if)—
- (a) there is an arrangement between them designed to facilitate the carrying out of frequent or regular transactions between them, and
- (b) the total amount of payments to be made in the course of the arrangement is neither known nor capable of being ascertained when the arrangement is made.

(3) The Secretary of State may by order provide for a class of information—
- (a) to be customer information for the purposes of this Schedule, or
- (b) to cease to be customer information for the purposes of this Schedule.

Commencement Information

I10 Sch. 6 wholly in force at 19.2.2001; Sch. 6 not in force at Royal Assent see s. 128; Sch. 6 para. 7(3) in force at 31.10.2000 by S.I. 2000/2944, **art. 2(j)(iii)**; Sch 6 para. 7 in force at 19.2.2001 in so far as not already in force by S.I. 2001/421, **art. 2**

Offence by body corporate, &c.

8 (1) This paragraph applies where an offence under paragraph 1(3) is committed by an institution and it is proved that the offence—
- (a) was committed with the consent or connivance of an officer of the institution, or
- (b) was attributable to neglect on the part of an officer of the institution.

(2) The officer, as well as the institution, shall be guilty of the offence.

(3) Where an individual is convicted of an offence under paragraph 1(3) by virtue of this paragraph, he shall be liable on summary conviction to—
- (a) imprisonment for a term not exceeding six months,

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(b) a fine not exceeding level 5 on the standard scale, or
(c) both.

(4) In the case of an institution which is a body corporate, in this paragraph "officer" includes—
(a) a director, manager or secretary,
(b) a person purporting to act as a director, manager or secretary, and
(c) if the affairs of the body are managed by its members, a member.

(5) In the case of an institution which is a partnership, in this paragraph "officer" means a partner.

(6) In the case of an institution which is an unincorporated association (other than a partnership), in this paragraph "officer" means a person concerned in the management or control of the association.

Self-incrimination

9 (1) Customer information provided by a financial institution under this Schedule shall not be admissible in evidence in criminal proceedings against the institution or any of its officers or employees.

(2) Sub-paragraph (1) shall not apply in relation to proceedings for an offence under paragraph 1(3) (including proceedings brought by virtue of paragraph 8).

F383[SCHEDULE 6A

ACCOUNT MONITORING ORDERS

Textual Amendments
F383 Sch. 6A inserted (20.12.2001) by 2001 c. 24, s. 3, **Sch. 2 Pt. 1 para. 1(3)**; S.I. 2001/4019, **art. 2(1)(c)**

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;
F384[(aa) a counter-terrorism financial investigator, in England and Wales or Northern Ireland;]

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(b) the procurator fiscal, in Scotland.

(5) " Financial institution " has the same meaning as in Schedule 6.

Textual Amendments

F384 Sch. 6A para. 1(4)(aa) inserted (27.4.2017 for specified purposes, 27.6.2017 in so far as not already in force) by Criminal Finances Act 2017 (c. 22), **ss. 41(5)(a)**, 58(4)(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—

(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.

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Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(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.

[[F385](4) If the application was made by a counter-terrorism financial investigator, the description of information specified in it may be varied by a different counter-terrorism financial investigator.**]**

Textual Amendments

F385 Sch. 6A para. 3(4) inserted (27.4.2017 for specified purposes, 27.6.2017 in so far as not already in force) by Criminal Finances Act 2017 (c. 22), **ss. 41(5)(b)**, 58(4)(6)

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.

(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.

[[F386](2A) If the application for the account monitoring order was made by a counter-terrorism financial investigator, an application to discharge or vary the order may be made by a different counter-terrorism financial investigator.**]**

(3) The court—

(a) may discharge the order;

(b) may vary the order.

Textual Amendments

F386 Sch. 6A para. 4(2A) inserted (27.4.2017 for specified purposes, 27.6.2017 in so far as not already in force) by Criminal Finances Act 2017 (c. 22), **ss. 41(5)(c)**, 58(4)(6)

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).

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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.**]**

[[F387]SCHEDULE 6B

SEARCHES IN SPECIFIED AREAS OR PLACES: SUPPLEMENTARY

Textual Amendments

F387 Sch. 6B inserted (10.7.2012) by Protection of Freedoms Act 2012 (c. 9), s. 120, **Sch. 5** (with s. 97); S.I. 2012/1205, art. 4(g)

Extent of search powers: supplementary

1 A constable exercising the power conferred by an authorisation under section 47A may not require a person to remove any clothing in public except for headgear, footwear, an outer coat, a jacket or gloves.

2 (1) Sub-paragraph (2) applies if a constable proposes to search a person or vehicle by virtue of section 47A(2) or (3).

(2) The constable may detain the person or vehicle for such time as is reasonably required to permit the search to be carried out at or near the place where the person or vehicle is stopped.

Requirements as to writing

3 A senior police officer who gives an authorisation under section 47A orally must confirm it in writing as soon as reasonably practicable.

4 (1) Where—

(a) a vehicle or pedestrian is stopped by virtue of section 47A(2) or (3), and

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(b) the driver of the vehicle or the pedestrian applies for a written statement that the vehicle was stopped, or that the pedestrian was stopped, by virtue of section 47A(2) or (as the case may be) (3),

the written statement must be provided.

(2) An application under sub-paragraph (1) must be made within the period of 12 months beginning with the date on which the vehicle or pedestrian was stopped.

Duration of authorisations

5 (1) An authorisation under section 47A has effect during the period—

(a) beginning at the time when the authorisation is given, and

(b) ending with the specified date or at the specified time.

(2) This paragraph is subject as follows.

6 The specified date or time must not occur after the end of the period of 14 days beginning with the day on which the authorisation is given.

7 (1) The senior police officer who gives an authorisation must inform the Secretary of State of it as soon as reasonably practicable.

(2) An authorisation ceases to have effect at the end of the period of 48 hours beginning with the time when it is given unless it is confirmed by the Secretary of State before the end of that period.

(3) An authorisation ceasing to have effect by virtue of sub-paragraph (2) does not affect the lawfulness of anything done in reliance on it before the end of the period concerned.

(4) When confirming an authorisation, the Secretary of State may—

(a) substitute an earlier date or time for the specified date or time;

(b) substitute a more restricted area or place for the specified area or place.

8 The Secretary of State may cancel an authorisation with effect from a time identified by the Secretary of State.

9 (1) A senior police officer may—

(a) cancel an authorisation with effect from a time identified by the officer concerned;

(b) substitute an earlier date or time for the specified date or time;

(c) substitute a more restricted area or place for the specified area or place.

(2) Any such cancellation or substitution in relation to an authorisation confirmed by the Secretary of State under paragraph 7 does not require confirmation by the Secretary of State.

10 An authorisation given by a member of the Civil Nuclear Constabulary does not have effect except in relation to times when the specified area or place is a place where members of that Constabulary have the powers and privileges of a constable.

11 The existence, expiry or cancellation of an authorisation does not prevent the giving of a new authorisation.

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Specified areas or places

12 (1) An authorisation given by a senior police officer who is not a member of the British Transport Police Force, the Ministry of Defence Police or the Civil Nuclear Constabulary may specify an area or place together with—

(a) the internal waters adjacent to that area or place; or

(b) a specified area of those internal waters.

(2) In sub-paragraph (1) "internal waters" means waters in the United Kingdom that are not comprised in any police area.

13 Where an authorisation specifies more than one area or place—

(a) the power of a senior police officer under paragraph 5(1)(b) to specify a date or time includes a power to specify different dates or times for different areas or places (and the other references in this Schedule to the specified date or time are to be read accordingly), and

(b) the power of the Secretary of State under paragraph 7(4)(b), and of a senior police officer under paragraph 9(1)(c), includes a power to remove areas or places from the authorisation.

Interpretation

14 (1) In this Schedule—

"driver" has the meaning given by section 43A(5);

"senior police officer" means—

(a) in relation to an authorisation where the specified area or place is the whole or part of a police area **[**[F388]in England and Wales**]** , other than of a police area mentioned in paragraph (b) or (c), a police officer for the area who is of at least the rank of assistant chief constable;

(b) in relation to an authorisation where the specified area or place is the whole or part of the metropolitan police district, a police officer for the district who is of at least the rank of commander of the metropolitan police;

(c) in relation to an authorisation where the specified area or place is the whole or part of the City of London, a police officer for the City who is of at least the rank of commander in the City of London police force;

(ca) **[**[F389]in relation to an authorisation where the specified area or place is the whole or part of Scotland, a constable of the Police Service of Scotland who is of at least the rank of assistant chief constable;**]**

(d) in relation to an authorisation where the specified area or place is the whole or part of Northern Ireland, a member of the Police Service of Northern Ireland who is of at least the rank of assistant chief constable;

"specified" means specified in an authorisation.

(2) References in this Schedule to a senior police officer are to be read as including—

(a) in relation to an authorisation where the specified area or place is the whole or part of a police area outside Northern Ireland and is in a place described in section 34(1A), a member of the British Transport Police Force who is of at least the rank of assistant chief constable;

(b) in relation to an authorisation where the specified area or place is a place to which section 2(2) of the Ministry of Defence Police Act 1987 applies,

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

a member of the Ministry of Defence Police who is of at least the rank of assistant chief constable;

(c) in relation to an authorisation where the specified area or place is a place in which members of the Civil Nuclear Constabulary have the powers and privileges of a constable, a member of that Constabulary who is of at least the rank of assistant chief constable;

but such references are not to be read as including a member of the British Transport Police Force, the Ministry of Defence Police or the Civil Nuclear Constabulary in any other case.**]**

Textual Amendments

F388 Words in Sch. 6B para. 14(1) substituted (1.4.2013) by The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602), art. 1(2), **Sch. 2 para. 32(4)(a)**

F389 Words in Sch. 6B para. 14(1) inserted (1.4.2013) by The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602), art. 1(2), **Sch. 2 para. 32(4)(b)**

SCHEDULE 7

Section 53.

PORT AND BORDER CONTROLS

Modifications etc. (not altering text)

C68 Sch. 7 modified (19.2.2001) by S.I. 1993/1813, **Sch. 4 para. 3** (as substituted by S.I. 2001/178, **art. 4**)

C69 Schs. 7, 8, 14 extended (with modifications) (coming into force in accordance with art. 1(2) of the extending S.I.) by The Nationality, Immigration and Asylum Act 2002 (Juxtaposed Controls) Order 2003 (S.I. 2003/2818), **art. 11(1)(b)**, Sch. 2 (as amended (31.3.2021) by The Nationality, Immigration and Asylum Act 2002 (Juxtaposed Controls) (Amendment) Order 2021 (S.I. 2021/311), arts. 1(2), **2(7)(b)(i)**)

Interpretation

1 (1) In this Schedule "examining officer" means any of the following—

(a) a constable,

(b) an immigration officer **[**[F390]who is designated for the purpose of this Schedule by the Secretary of State **]** , and

(c) a customs officer who is designated for the purpose of this Schedule by the Secretary of State and the Commissioners of Customs and Excise.

(2) In this Schedule—

"the border area" has the meaning given by paragraph 4,
"captain" means master of a ship or commander of an aircraft,
"port" includes an airport and a hoverport,
"ship" includes a hovercraft, and
"vehicle" includes a train.

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(3) A place shall be treated as a port for the purposes of this Schedule in relation to a person if an examining officer believes that the person—

(a) has gone there for the purpose of embarking on a ship or aircraft, or

(b) has arrived there on disembarking from a ship or aircraft.

Textual Amendments

F390 Words in Sch. 7 para. 1(1)(b) inserted (31.7.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 9 para. 1(2)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/1916, art. 3(b)

[F391 Examining officers etc

Textual Amendments

F391 Sch. 7 para. 1A and cross-heading inserted (13.5.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 9 para. 1(3)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 3, Sch. para. 21(a)

1A (1) The Secretary of State must under paragraph 6 of Schedule 14 issue a code of practice about—

(a) training to be undertaken by constables, immigration officers and customs officers who are to act as examining officers or exercise other functions under this Schedule, and

(b) the procedure for making designations under paragraph 1(1)(b) and (c).

(2) In particular, the code must make provision for consultation with the relevant chief officer of police before designations are made under paragraph 1(1)(b) or (c).

(3) "Relevant chief officer of police" means—

(a) in England and Wales, the chief officer of police for the police area in which the persons designated would act as examining officers,

(b) in Scotland, the Chief Constable of the Police Service of Scotland, and

(c) in Northern Ireland, the Chief Constable of the Police Service of Northern Ireland.**]**

Power to stop, question and detain

2 (1) An examining officer may question a person to whom this paragraph applies for the purpose of determining whether he appears to be a person falling within section 40(1)(b).

(2) This paragraph applies to a person if—

(a) he is at a port or in the border area, and

(b) the examining officer believes that the person's presence at the port or in the area is connected with his entering or leaving Great Britain or Northern Ireland **[**F392or his travelling by air within Great Britain or within Northern Ireland**]**.

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(3) This paragraph also applies to a person on a ship or aircraft which has arrived **[**[F393]at any place in Great Britain or Northern Ireland (whether from within or outside Great Britain or Northern Ireland).**]**

(4) An examining officer may exercise his powers under this paragraph whether or not he has grounds for suspecting that a person falls within section 40(1)(b).

Textual Amendments

F392 Words in Sch. 7 para. 2(2)(b) inserted (14.12.2001) by 2001 c. 24, **s. 118(2)**

F393 Words in Sch. 7 para. 2(3) substituted (14.12.2001) by 2001 c. 24, **s. 118(3)**

3 An examining officer may question a person who is in the border area for the purpose of determining whether his presence in the area is connected with his entering or leaving Northern Ireland.

4 (1) A place in Northern Ireland is within the border area for the purposes of paragraphs 2 and 3 if it is no more than one mile from the border between Northern Ireland and the Republic of Ireland.

(2) If a train goes from the Republic of Ireland to Northern Ireland, the first place in Northern Ireland at which it stops for the purpose of allowing passengers to leave is within the border area for the purposes of paragraphs 2 and 3.

5 A person who is questioned under paragraph 2 or 3 must—

(a) give the examining officer any information in his possession which the officer requests;

(b) give the examining officer on request either a valid passport which includes a photograph or another document which establishes his identity;

(c) declare whether he has with him documents of a kind specified by the examining officer;

(d) give the examining officer on request any document which he has with him and which is of a kind specified by the officer.

6 (1) For the purposes of exercising a power under paragraph 2 or 3 an examining officer may—

(a) stop a person or vehicle;

(b) detain a person.

(2) For the purpose of detaining a person under this paragraph, an examining officer may authorise the person's removal from a ship, aircraft or vehicle.

(3) Where a person is detained under this paragraph the provisions of **[**[F394]Parts 1 and 1A**]** of Schedule 8 (treatment **[**[F395]and review of detention**]**) shall apply.

[F396](4) . . . . . .

Textual Amendments

F394 Words in Sch. 7 para. 6(3) substituted (1.4.2015) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 9 para. 7(2)(a)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/1916, art. 4

F395 Words in Sch. 7 para. 6(3) inserted (1.4.2015) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 9 para. 7(2)(b)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/1916, art. 4

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

F396 Sch. 7 para. 6(4) repealed (31.7.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 9 para. 2(2)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/1916, art. 3(b)

[F397 6A (1) This paragraph applies where a person is questioned under paragraph 2 or 3.

(2) After the end of the 1 hour period, the person may not be questioned under either of those paragraphs unless the person is detained under paragraph 6.

(3) If the person is detained under paragraph 6 the person must be released not later than the end of the 6 hour period (unless detained under another power).

(4) In this paragraph—

"the 1 hour period" is the period of 1 hour beginning with the time the person is first questioned under paragraph 2 or 3;

"the 6 hour period" is the period of 6 hours beginning with that time.]

Textual Amendments

F397 Sch. 7 para. 6A inserted (31.7.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 9 para. 2(3)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/1916, art. 3(b)

Searches

7 For the purpose of satisfying himself whether there are any persons whom he may wish to question under paragraph 2 an examining officer may—

(a) search a ship or aircraft;

(b) search anything on a ship or aircraft;

(c) search anything which he reasonably believes has been, or is about to be, on a ship or aircraft.

8 (1) An examining officer who questions a person under paragraph 2 may, for the purpose of determining whether he falls within section 40(1)(b)—

(a) search the person;

(b) search anything which he has with him, or which belongs to him, and which is on a ship or aircraft;

(c) search anything which he has with him, or which belongs to him, and which the examining officer reasonably believes has been, or is about to be, on a ship or aircraft;

(d) search a ship or aircraft for anything falling within paragraph (b)

[F398 (e) search a vehicle which is on a ship or aircraft;

(f) search a vehicle which the examining officer reasonably believes has been, or is about to be, on a ship or aircraft.]

(2) Where an examining officer questions a person in the border area under paragraph 2 he may (in addition to the matters specified in sub-paragraph (1)), for the purpose of determining whether the person falls within section 40(1)(b)—

(a) search a vehicle;

(b) search anything in or on a vehicle;

(c) search anything which he reasonably believes has been, or is about to be, in or on a vehicle.

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(3) A search of a person under this paragraph must be carried out by someone of the same sex.

[[F399](4) An intimate search of a person may not be carried out under this paragraph.

(5) A strip search of a person may not be carried out under this paragraph unless—

(a) the person is detained under paragraph 6,

(b) the examining officer has reasonable grounds to suspect that the person is concealing something which may be evidence that the person falls within section 40(1)(b), and

(c) the search is authorised by a senior officer who has not been directly involved in questioning the person.

(6) "Senior officer" means—

(a) where the examining officer is a constable, a constable of a higher rank than the examining officer,

(b) where the examining officer is an immigration officer, an immigration officer of a higher grade than the examining officer, and

(c) where the examining officer is a customs officer, a customs officer of a higher grade than the examining officer.

(7) In this paragraph—

"intimate search" means a search which consists of a physical examination of a person's body orifices other than the mouth;

"strip search" means a search which is not an intimate search but involves the removal of an article of clothing which—

(a) is being worn wholly or partly on the trunk, and

(b) is being so worn either next to the skin or next to an article of underwear.**]**

Textual Amendments

F398 Sch. 7 para. 8(1)(e)(f) inserted (13.4.2006) by Terrorism Act 2006 (c. 11), **s. 29**; S.I. 2006/1013, **art. 2**

F399 Sch. 7 para. 8(4)-(7) inserted (31.7.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 9 para. 3** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/1916, art. 3(b)

9 (1) An examining officer may examine goods to which this paragraph applies for the purpose of determining whether they have been used in the commission, preparation or instigation of acts of terrorism.

[[F400](2) This paragraph applies to—

(a) goods which have arrived in or are about to leave Great Britain or Northern Ireland on a ship or vehicle, and

(b) goods which have arrived at or are about to leave any place in Great Britain or Northern Ireland on an aircraft (whether the place they have come from or are going to is within or outside Great Britain or Northern Ireland).**]**

[[F401](2A) The reference in sub-paragraph (2)(a) to goods which are about to leave Great Britain or Northern Ireland on a ship includes goods which—

(a) are held at premises operated by a sea cargo agent, and

Status: *Point in time view as at 29/06/2017.*
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(b) are to be delivered to a place in Great Britain or Northern Ireland for carriage on a ship.

(2B) The reference in sub-paragraph (2)(b) to goods which are about to leave any place in Great Britain or Northern Ireland on an aircraft includes goods which—

(a) are held at premises operated by an air cargo agent, and

(b) are to be delivered to a place in Great Britain or Northern Ireland for carriage on an aircraft.

(2C) An examination under this paragraph may be carried out only—

(a) at a port;

(b) at premises operated by a sea cargo agent or an air cargo agent;

(c) at a transit shed;

(d) at a location designated by the Secretary of State under sub-paragraph (2D) (a "designated examination location").

(2D) The Secretary of State may designate a location for the purposes of sub-paragraph (2C)(d) only if the Secretary of State reasonably believes that it is necessary to designate that location in order for examining officers to be able to exercise their functions under this paragraph.

(2E) The Secretary of State must maintain and publish a list of designated examination locations.**]**

[[F402](3) In this paragraph—

(a) "air cargo agent" has the meaning given by section 21F(1) of the Aviation Security Act 1982;

(b) "goods" includes property of any description, and containers;

(c) "sea cargo agent" has the meaning given by section 41(1) of the Aviation and Maritime Security Act 1990;

(d) "transit shed" has the meaning given by section 25A of the Customs and Excise Management Act 1979.**]**

[[F403](4) For the purposes of determining whether to carry out an examination under this paragraph an examining officer may—

(a) board a ship or aircraft;

(b) enter a vehicle;

(c) enter premises operated by a sea cargo agent or an air cargo agent;

(d) enter a transit shed;

(e) enter a designated examination location.**]**

Textual Amendments

F400 Sch. 7 para. 9(2) substituted (14.12.2001) by 2001 c. 24, **s. 118(4)**

F401 Sch. 7 para. 9(2A)-(2E) inserted (12.2.2015) by Counter-Terrorism and Security Act 2015 (c. 6), s. 52(5), **Sch. 8 para. 1(2)**

F402 Sch. 7 para. 9(3) substituted (12.2.2015) by Counter-Terrorism and Security Act 2015 (c. 6), s. 52(5), **Sch. 8 para. 1(3)**

F403 Sch. 7 para. 9(4) substituted (12.2.2015) by Counter-Terrorism and Security Act 2015 (c. 6), s. 52(5), **Sch. 8 para. 1(4)**

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

10 (1) An examining officer may authorise a person to carry out on his behalf a search or examination under any of paragraphs 7 to 9.

(2) A person authorised under this paragraph shall be treated as an examining officer for the purposes of—

(a) paragraphs 9(4) and 11 of this Schedule, and

(b) paragraphs 2 and 3 of Schedule 14.

Detention of property

11 (1) This paragraph applies to anything which—

(a) is given to an examining officer in accordance with paragraph 5(d),

(b) is searched or found on a search under paragraph 8, or

(c) is examined under paragraph 9.

(2) An examining officer may detain the thing—

(a) for the purpose of examination, for a period not exceeding seven days beginning with the day on which the detention commences,

(b) while he believes that it may be needed for use as evidence in criminal proceedings, or

(c) while he believes that it may be needed in connection with a decision by the Secretary of State whether to make a deportation order under the [M157]Immigration Act 1971.

Marginal Citations

M157 1971 c. 77.

[[F404]Power to make and retain copies

Textual Amendments

F404 Sch. 7 para. 11A and cross-heading inserted (31.7.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 9 para. 4** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/1916, art. 3(b)

11A (1) This paragraph applies where the examining officer is a constable.

(2) The examining officer may copy anything which—

(a) is given to the examining officer in accordance with paragraph 5,

(b) is searched or found on a search under paragraph 8, or

(c) is examined under paragraph 9.

(3) The copy may be retained—

(a) for so long as is necessary for the purpose of determining whether a person falls within section 40(1)(b),

(b) while the examining officer believes that it may be needed for use as evidence in criminal proceedings, or

(c) while the examining officer believes that it may be needed in connection with a decision by the Secretary of State whether to make a deportation order under the Immigration Act 1971.**]**

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Designated ports

12 (1) This paragraph applies to a journey—
- (a) to Great Britain from the Republic of Ireland, Northern Ireland or any of the Islands,
- (b) from Great Britain to any of those places,
- (c) to Northern Ireland from Great Britain, the Republic of Ireland or any of the Islands, or
- (d) from Northern Ireland to any of those places.

(2) Where a ship or aircraft is employed to carry passengers for reward on a journey to which this paragraph applies the owners or agents of the ship or aircraft shall not arrange for it to call at a port in Great Britain or Northern Ireland for the purpose of disembarking or embarking passengers unless—
- (a) the port is a designated port, or
- (b) an examining officer approves the arrangement.

(3) Where an aircraft is employed on a journey to which this paragraph applies otherwise than to carry passengers for reward, the captain of the aircraft shall not permit it to call at or leave a port in Great Britain or Northern Ireland unless—
- (a) the port is a designated port, or
- (b) he gives at least 12 hours' notice in writing to a constable for the police area in which the port is situated (or, where the port is in Northern Ireland, to a member of the Royal Ulster Constabulary).

(4) A designated port is a port which appears in the Table at the end of this Schedule.

(5) The Secretary of State may by order—
- (a) add an entry to the Table;
- (b) remove an entry from the Table.

Embarkation and disembarkation

13 (1) The Secretary of State may by notice in writing to the owners or agents of ships or aircraft—
- (a) designate control areas in any port in the United Kingdom;
- (b) specify conditions for or restrictions on the embarkation or disembarkation of passengers in a control area.

(2) Where owners or agents of a ship or aircraft receive notice under sub-paragraph (1) in relation to a port they shall take all reasonable steps to ensure, in respect of the ship or aircraft—
- (a) that passengers do not embark or disembark at the port outside a control area, and
- (b) that any specified conditions are met and any specified restrictions are complied with.

14 (1) The Secretary of State may by notice in writing to persons concerned with the management of a port in the United Kingdom ("the port managers")—
- (a) designate control areas in the port;
- (b) require the port managers to provide at their own expense specified facilities in a control area for the purposes of the embarkation or disembarkation of passengers or their examination under this Schedule;

Status: *Point in time view as at 29/06/2017.*
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(c) require conditions to be met and restrictions to be complied with in relation to the embarkation or disembarkation of passengers in a control area;

(d) require the port managers to display, in specified locations in control areas, notices containing specified information about the provisions of this Schedule in such form as may be specified.

(2) Where port managers receive notice under sub-paragraph (1) they shall take all reasonable steps to comply with any requirement set out in the notice.

15 (1) This paragraph applies to a ship employed to carry passengers for reward, or an aircraft, which—

(a) arrives in Great Britain from the Republic of Ireland, Northern Ireland or any of the Islands,

(b) arrives in Northern Ireland from Great Britain, the Republic of Ireland or any of the Islands,

(c) leaves Great Britain for the Republic of Ireland, Northern Ireland or any of the Islands, or

(d) leaves Northern Ireland for Great Britain, the Republic of Ireland or any of the Islands.

(2) The captain shall ensure—

(a) that passengers and members of the crew do not disembark at a port in Great Britain or Northern Ireland unless either they have been examined by an examining officer or they disembark in accordance with arrangements approved by an examining officer;

(b) that passengers and members of the crew do not embark at a port in Great Britain or Northern Ireland except in accordance with arrangements approved by an examining officer;

(c) where a person is to be examined under this Schedule on board the ship or aircraft, that he is presented for examination in an orderly manner.

(3) Where paragraph 27 of Schedule 2 to the [M158]Immigration Act 1971 (disembarkation requirements on arrival in the United Kingdom) applies, the requirements of sub-paragraph (2)(a) above are in addition to the requirements of paragraph 27 of that Schedule.

Marginal Citations

M158 1971 c. 77.

Carding

16 (1) The Secretary of State may by order make provision requiring a person to whom this paragraph applies, if required to do so by an examining officer, to complete and produce to the officer a card containing such information in such form as the order may specify.

(2) An order under this paragraph may require the owners or agents of a ship or aircraft employed to carry passengers for reward to supply their passengers with cards in the form required by virtue of sub-paragraph (1).

(3) This paragraph applies to a person—

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(a) who disembarks in Great Britain from a ship or aircraft which has come from the Republic of Ireland, Northern Ireland or any of the Islands,
(b) who disembarks in Northern Ireland from a ship or aircraft which has come from Great Britain, the Republic of Ireland, or any of the Islands,
(c) who embarks in Great Britain on a ship or aircraft which is going to the Republic of Ireland, Northern Ireland or any of the Islands, or
(d) who embarks in Northern Ireland on a ship or aircraft which is going to Great Britain, the Republic of Ireland, or any of the Islands.

Commencement Information

I11 Sch. 7 para. 16 wholly in force at 19.2.2001; Sch. 7 para. 16 not in force at Royal Assent see s. 128; Sch. 7 para. 16(1)(2) in force at 31.10.2000 by S.I. 2000/2944, **art. 2(k)(i)**; Sch. 7 in force at 19.2.2002 in so far as not already in force by S.I. 2001/421, **art. 2**

Provision of passenger information

17 **[**[F405](1) This paragraph applies to a ship or aircraft which—
(a) arrives or is expected to arrive in any place in the United Kingdom (whether from another place in the United Kingdom or from outside the United Kingdom), or
(b) leaves or is expected to leave the United Kingdom.**]**

(2) If an examining officer gives the owners or agents of a ship or aircraft to which this paragraph applies a written request to provide specified information, the owners or agents shall comply with the request as soon as is reasonably practicable.

(3) A request to an owner or agent may relate—
(a) to a particular ship or aircraft,
(b) to all ships or aircraft of the owner or agent to which this paragraph applies, or
(c) to specified ships or aircraft.

(4) Information may be specified in a request only if it is of a kind which is prescribed by order of the Secretary of State and which relates—
(a) to passengers,
(b) to crew, [F406]. . .
(c) to vehicles belonging to passengers or crew **[**[F407],or
(d) to goods.**]**

(5) A passenger or member of the crew on a ship or aircraft shall give the captain any information required for the purpose of enabling the owners or agents to comply with a request under this paragraph.

(6) Sub-paragraphs (2) and (5) shall not require the provision of information which is required to be provided under or by virtue of paragraph 27(2) **[**[F408], 27B or 27BA **]** of Schedule 2 to the [M159]Immigration Act 1971.

Textual Amendments

F405 Sch. 7 para. 17(1) substituted (14.12.2001) by 2001 c. 24, **s. 119(2)**

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

F406 Word in Sch. 7 para. 17(4)(b) repealed (14.12.2001) by 2001 c. 24, ss. 119(3)(a), 125, **Sch. 8 Pt. 7**
F407 Sch. 7 para. 17(4)(d) and word preceding it added (14.12.2001) by 2001 c. 24, **s. 119(3)(b)**
F408 Words in Sch. 7 para. 17(6) substituted (12.2.2015) by Counter-Terrorism and Security Act 2015 (c. 6), s. 52(5), **Sch. 5 para. 4**

Commencement Information

I12 Sch. 7 para. 17 wholly in force at 19.2.2001; Sch. 7 para. 17 not in force at Royal Assent see s. 128; Sch. 7 para. 17(4) in force at 31.10.2000 by S.I. 2000/2944, **art. 2(k)(ii)**; Sch. 7 in force at 19.2.2001 in so far as not already in force by S.I. 2001/421, **art. 2**

Marginal Citations

M159 1971 c. 77.

Offences

18 (1) A person commits an offence if he—

(a) wilfully fails to comply with a duty imposed under or by virtue of this Schedule,

(b) wilfully contravenes a prohibition imposed under or by virtue of this Schedule, or

(c) wilfully obstructs, or seeks to frustrate, a search or examination under or by virtue of this Schedule.

(2) A person guilty of an offence under this paragraph shall be liable on summary conviction to—

(a) imprisonment for a term not exceeding three months,

(b) a fine not exceeding level 4 on the standard scale, or

(c) both.

Table Designated Ports Great Britain

Seaports	***Airports***
Ardrossan	Aberdeen
Cairnryan	Biggin Hill
Campbeltown	Birmingham
Fishguard	Blackpool
Fleetwood	Bournemouth (Hurn)
Heysham	Bristol
Holyhead	Cambridge
[F409Loch Ryan]	Cardiff
Pembroke Dock	Carlisle
Plymouth	Coventry
Poole Harbour	East Midlands
Port of Liverpool	Edinburgh
Portsmouth Continental Ferry Port	Exeter
Southampton	Glasgow
F410 ...	Gloucester/Cheltenham (Staverton)
Swansea	Humberside
Torquay	Leeds/Bradford
Troon	Liverpool
Weymouth	London-City
	London-Gatwick

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London-Heathrow
Luton
Lydd
Manchester
Manston
Newcastle
Norwich
Plymouth
Prestwick
Sheffield City
Southampton
Southend
Stansted
Teesside

Northern Ireland

Seaports	***Airports***
Ballycastle	Belfast City
Belfast	Belfast International
Larne	City of Derry
Port of Londonderry	
Warrenpoint	

Textual Amendments

F409 Words in Sch. 7 inserted (1.9.2011) by The Terrorism Act 2000 (Designated Ports) Order 2011 (S.I. 2011/1938), arts. 1(2), **2(2)(a)**

F410 Word in Sch. 7 omitted (1.9.2011) by virtue of The Terrorism Act 2000 (Designated Ports) Order 2011 (S.I. 2011/1938), arts. 1(2), **2(2)(b)**

SCHEDULE 8

Section 41 and Schedule 7, para. 6.

DETENTION

Modifications etc. (not altering text)

C70 Schs. 7, 8, 14 extended (with modifications) (coming into force in accordance with art. 1(2) of the extending S.I.) by The Nationality, Immigration and Asylum Act 2002 (Juxtaposed Controls) Order 2003 (S.I. 2003/2818), **art. 11(1)(b)**, Sch. 2; (as amended (31.3.2021) by The Nationality, Immigration and Asylum Act 2002 (Juxtaposed Controls) (Amendment) Order 2021 (S.I. 2021/311), arts. 1(2), **2(7)(b)(i)**)

C71 Sch. 8 applied (with modifications) (25.7.2006) by Terrorism Act 2006 (c. 11), **s. 25(1)(3)(4)**; S.I. 2006/1936, **art. 2**

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

PART I

TREATMENT OF PERSONS DETAINED UNDER SECTION 41 OR SCHEDULE 7

Place of detention

1 (1) The Secretary of State shall designate places at which persons may be detained under Schedule 7 or section 41.

(2) In this Schedule a reference to a police station includes a reference to any place which the Secretary of State has designated under sub-paragraph (1) as a place where a person may be detained under section 41.

(3) Where a person is detained under Schedule 7, he may be taken in the custody of an examining officer or of a person acting under an examining officer's authority to and from any place where his attendance is required for the purpose of—

(a) his examination under that Schedule,

(b) establishing his nationality or citizenship, or

(c) making arrangements for his admission to a country or territory outside the United Kingdom.

(4) A constable who arrests a person under section 41 shall take him as soon as is reasonably practicable to the police station which the constable considers the most appropriate.

(5) In this **[**[F411]Schedule **]** "examining officer" has the meaning given in Schedule 7.

(6) Where a person is arrested in one Part of the United Kingdom and all or part of his detention takes place in another Part, the provisions of this Schedule which apply to detention in a particular Part of the United Kingdom apply in relation to him while he is detained in that Part.

Textual Amendments

F411 Word in Sch. 8 para. 1(5) substituted (31.7.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 9 para. 5(2)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/1916, art. 3(b)

Modifications etc. (not altering text)

C72 Sch. 8 para. 1 applied with modifications (N.I.) (1.3.2015) by The Police (Northern Ireland) Act 2000 (Designated Places of Detention: Lay Visitors) Order 2015 (S.R. 2015/29), arts. 1, **2**

C73 Sch. 8 paras. 1(6), 2, 6-9, 16-19 applied (with modifications) (11.3.2005) by Prevention of Terrorism Act 2005 (c. 2), **s. 5(8)**

Commencement Information

I13 Sch. 8 para. 1 wholly in force at 19.2.2001; Sch. 8 para. 1 not in force at Royal Assent see s. 128; Sch. 8 para. 1(1) in force at 31.10.2000 by S.I. 2000/2944, **art. 2(l)(i)**; Sch. 8 in force at 19.2.2001 in so far as not already in force by S.I. 2001/421, **art. 2**

Identification

2 (1) An authorised person may take any steps which are reasonably necessary for—

(a) photographing the detained person,

(b) measuring him, or

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(c) identifying him.

(2) In sub-paragraph (1) "authorised person" means any of the following—

(a) a constable,

(b) a prison officer,

(c) a person authorised by the Secretary of State, and

(d) in the case of a person detained under Schedule 7, an examining officer [F412]....

(3) This paragraph does not confer the power to take—

(a) fingerprints, non-intimate samples or intimate samples (within the meaning given by paragraph 15 below), or

(b) relevant physical data or samples as mentioned in section 18 of the [M160]Criminal Procedure (Scotland) Act 1995 as applied by paragraph 20 below.

Textual Amendments

F412 Words in Sch. 8 para. 2(2)(d) omitted (31.7.2014) by virtue of Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 9 para. 5(3)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/1916, art. 3(b)

Modifications etc. (not altering text)

C74 Sch. 8 para. 2 extended (N.I.) (8.4.2003) by Police (Northern Ireland) Act 2003 (c. 6), ss. 30, 31, **Sch. 2 Pt. 2 para. 21**

C75 Sch. 8 paras. 1(6), 2, 6-9, 16-19 applied (with modifications) (11.3.2005) by Prevention of Terrorism Act 2005 (c. 2), **s. 5(8)**

Marginal Citations

M160 1995 c. 46.

Audio and video recording of interviews

3 (1) The Secretary of State shall—

(a) issue a code of practice about the audio recording of interviews to which this paragraph applies, and

(b) make an order requiring the audio recording of interviews to which this paragraph applies in accordance with any relevant code of practice under paragraph (a).

(2) The Secretary of State may make an order requiring the video recording of—

(a) interviews to which this paragraph applies;

(b) interviews to which this paragraph applies which take place in a particular Part of the United Kingdom.

(3) An order under sub-paragraph (2) shall specify whether the video recording which it requires is to be silent or with sound.

(4) Where an order is made under sub-paragraph (2)—

(a) the Secretary of State shall issue a code of practice about the video recording of interviews to which the order applies, and

(b) the order shall require the interviews to be video recorded in accordance with any relevant code of practice under paragraph (a).

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(5) Where the Secretary of State has made an order under sub-paragraph (2) requiring certain interviews to be video recorded with sound—
  (a) he need not make an order under sub-paragraph (1)(b) in relation to those interviews, but
  (b) he may do so.

(6) This paragraph applies to any interview by a constable of a person detained under Schedule 7 or section 41 if the interview takes place in a police station.

(7) A code of practice under this paragraph—
  (a) may make provision in relation to a particular Part of the United Kingdom;
  (b) may make different provision for different Parts of the United Kingdom.

4 (1) This paragraph applies to a code of practice under paragraph 3.

(2) Where the Secretary of State proposes to issue a code of practice he shall—
  (a) publish a draft,
  (b) consider any representations made to him about the draft, and
  (c) if he thinks it appropriate, modify the draft in the light of any representations made to him.

(3) The Secretary of State shall lay a draft of the code before Parliament.

(4) When the Secretary of State has laid a draft code before Parliament he may bring it into operation by order.

(5) The Secretary of State may revise a code and issue the revised code; and sub-paragraphs (2) to (4) shall apply to a revised code as they apply to an original code.

(6) The failure by a constable to observe a provision of a code shall not of itself make him liable to criminal or civil proceedings.

(7) A code—
  (a) shall be admissible in evidence in criminal and civil proceedings, and
  (b) shall be taken into account by a court or tribunal in any case in which it appears to the court or tribunal to be relevant.

Commencement Information

I14 Sch. 8 Pt. I para. 4 partly in force; Sch. 8 Pt. I para. 4 not in force at Royal Assent see s. 128; Sch. 8 Pt. I para. 4(1)-(5) in force at 12.10.2000 by S.I. 2000/2800, **art. 2(c)(ii)**; Sch. 8 in force at 19.2.2001 in so far as not already in force by S.I. 2001/421, **art. 2**

Status

5 A detained person shall be deemed to be in legal custody throughout the period of his detention.

Rights: England, Wales and Northern Ireland

6 (1) Subject to paragraph 8, a person detained under Schedule 7 or section 41 at a **[**[F413]place**]** in England, Wales or Northern Ireland shall be entitled, if he so requests,

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to have one named person informed as soon as is reasonably practicable that he is being detained there.

(2) The person named must be—

(a) a friend of the detained person,

(b) a relative, or

(c) a person who is known to the detained person or who is likely to take an interest in his welfare.

(3) Where a detained person is transferred from one **[**[F413]place**]** to another, he shall be entitled to exercise the right under this paragraph in respect of the **[**[F413]place**]** to which he is transferred.

Textual Amendments

F413 Word in Sch. 8 para. 6 substituted (31.7.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 9 para. 5(4)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/1916, art. 3(b)

Modifications etc. (not altering text)

C76 Sch. 8 paras. 1(6), 2, 6-9, 16-19 applied (with modifications) (11.3.2005) by Prevention of Terrorism Act 2005 (c. 2), **s. 5(8)**

7 (1) Subject to paragraphs 8 and 9, a person detained under Schedule 7 or section 41 [F414]... in England, Wales or Northern Ireland shall be entitled, if he so requests, to consult a solicitor as soon as is reasonably practicable, privately and at any time.

(2) Where a request is made under sub-paragraph (1), the request and the time at which it was made shall be recorded.

Textual Amendments

F414 Words in Sch. 8 para. 7(1) omitted (31.7.2014) by virtue of Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 9 para. 5(5)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/1916, art. 3(b)

Modifications etc. (not altering text)

C77 Sch. 8 paras. 1(6), 2, 6-9, 16-19 applied (with modifications) (11.3.2005) by Prevention of Terrorism Act 2005 (c. 2), **s. 5(8)**

[[F415]7A(1) This paragraph applies where a person detained under Schedule 7 requests to consult a solicitor.

(2) The examining officer may not question the detained person under paragraph 2 or 3 of Schedule 7 until the person has consulted a solicitor (or no longer wishes to do so).

(3) Sub-paragraph (2) does not apply if the examining officer reasonably believes that postponing the questioning until then would be likely to prejudice determination of the relevant matters.

(4) The powers given by paragraph 8 of Schedule 7 (search powers where a person is questioned under paragraph 2 of Schedule 7) may be used when questioning is postponed because of sub-paragraph (2).

(5) The detained person is entitled to consult a solicitor in person.

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(6) Sub-paragraph (5) does not apply if the examining officer reasonably believes that the time it would take to consult a solicitor in person would be likely to prejudice determination of the relevant matters.

(7) In that case the examining officer may require any consultation to take place in another way.

(8) In this paragraph "the relevant matters" means the matters the examining officer seeks to determine under paragraph 2 or 3 of Schedule 7.**]**

Textual Amendments

F415 Sch. 8 para. 7A inserted (31.7.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 9 para. 5(6)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/1916, art. 3(b)

8 (1) Subject to sub-paragraph (2), **[**[F416]a police officer**]** of at least the rank of superintendent may authorise a delay—

(a) in informing the person named by a detained person under paragraph 6;

(b) in permitting a detained person to consult a solicitor under paragraph 7.

(2) But where a person is detained under section 41 he must be permitted to exercise his rights under paragraphs 6 and 7 before the end of the period mentioned in subsection (3) of that section.

(3) Subject to sub-paragraph (5), an officer may give an authorisation under sub-paragraph (1) only if he has reasonable grounds for believing—

(a) in the case of an authorisation under sub-paragraph (1)(a), that informing the named person of the detained person's detention will have any of the consequences specified in sub-paragraph (4), or

(b) in the case of an authorisation under sub-paragraph (1)(b), that the exercise of the right under paragraph 7 at the time when the detained person desires to exercise it will have any of the consequences specified in sub-paragraph (4).

(4) Those consequences are—

(a) interference with or harm to evidence of a **[**[F417]serious offence**]** ,

(b) interference with or physical injury to any person,

(c) the alerting of persons who are suspected of having committed a **[**[F417]serious offence**]** but who have not been arrested for it,

(d) the hindering of the recovery of property obtained as a result of a **[**[F417]serious offence**]** or in respect of which a forfeiture order could be made under section 23 **[**[F418]or 23A**]**,

(e) interference with the gathering of information about the commission, preparation or instigation of acts of terrorism,

(f) the alerting of a person and thereby making it more difficult to prevent an act of terrorism, and

(g) the alerting of a person and thereby making it more difficult to secure a person's apprehension, prosecution or conviction in connection with the commission, preparation or instigation of an act of terrorism.

[[F419](5) An officer may also give an authorisation under sub-paragraph (1) if he has reasonable grounds for believing that—

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(a) the detained person has benefited from his criminal conduct, and

(b) the recovery of the value of the property constituting the benefit will be hindered by—

(i) informing the named person of the detained person's detention (in the case of an authorisation under sub-paragraph (1)(a)), or

(ii) the exercise of the right under paragraph 7 (in the case of an authorisation under sub-paragraph (1)(b)).

(5A) For the purposes of sub-paragraph (5) the question whether a person has benefited from his criminal conduct is to be decided in accordance with Part 2 of the Proceeds of Crime Act 2002.**]**

(6) If an authorisation under sub-paragraph (1) is given orally, the person giving it shall confirm it in writing as soon as is reasonably practicable.

(7) Where an authorisation under sub-paragraph (1) is given—

(a) the detained person shall be told the reason for the delay as soon as is reasonably practicable, and

(b) the reason shall be recorded as soon as is reasonably practicable.

(8) Where the reason for authorising delay ceases to subsist there may be no further delay in permitting the exercise of the right in the absence of a further authorisation under sub-paragraph (1).

(9) **[**[F420]In this paragraph, references to a "serious offence" are [F421]... to an indictable offence, [F421]... ; but also include—**]**

(a) an offence under any of the provisions mentioned in section 40(1)(a) of this Act, and

(b) an attempt or conspiracy to commit an offence under any of the provisions mentioned in section 40(1)(a).

Textual Amendments

F416 Words in Sch. 8 para. 8(1) substituted (31.7.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 9 para. 5(7)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/1916, art. 3(b)

F417 Words in Sch. 8 para. 8(4) substituted (1.1.2006 subject to art. 2(2) of the commencing S.I.) by Serious Organised Crime and Police Act 2005 (c. 15), s. 111, **Sch. 7 para. 48(1)(a)**; S.I. 2005/3495, **art. 2(1)(m)**

F418 Words in Sch. 8 para. 8(4)(d) inserted (18.6.2009) by Counter-Terrorism Act 2008 (c. 28), ss. 39, 100(5), **Sch. 3 para. 6** (with s. 101(2)); S.I. 2009/1256, **art. 2(c)**

F419 Sch. 8 para. 8(5)(5A) substituted for Sch. 8 para. 8(5) (24.3.2003 subject to certain provisions in the commencing instruments) by 2002 c. 29, s. 456, Sch. 11 para. 39(2); S.I. 2003/333, **art. 2**, Sch. (as amended by S.I. 2003/531); S.S.I. 2003/210, **art. 2**, Sch.

F420 Words in Sch. 8 para. 8(9) substituted (1.1.2006 subject to art. 2(2) of the commencing S.I.) by Serious Organised Crime and Police Act 2005 (c. 15), s. 111, **Sch. 7 para. 48(1)(b)**; S.I. 2005/3495, **art. 2(1)(m)**

F421 Words in Sch. 8 para. 8(9) repealed (N.I.) (1.3.2007) by The Police and Criminal Evidence (Amendment) (Northern Ireland) Order 2007 (S.I. 2007/288 (N.I. 2)), arts. 15, 41, Sch. 1 para. 35, **Sch. 2**

Modifications etc. (not altering text)

C78 Sch. 8 paras. 1(6), 2, 6-9, 16-19 applied (with modifications) (11.3.2005) by Prevention of Terrorism Act 2005 (c. 2), **s. 5(8)**

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9 (1) A direction under this paragraph may provide that a detained person who wishes to exercise the right under paragraph 7 may consult a solicitor only in the sight and hearing of a qualified officer.

(2) A direction under this paragraph may be given—

(a) where the person is detained [F422]... in England or Wales, by **[**[F423]a police officer**]** of at least the rank of Commander or Assistant Chief Constable, or

(b) where the person is detained [F422]... in Northern Ireland, by **[**[F423]a police officer **]** of at least the rank of Assistant Chief Constable.

[[F424](3) A direction under this paragraph may be given only if the officer giving it has reasonable grounds for believing—

(a) that, unless the direction is given, the exercise of the right by the detained person will have any of the consequences specified in paragraph 8(4), or

(b) that the detained person has benefited from his criminal conduct and that, unless the direction is given, the exercise of the right by the detained person will hinder the recovery of the value of the property constituting the benefit.**]**

(4) In this paragraph "a qualified officer" means a police officer who—

(a) is of at least the rank of inspector,

(b) is of the uniformed branch of the force of which the officer giving the direction is a member, and

(c) in the opinion of the officer giving the direction, has no connection with the detained person's case.

(5) A direction under this paragraph shall cease to have effect once the reason for giving it ceases to subsist.

Textual Amendments

F422 Words in Sch. 8 para. 9(2)(a) (b) omitted (31.7.2014) by virtue of Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 9 para. 5(8)(a)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/1916, art. 3(b)

F423 Words in Sch. 8 para. 9(2)(a) (b) substituted (31.7.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 9 para. 5(8)(b)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/1916, art. 3(b)

F424 Sch. 8 para. 9(3) substituted (16.2.2009) by Counter-Terrorism Act 2008 (c. 28), **ss. 82(1)**, 100(5) (with s. 101(2)); S.I. 2009/58, **art. 2(g)**

Modifications etc. (not altering text)

C79 Sch. 8 paras. 1(6), 2, 6-9, 16-19 applied (with modifications) (11.3.2005) by Prevention of Terrorism Act 2005 (c. 2), **s. 5(8)**

10 (1) This paragraph applies where a person is detained in England, Wales or Northern Ireland under Schedule 7 or section 41.

(2) Fingerprints may be taken from the detained person only if they are taken by a constable—

(a) with the appropriate consent given in writing, or

(b) without that consent under sub-paragraph (4).

(3) A non-intimate sample may be taken from the detained person only if it is taken by a constable—

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(a) with the appropriate consent given in writing, or
(b) without that consent under sub-paragraph (4).

(4) Fingerprints or a non-intimate sample may be taken from the detained person without the appropriate consent only if—
(a) he is detained at a police station and a police officer of at least the rank of superintendent authorises the fingerprints or sample to be taken, or
(b) he has been convicted of a recordable offence and, where a non-intimate sample is to be taken, he was convicted of the offence on or after 10th April 1995 (or 29th July 1996 where the non-intimate sample is to be taken in Northern Ireland).

(5) An intimate sample may be taken from **[**[F425]a person detained under section 41, but only **]** if—
(a) he is detained at a police station,
(b) the appropriate consent is given in writing,
(c) a police officer of at least the rank of superintendent authorises the sample to be taken, and
(d) subject to paragraph 13(2) and (3), the sample is taken by a constable.

(6) **[**[F426]Subject to sub-paragraph (6A)**]** an officer may give an authorisation under sub-paragraph (4)(a) or (5)(c) only if—
(a) in the case of a person detained under section 41, the officer reasonably suspects that the person has been involved in an offence under any of the provisions mentioned in section 40(1)(a), and the officer reasonably believes that the fingerprints or sample will tend to confirm or disprove his involvement, or
(b) in any case **[**[F427]in which an authorisation under that sub-paragraph may be given**]** , the officer is satisfied that the taking of the fingerprints or sample from the person is necessary in order to assist in determining whether he falls within section 40(1)(b).

[[F428](6A) An officer may also give an authorisation under sub-paragraph (4)(a) for the taking of fingerprints if—
(a) he is satisfied that the fingerprints of the detained person will facilitate the ascertainment of that person's identity; and
(b) that person has refused to identify himself or the officer has reasonable grounds for suspecting that that person is not who he claims to be.

(6B) In this paragraph references to ascertaining a person's identity include references to showing that he is not a particular person.**]**

(7) If an authorisation under sub-paragraph (4)(a) or (5)(c) is given orally, the person giving it shall confirm it in writing as soon as is reasonably practicable.

Textual Amendments

F425 Words in Sch. 8 para. 10(5) substituted (31.7.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 9 para. 6(2)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/1916, art. 3(b)

F426 Words in Sch. 8 para. 10(6) inserted (14.12.2001) by 2001 c. 24, **s. 89(2)**

F427 Words in Sch. 8 para. 10(6)(b) inserted (31.7.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 9 para. 6(3)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/1916, art. 3(b)

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

F428 Sch. 8 para. 10(6A)(6B) inserted (14.12.2001) by 2001 c. 14, **s. 89(2)**

Modifications etc. (not altering text)

C80 Sch. 8 para. 10(2) extended (N.I.) (8.4.2003) by Police (Northern Ireland) Act 2003 (c. 6), ss. 30, 31, **Sch. 2 Pt. 2 para. 15**

C81 Sch. 8 para. 10(3) extended (N.I.) (8.4.2003) by Police (Northern Ireland) Act 2003 (c. 6), ss. 30, 31, **Sch. 2 Pt. 2 para. 18**

11 (1) Before fingerprints or a sample are taken from a person under paragraph 10, he shall be informed—

(a) that the fingerprints or sample may be used for the purposes of **[**[F429]a relevant search (within the meaning given by paragraph 20A(6)) or for the purposes of**]** section 63A(1) of the [M161]Police and Criminal Evidence Act 1984 and Article 63A(1) of the [M162]Police and Criminal Evidence (Northern Ireland) Order 1989 (checking of fingerprints and samples), and

(b) where the fingerprints or sample are to be taken under paragraph 10(2)(a), (3)(a) or (4)(b), of the reason for taking the fingerprints or sample.

(2) Before fingerprints or a sample are taken from a person upon an authorisation given under paragraph 10(4)(a) or (5)(c), he shall be informed—

(a) that the authorisation has been given,

(b) of the grounds upon which it has been given, and

(c) where relevant, of the nature of the offence in which it is suspected that he has been involved.

(3) After fingerprints or a sample are taken under paragraph 10, there shall be recorded as soon as is reasonably practicable any of the following which apply—

(a) the fact that the person has been informed in accordance with sub-paragraphs (1) and (2),

(b) the reason referred to in sub-paragraph (1)(b),

(c) the authorisation given under paragraph 10(4)(a) or (5)(c),

(d) the grounds upon which that authorisation has been given, and

(e) the fact that the appropriate consent has been given.

Textual Amendments

F429 Words in Sch. 8 para. 11(1)(a) substituted (31.10.2013) by Protection of Freedoms Act 2012 (c. 9), s. 120, **Sch. 1 para. 1(5)** (with s. 97); S.I. 2013/1814, art. 2(j)

Marginal Citations

M161 1984 c. 60.

M162 S.I. 1989/1341 (N.I. 12).

12 (1) This paragraph applies where—

(a) two or more non-intimate samples suitable for the same means of analysis have been taken from a person under paragraph 10,

(b) those samples have proved insufficient, and

(c) the person has been released from detention.

(2) An intimate sample may be taken from the person if—

(a) the appropriate consent is given in writing,

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(b) a police officer of at least the rank of superintendent authorises the sample to be taken, and

(c) subject to paragraph 13(2) and (3), the sample is taken by a constable.

(3) Paragraphs 10(6) and (7) and 11 shall apply in relation to the taking of an intimate sample under this paragraph; and a reference to a person detained under section 41 shall be taken as a reference to a person who was detained under section 41 when the non-intimate samples mentioned in sub-paragraph (1)(a) were taken.

13 (1) Where appropriate written consent to the taking of an intimate sample from a person under paragraph 10 or 12 is refused without good cause, in any proceedings against that person for an offence—

(a) the court, in determining whether to commit him for trial or whether there is a case to answer, may draw such inferences from the refusal as appear proper, and

(b) the court or jury, in determining whether that person is guilty of the offence charged, may draw such inferences from the refusal as appear proper.

(2) An intimate sample other than a sample of urine or a dental impression may be taken under paragraph 10 or 12 only by a registered medical practitioner acting on the authority of a constable.

(3) An intimate sample which is a dental impression may be taken under paragraph 10 or 12 only by a registered dentist acting on the authority of a constable.

(4) Where a sample of hair other than pubic hair is to be taken under paragraph 10 the sample may be taken either by cutting hairs or by plucking hairs with their roots so long as no more are plucked than the person taking the sample reasonably considers to be necessary for a sufficient sample.

[F430]14 . . . . . .

Textual Amendments

F430 Sch. 8 para. 14 repealed (31.10.2013) by Protection of Freedoms Act 2012 (c. 9), s. 120, Sch. 1 para. 1(2), **Sch. 10 Pt. 1** (with s. 97); S.I. 2013/1814, art. 2(h)

15 (1) In the application of **[**[F431]paragraphs 10 to 13**]** in relation to a person detained in England or Wales the following expressions shall have the meaning given by section 65 of the [M163]Police and Criminal Evidence Act 1984 (Part V definitions)—

(a) "appropriate consent",

(b) "fingerprints",

(c) "insufficient",

(d) "intimate sample",

(e) "non-intimate sample",

(f) "registered dentist", and

(g) "sufficient".

[[F432](1A) In the application of section 65(2A) of the Police and Criminal Evidence Act 1984 for the purposes of sub-paragraph (1) of this paragraph, the reference to the destruction of a sample under section 63R of that Act is a reference to the destruction of a sample under paragraph 20G of this Schedule.**]**

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2) In the application of **[**[F433]paragraphs 10 to 13**]** in relation to a person detained in Northern Ireland the expressions listed in sub-paragraph (1) shall have the meaning given by Article 53 of the [M164]Police and Criminal Evidence (Northern Ireland) Order 1989 (definitions).

(3) In paragraph 10 "recordable offence" shall have—

(a) in relation to a person detained in England or Wales, the meaning given by section 118(1) of the [M165]Police and Criminal Evidence Act 1984 (general interpretation), and

(b) in relation to a person detained in Northern Ireland, the meaning given by Article 2(2) of the [M166]Police and Criminal Evidence (Northern Ireland) Order 1989 (definitions).

Textual Amendments

F431 Words in Sch. 8 para. 15(1) substituted (31.10.2013) by Protection of Freedoms Act 2012 (c. 9), s. 120, **Sch. 1 para. 1(6)** (with s. 97); S.I. 2013/1814, art. 2(j)

F432 Sch. 8 para. 15(1A) inserted (31.10.2013) by Protection of Freedoms Act 2012 (c. 9), s. 120, **Sch. 1 para. 1(7)** (with s. 97); S.I. 2013/1814, art. 2(j)

F433 Words in Sch. 8 para. 15(2) substituted (31.10.2013) by Protection of Freedoms Act 2012 (c. 9), s. 120, **Sch. 1 para. 1(8)** (with s. 97); S.I. 2013/1814, art. 2(j)

Marginal Citations

M163 1984 c. 60.

M164 S.I. 1989/1341 (N.I. 12).

M165 1984 c. 60.

M166 S.I. 1989/1341 (N.I. 12).

Rights: Scotland

16 (1) A person detained under Schedule 7 or section 41 at a **[**[F434]place**]** in Scotland shall be entitled to have intimation of his detention and of the place where he is being detained sent without delay to a solicitor and to another person named by him.

(2) The person named must be—

(a) a friend of the detained person,

(b) a relative, or

(c) a person who is known to the detained person or who is likely to take an interest in his welfare.

(3) Where a detained person is transferred from one **[**[F435]place**]** to another, he shall be entitled to exercise the right under sub-paragraph (1) in respect of the **[**[F435]place**]** to which he is transferred.

(4) A police officer not below the rank of superintendent may authorise a delay in making intimation where, in his view, the delay is necessary on one of the grounds mentioned in paragraph 17(3) or where paragraph 17(4) applies.

(5) Where a detained person requests that the intimation be made, there shall be recorded the time when the request is—

(a) made, and

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(b) complied with.

(6) A person detained **[**[F436]as mentioned in sub-paragraph (1)**]** shall be entitled to consult a solicitor at any time, without delay.

(7) A police officer not below the rank of superintendent may authorise a delay in holding the consultation where, in his view, the delay is necessary on one of the grounds mentioned in paragraph 17(3) or where paragraph 17(4) applies.

(8) Subject to paragraph 17, the consultation shall be private.

(9) Where a person is detained under section 41 he must be permitted to exercise his rights under this paragraph before the end of the period mentioned in subsection (3) of that section.

Textual Amendments

F434 Word in Sch. 8 para. 16(1) substituted (31.7.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 9 para. 5(9)(a)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/1916, art. 3(b)

F435 Word in Sch. 8 para. 16(3) substituted (31.7.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 9 para. 5(9)(a)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/1916, art. 3(b)

F436 Words in Sch. 8 para. 16(6) inserted (31.7.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 9 para. 5(9)(b)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/1916, art. 3(b)

Modifications etc. (not altering text)

C82 Sch. 8 paras. 1(6), 2, 6-9, 16-19 applied (with modifications) (11.3.2005) by Prevention of Terrorism Act 2005 (c. 2), **s. 5(8)**

[[F437]16A (1) This paragraph applies where a person detained under Schedule 7 requests to consult a solicitor.

(2) The examining officer may not question the detained person under paragraph 2 or 3 of Schedule 7 until the person has consulted a solicitor (or no longer wishes to do so).

(3) Sub-paragraph (2) does not apply if the examining officer reasonably believes that postponing the questioning until then would be likely to prejudice determination of the relevant matters.

(4) The powers given by paragraph 8 of Schedule 7 (search powers where a person is questioned under paragraph 2 of Schedule 7) may be used when questioning is postponed because of sub-paragraph (2).

(5) The detained person is entitled to consult a solicitor in person.

(6) Sub-paragraph (5) does not apply if the examining officer reasonably believes that the time it would take to consult a solicitor in person would be likely to prejudice determination of the relevant matters.

(7) In that case the examining officer may require any consultation to take place in another way.

(8) In this paragraph "the relevant matters" means the matters the examining officer seeks to determine under paragraph 2 or 3 of Schedule 7.**]**

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F437 Sch. 8 para. 16A inserted (31.7.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 9 para. 5(10)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/1916, art. 3(b)

17 (1) **[**[F438]A police officer**]** not below the rank of Assistant Chief Constable may direct that the consultation mentioned in paragraph 16(6) shall be in the presence of a uniformed **[**[F439]police**]** officer not below the rank of inspector if it appears to the officer giving the direction to be necessary on one of the grounds mentioned in sub-paragraph (3).

(2) A uniformed officer directed to be present during a consultation shall be an officer who, in the opinion of the officer giving the direction, has no connection with the case.

(3) The grounds mentioned in paragraph 16(4) and (7) and in sub-paragraph (1) are—

(a) that it is in the interests of the investigation or prevention of crime;

(b) that it is in the interests of the apprehension, prosecution or conviction of offenders;

(c) that it will further the recovery of property obtained as a result of the commission of an offence or in respect of which a forfeiture order could be made under section 23 **[**[F440]or 23A**]**;

(d) that it will further the operation of **[**[F441]Part 2 or 3 of the Proceeds of Crime Act 2002**]** or the [M167]Proceeds of Crime (Northern Ireland) Order 1996 (confiscation of the proceeds of an offence).

[[F442](4) This sub-paragraph applies where an officer mentioned in paragraph 16(4) or (7) has reasonable grounds for believing that—

(a) the detained person has benefited from his criminal conduct, and

(b) the recovery of the value of the property constituting the benefit will be hindered by—

(i) informing the named person of the detained person's detention (in the case of an authorisation under paragraph 16(4)), or

(ii) the exercise of the entitlement under paragraph 16(6) (in the case of an authorisation under paragraph 16(7)).

(4A) For the purposes of sub-paragraph (4) the question whether a person has benefited from his criminal conduct is to be decided in accordance with Part 3 of the Proceeds of Crime Act 2002.**]**

(5) Where delay is authorised in the exercising of any of the rights mentioned in paragraph 16(1) and (6)—

(a) if the authorisation is given orally, the person giving it shall confirm it in writing as soon as is reasonably practicable,

(b) the detained person shall be told the reason for the delay as soon as is reasonably practicable, and

(c) the reason shall be recorded as soon as is reasonably practicable.

Textual Amendments

F438 Words in Sch. 8 para. 17(1) substituted (31.7.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 9 para. 5(11)(a)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/1916, art. 3(b)

Status: *Point in time view as at 29/06/2017.*
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F439 Word in Sch. 8 para. 17(1) inserted (31.7.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 9 para. 5(11)(b)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/1916, art. 3(b)

F440 Words in Sch. 8 para. 17(3)(c) inserted (18.6.2009) by Counter-Terrorism Act 2008 (c. 28), ss. 39, 100(5), **Sch. 3 para. 6** (with s. 101(2)); S.I. 2009/1256, **art. 2(c)**

F441 Words in Sch. 8 para. 17(3)(d) substituted (24.3.2003 subject to certain provisions in the commencing instruments) by 2002 c. 29, s. 456, Sch. 11 para. 39(3); S.I. 2003/333, **art. 2**, Sch. (as amended by S.I. 2003/531); S.S.I. 2003/210, **art. 2**, Sch.

F442 Sch. 8 para. 17(4)(4A) substituted for Sch. 8 para. 17(4) (24.3.2003 subject to certain provisions in the commencing instruments) by 2002 c. 29, s. 456, Sch. 11 para. 39(4); S.I. 2003/333, **art. 2**, Sch. (as amended by S.I. 2003/531); S.S.I. 2003/210, **art. 2**, Sch.

Modifications etc. (not altering text)

C83 Sch. 8 paras. 1(6), 2, 6-9, 16-19 applied (with modifications) (11.3.2005) by Prevention of Terrorism Act 2005 (c. 2), **s. 5(8)**

Marginal Citations

M167 S.I. 1996/1299 (N.I.9).

18 (1) Paragraphs 16 **[**[F443]to**]** 17 shall have effect, in relation to a person detained under section 41 or Schedule 7, in place of any enactment or rule of law under or by virtue of which a person arrested or detained may be entitled to communicate or consult with any other person.

(2) But, where a person detained under Schedule 7 or section 41 at a **[**[F444]place**]** in Scotland appears to a constable to be a child—

(a) the other person named by the person detained in pursuance of paragraph 16(1) shall be that person's parent, and

(b) section 15(4) of the [M168]Criminal Procedure (Scotland) Act 1995 shall apply to the person detained as it applies to a person who appears to a constable to be a child who is being detained as mentioned in paragraph (b) of section 15(1) of that Act,

and in this sub-paragraph "child" and "parent" have the same meaning as in section 15(4) of that Act.

[[F445](3) In relation to a person detained under Schedule 7 at a place other than a police station—

(a) sub-paragraph (2), and

(b) section 15(4) of the Criminal Procedure (Scotland) Act 1995 as applied by that sub-paragraph,

apply as if references to a constable included an examining officer.**]**

Textual Amendments

F443 Word in Sch. 8 para. 18(1) substituted (31.7.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 9 para. 5(12)(a)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/1916, art. 3(b)

F444 Word in Sch. 8 para. 18(2) substituted (31.7.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 9 para. 5(12)(b)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/1916, art. 3(b)

F445 Sch. 8 para. 18(3) inserted (31.7.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 9 para. 5(12)(c)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/1916, art. 3(b)

Status: *Point in time view as at 29/06/2017.*
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Modifications etc. (not altering text)

C84 Sch. 8 paras. 1(6), 2, 6-9, 16-19 applied (with modifications) (11.3.2005) by Prevention of Terrorism Act 2005 (c. 2), **s. 5(8)**

Marginal Citations

M168 1995 c. 46.

19 The Secretary of State shall, by order, make provision to require that—

(a) except in such circumstances, and

(b) subject to such conditions,

as may be specified in the order, where a person detained has been permitted to consult a solicitor, the solicitor shall be allowed to be present at any interview carried out in connection with a terrorist investigation or for the purposes of Schedule 7.

Modifications etc. (not altering text)

C85 Sch. 8 paras. 1(6), 2, 6-9, 16-19 applied (with modifications) (11.3.2005) by Prevention of Terrorism Act 2005 (c. 2), **s. 5(8)**

20 (1) Subject to the modifications specified in sub-paragraphs (2) and (3), section 18 of the [M169]Criminal Procedure (Scotland) Act 1995 (procedure for taking certain prints and samples) shall apply to a person detained under Schedule 7 or section 41 at a police station in Scotland as it applies to a person arrested or a person detained under section 14 of that Act.

[[F446](2) Subject to subsection (2A), a constable may take from a detained person or require a detained person to provide relevant physical data only if—

(a) in the case of a person detained under section 41 of the Terrorism Act 2000, he reasonably suspects that the person has been involved in an offence under any of the provisions mentioned in section 40(1)(a) of that Act and he reasonably believes that the relevant physical data will tend to confirm or disprove his involvement; or

(b) in any case, he is satisfied that it is necessary to do so in order to assist in determining whether the person falls within section 40(1)(b).

(2A) A constable may also take fingerprints from a detained person or require him to provide them if—

(a) he is satisfied that the fingerprints of that person will facilitate the ascertainment of that person's identity; and

(b) that person has refused to identify himself or the constable has reasonable grounds for suspecting that that person is not who he claims to be.

(2B) In this section references to ascertaining a person's identity include references to showing that he is not a particular person.'**]**

[[F447](3) Subsections (3) to (5) shall not apply, [F448]...

[F449](4) . . . . . .**]**

Status: *Point in time view as at 29/06/2017.*
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Textual Amendments

F446 Sch. 8 para. 20(2)-(2B) substituted for Sch. 8 para. 20(2) (14.12.2001) by 2001 c. 24, **s. 89(3)**

F447 Sch. 8 para. 20(3)(4) substituted for Sch. 8 para. 20(3) (14.12.2001) by 2001 c. 24, **s. 89(4)**

F448 Sch. 8 para. 20(3): words from "but" to the end of the sub-paragraph repealed (31.10.2013) by virtue of Protection of Freedoms Act 2012 (c. 9), s. 120, Sch. 1 para. 1(3)(a), **Sch. 10 Pt. 1** (with s. 97); S.I. 2013/1814, art. 2(h)

F449 Sch. 8 para. 20(4) repealed (31.10.2013) by Protection of Freedoms Act 2012 (c. 9), s. 120, Sch. 1 para. 1(3)(b), **Sch. 10 Pt. 1** (with s. 97); S.I. 2013/1814, art. 2(h)

Marginal Citations

M169 1995 c. 46.

[F450 Destruction and retention of fingerprints and samples etc: United Kingdom

Textual Amendments

F450 Sch. 8 paras. 20A-20J and cross-heading inserted (31.10.2013 for all paras. except para. 20F(1) (which is in force 31.1.2014), and except, for specified purposes, para. 20G) by Protection of Freedoms Act 2012 (c. 9), s. 120, **Sch. 1 para. 1(4)** (with s. 97); S.I. 2013/1814, arts. 2(i), **3(b)**

20A (1) This paragraph applies to—

(a) fingerprints taken under paragraph 10,

(b) a DNA profile derived from a DNA sample taken under paragraph 10 or 12,

(c) relevant physical data taken or provided by virtue of paragraph 20, and

(d) a DNA profile derived from a DNA sample taken by virtue of paragraph 20.

(2) Fingerprints, relevant physical data and DNA profiles to which this paragraph applies ("paragraph 20A material") must be destroyed if it appears to the responsible chief officer of police that—

(a) the taking or providing of the material or, in the case of a DNA profile, the taking of the sample from which the DNA profile was derived, was unlawful, or

(b) the material was taken or provided, or (in the case of a DNA profile) was derived from a sample taken, from a person in connection with that person's arrest under section 41 and the arrest was unlawful or based on mistaken identity.

(3) In any other case, paragraph 20A material must be destroyed unless it is retained under any power conferred by paragraphs 20B to 20E.

(4) Paragraph 20A material which ceases to be retained under a power mentioned in sub-paragraph (3) may continue to be retained under any other such power which applies to it.

(5) Nothing in this paragraph prevents a relevant search, in relation to paragraph 20A material, from being carried out within such time as may reasonably be required for the search if the responsible chief officer of police considers the search to be desirable.

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(6) For the purposes of sub-paragraph (5), "a relevant search" is a search carried out for the purpose of checking the material against—

(a) other fingerprints or samples taken under paragraph 10 or 12 or a DNA profile derived from such a sample,

(b) any of the relevant physical data, samples or information mentioned in section 19C(1) of the Criminal Procedure (Scotland) Act 1995,

(c) any of the relevant physical data, samples or information held by virtue of section 56 of the Criminal Justice (Scotland) Act 2003,

(d) material to which section 18 of the Counter-Terrorism Act 2008 applies,

(e) any of the fingerprints, data or samples obtained under paragraph 1 or 4 of Schedule 6 to the Terrorism Prevention and Investigation Measures Act 2011, or information derived from such samples,

(f) any of the fingerprints, samples and information mentioned in section 63A(1)(a) and (b) of the Police and Criminal Evidence Act 1984 (checking of fingerprints and samples), and

(g) any of the fingerprints, samples and information mentioned in Article 63A(1)(a) and (b) of the Police and Criminal Evidence (Northern Ireland) Order 1989 (checking of fingerprints and samples).

20B (1) This paragraph applies to paragraph 20A material relating to a person who is detained under section 41.

(2) In the case of a person who has previously been convicted of a recordable offence (other than a single exempt conviction), or an offence in Scotland which is punishable by imprisonment, or is so convicted before the end of the period within which the material may be retained by virtue of this paragraph, the material may be retained indefinitely.

[In sub-paragraph (2) —

F451(2A) (a) the reference to a recordable offence includes an offence under the law of a country or territory outside the United Kingdom where the act constituting the offence would constitute—

(i) a recordable offence under the law of England and Wales if done there, or

(ii) a recordable offence under the law of Northern Ireland if done there,

(and, in the application of sub-paragraph (2) where a person has previously been convicted, this applies whether or not the act constituted such an offence when the person was convicted);

(b) the reference to an offence in Scotland which is punishable by imprisonment includes an offence under the law of a country or territory outside the United Kingdom where the act constituting the offence would constitute an offence under the law of Scotland which is punishable by imprisonment if done there (and, in the application of sub-paragraph (2) where a person has previously been convicted, this applies whether or not the act constituted such an offence when the person was convicted).**]**

(3) In the case of a person who has no previous convictions, or only one exempt conviction, the material may be retained until the end of the retention period specified in sub-paragraph (4).

(4) The retention period is—

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(a) in the case of fingerprints or relevant physical data, the period of 3 years beginning with the date on which the fingerprints or relevant physical data were taken or provided, and

(b) in the case of a DNA profile, the period of 3 years beginning with the date on which the DNA sample from which the profile was derived was taken (or, if the profile was derived from more than one DNA sample, the date on which the first of those samples was taken).

(5) The responsible chief officer of police or a specified chief officer of police may apply to a relevant court for an order extending the retention period.

(6) An application for an order under sub-paragraph (5) must be made within the period of 3 months ending on the last day of the retention period.

(7) An order under sub-paragraph (5) may extend the retention period by a period which—

(a) begins with the date on which the material would otherwise be required to be destroyed under this paragraph, and

(b) ends with the end of the period of 2 years beginning with that date.

(8) The following persons may appeal to the relevant appeal court against an order under sub-paragraph (5), or a refusal to make such an order—

(a) the responsible chief officer of police;

(b) a specified chief officer of police;

(c) the person from whom the material was taken.

(9) In Scotland—

(a) an application for an order under sub-paragraph (5) is to be made by summary application;

(b) an appeal against an order under sub-paragraph (5), or a refusal to make such an order, must be made within 21 days of the relevant court's decision, and the relevant appeal court's decision on any such appeal is final.

(10) In this paragraph—

"relevant court" means—

(a) in England and Wales, a District Judge (Magistrates' Courts),

(b) in Scotland, the sheriff—

(i) in whose sheriffdom the person to whom the material relates resides,

(ii) in whose sheriffdom that person is believed by the applicant to be, or

(iii) to whose sheriffdom that person is believed by the applicant to be intending to come; and

(c) in Northern Ireland, a district judge (magistrates' court) in Northern Ireland;

"the relevant appeal court" means—

(a) in England and Wales, the Crown Court,

(b) in Scotland, the sheriff principal, and

(c) in Northern Ireland, the County Court in Northern Ireland;

"a specified chief officer of police" means—

(a) in England and Wales and Northern Ireland—

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(i) the chief officer of the police force of the area in which the person from whom the material was taken resides, or

(ii) a chief officer of police who believes that the person is in, or is intending to come to, the chief officer's police area, and

(b) **[**[F452]the chief constable of the Police Service of Scotland, where—

(i) the person who provided the material, or from whom it was taken, resides in Scotland, or

(ii) the chief constable believes that the person is in, or is intending to come to, Scotland.**]**

Textual Amendments

F451 Sch. 8 para. 20B(2A) inserted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), **ss. 71(2)**, 183(1)(5)(e); S.I. 2017/399, reg. 2, Sch. para. 20

F452 Words in Sch. 8 para. 20B(10) substituted (13.5.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 11 para. 125(2)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 3, Sch. para. 23(l)

20C (1) This paragraph applies to paragraph 20A material relating to a person who is detained under Schedule 7.

(2) In the case of a person who has previously been convicted of a recordable offence (other than a single exempt conviction), or an offence in Scotland which is punishable by imprisonment, or is so convicted before the end of the period within which the material may be retained by virtue of this paragraph, the material may be retained indefinitely.

[In sub-paragraph (2) —

[F453](2A) (a) the reference to a recordable offence includes an offence under the law of a country or territory outside the United Kingdom where the act constituting the offence would constitute—

(i) a recordable offence under the law of England and Wales if done there, or

(ii) a recordable offence under the law of Northern Ireland if done there,

(and, in the application of sub-paragraph (2) where a person has previously been convicted, this applies whether or not the act constituted such an offence when the person was convicted);

(b) the reference to an offence in Scotland which is punishable by imprisonment includes an offence under the law of a country or territory outside the United Kingdom where the act constituting the offence would constitute an offence under the law of Scotland which is punishable by imprisonment if done there (and, in the application of sub-paragraph (2) where a person has previously been convicted, this applies whether or not the act constituted such an offence when the person was convicted).**]**

(3) In the case of a person who has no previous convictions, or only one exempt conviction, the material may be retained until the end of the retention period specified in sub-paragraph (4).

(4) The retention period is—

Status: *Point in time view as at 29/06/2017.*
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(a) in the case of fingerprints or relevant physical data, the period of 6 months beginning with the date on which the fingerprints or relevant physical data were taken or provided, and

(b) in the case of a DNA profile, the period of 6 months beginning with the date on which the DNA sample from which the profile was derived was taken (or, if the profile was derived from more than one DNA sample, the date on which the first of those samples was taken).

Textual Amendments

F453 Sch. 8 para. 20C(2A) inserted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), **ss. 71(3)**, 183(1)(5)(e); S.I. 2017/399, reg. 2, Sch. para. 20

20D (1) For the purposes of paragraphs 20B and 20C, a person is to be treated as having been convicted of an offence if—

(a) in relation to a recordable offence in England and Wales or Northern Ireland—

(i) the person has been given a caution in respect of the offence which, at the time of the caution, the person has admitted,

(ii) the person has been found not guilty of the offence by reason of insanity,

(iii) the person has been found to be under a disability and to have done the act charged in respect of the offence, or

(iv) the person has been warned or reprimanded under section 65 of the Crime and Disorder Act 1998 for the offence,

(b) the person, in relation to an offence in Scotland punishable by imprisonment, has accepted or has been deemed to accept—

(i) a conditional offer under section 302 of the Criminal Procedure (Scotland) Act 1995,

(ii) a compensation offer under section 302A of that Act,

(iii) a combined offer under section 302B of that Act, or

(iv) a work offer under section 303ZA of that Act,

(c) the person, in relation to an offence in Scotland punishable by imprisonment, has been acquitted on account of the person's insanity at the time of the offence or (as the case may be) by virtue of section 51A of the Criminal Procedure (Scotland) Act 1995,

(d) a finding in respect of the person has been made under section 55(2) of the Criminal Procedure (Scotland) Act 1995 in relation to an offence in Scotland punishable by imprisonment,

(e) the person, having been given a fixed penalty notice under section 129(1) of the Antisocial Behaviour etc. (Scotland) Act 2004 in connection with an offence in Scotland punishable by imprisonment, has paid—

(i) the fixed penalty, or

(ii) (as the case may be) the sum which the person is liable to pay by virtue of section 131(5) of that Act, or

(f) the person, in relation to an offence in Scotland punishable by imprisonment, has been discharged absolutely by order under section 246(3) of the Criminal Procedure (Scotland) Act 1995.

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(2) Paragraphs 20B and 20C and this paragraph, so far as they relate to persons convicted of an offence, have effect despite anything in the Rehabilitation of Offenders Act 1974.

(3) But a person is not to be treated as having been convicted of an offence if that conviction is a disregarded conviction or caution by virtue of section 92 of the Protection of Freedoms Act 2012.

(4) For the purposes of paragraphs 20B and 20C—

(a) a person has no previous convictions if the person has not previously been convicted—

(i) in England and Wales or Northern Ireland of a recordable offence, or

(ii) in Scotland of an offence which is punishable by imprisonment, and

(b) if the person has previously been convicted of a recordable offence in England and Wales or Northern Ireland, the conviction is exempt if it is in respect of a recordable offence, other than a qualifying offence, committed when the person was aged under 18.

(5) In sub-paragraph (4), "qualifying offence" has—

(a) in relation to a conviction in respect of a recordable offence committed in England and Wales, the meaning given by section 65A of the Police and Criminal Evidence Act 1984, and

(b) in relation to a conviction in respect of a recordable offence committed in Northern Ireland, the meaning given by Article 53A of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12)).

[For the purposes of sub-paragraph (4)—

F454(5A) (a) a person is to be treated as having previously been convicted in England and Wales of a recordable offence if —

(i) the person has previously been convicted of an offence under the law of a country or territory outside the United Kingdom, and

(ii) the act constituting the offence would constitute a recordable offence under the law of England and Wales if done there (whether or not it constituted such an offence when the person was convicted);

(b) a person is to be treated as having previously been convicted in Northern Ireland of a recordable offence if—

(i) the person has previously been convicted of an offence under the law of a country or territory outside the United Kingdom, and

(ii) the act constituting the offence would constitute a recordable offence under the law of Northern Ireland if done there (whether or not it constituted such an offence when the person was convicted);

(c) a person is to be treated as having previously been convicted in Scotland of an offence which is punishable by imprisonment if—

(i) the person has previously been convicted of an offence under the law of a country or territory outside the United Kingdom, and

(ii) the act constituting the offence would constitute an offence punishable by imprisonment under the law of Scotland if done there (whether or not it constituted such an offence when the person was convicted);

(d) the reference in sub-paragraph (4)(b) to a qualifying offence includes a reference to an offence under the law of a country or territory outside the

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United Kingdom where the act constituting the offence would constitute a qualifying offence under the law of England and Wales if done there or (as the case may be) under the law of Northern Ireland if done there (whether or not it constituted such an offence when the person was convicted).

(5B) For the purposes of paragraphs 20B and 20C and this paragraph—

(a) offence, in relation to any country or territory outside the United Kingdom, includes an act punishable under the law of that country or territory, however it is described;

(b) a person has in particular been convicted of an offence under the law of a country or territory outside the United Kingdom if—

(i) a court exercising jurisdiction under the law of that country or territory has made in respect of such an offence a finding equivalent to a finding that the person is not guilty by reason of insanity, or

(ii) such a court has made in respect of such an offence a finding equivalent to a finding that the person is under a disability and did the act charged against the person in respect of the offence.**]**

(6) If a person is convicted of more than one offence arising out of a single course of action, those convictions are to be treated as a single conviction for the purposes of calculating under paragraph 20B or 20C whether the person has been convicted of only one offence.

(7) Nothing in paragraph 20B or 20C prevents the start of a new retention period in relation to paragraph 20A material if a person is detained again under section 41 or (as the case may be) Schedule 7 when an existing retention period (whether or not extended) is still in force in relation to that material.

Textual Amendments

F454 Sch. 8 para. 20D(5A)(5B) inserted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), **ss. 71(4)**, 183(1)(5)(e); S.I. 2017/399, reg. 2, Sch. para. 20

20E (1) Paragraph 20A material may be retained for as long as a national security determination made by the responsible chief officer of police has effect in relation to it.

(2) A national security determination is made if the responsible chief officer of police determines that it is necessary for any paragraph 20A material to be retained for the purposes of national security.

(3) A national security determination—

(a) must be made in writing,

(b) has effect for a maximum of 2 years beginning with the date on which the determination is made, and

(c) may be renewed.

20F (1) If fingerprints or relevant physical data are required by paragraph 20A to be destroyed, any copies of the fingerprints or relevant physical data held by a police force must also be destroyed.

(2) If a DNA profile is required by that paragraph to be destroyed, no copy may be retained by a police force except in a form which does not include information which identifies the person to whom the DNA profile relates.

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20G (1) This paragraph applies to—
- (a) samples taken under paragraph 10 or 12, or
- (b) samples taken by virtue of paragraph 20.

(2) Samples to which this paragraph applies must be destroyed if it appears to the responsible chief officer of police that—
- (a) the taking of the sample was unlawful, or
- (b) the sample was taken from a person in connection with that person's arrest under section 41 and the arrest was unlawful or based on mistaken identity.

(3) Subject to this, the rule in sub-paragraph (4) or (as the case may be) (5) applies.

(4) A DNA sample to which this paragraph applies must be destroyed—
- (a) as soon as a DNA profile has been derived from the sample, or
- (b) if sooner, before the end of the period of 6 months beginning with the date on which the sample was taken.

(5) Any other sample to which this paragraph applies must be destroyed before the end of the period of 6 months beginning with the date on which it was taken.

(6) The responsible chief officer of police may apply to a relevant court for an order to retain a sample to which this paragraph applies beyond the date on which the sample would otherwise be required to be destroyed by virtue of sub-paragraph (4) or (5) if—
- (a) the sample was taken from a person detained under section 41 in connection with the investigation of a qualifying offence, and
- (b) the responsible chief officer of police considers that the condition in sub-paragraph (7) is met.

(7) The condition is that, having regard to the nature and complexity of other material that is evidence in relation to the offence, the sample is likely to be needed in any proceedings for the offence for the purposes of—
- (a) disclosure to, or use by, a defendant, or
- (b) responding to any challenge by a defendant in respect of the admissibility of material that is evidence on which the prosecution proposes to rely.

(8) An application under sub-paragraph (6) must be made before the date on which the sample would otherwise be required to be destroyed by virtue of sub-paragraph (4) or (5).

(9) If, on an application made by the responsible chief officer of police under sub-paragraph (6), the relevant court is satisfied that the condition in sub-paragraph (7) is met, it may make an order under this sub-paragraph which—
- (a) allows the sample to be retained for a period of 12 months beginning with the date on which the sample would otherwise be required to be destroyed by virtue of sub-paragraph (4) or (5), and
- (b) may be renewed (on one or more occasions) for a further period of not more than 12 months from the end of the period when the order would otherwise cease to have effect.

(10) An application for an order under sub-paragraph (9) (other than an application for renewal)—
- (a) may be made without notice of the application having been given to the person from whom the sample was taken, and

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(b) may be heard and determined in private in the absence of that person.

(11) In Scotland, an application for an order under sub-paragraph (9) (including an application for renewal) is to be made by summary application.

(12) A sample retained by virtue of an order under sub-paragraph (9) must not be used other than for the purposes of any proceedings for the offence in connection with which the sample was taken.

(13) A sample that ceases to be retained by virtue of an order under sub-paragraph (9) must be destroyed.

(14) Nothing in this paragraph prevents a relevant search, in relation to samples to which this paragraph applies, from being carried out within such time as may reasonably be required for the search if the responsible chief officer of police considers the search to be desirable.

(15) In this paragraph—

"ancillary offence", in relation to an offence for the time being listed in section 41(1) of the Counter-Terrorism Act 2008, means—

(a) aiding, abetting, counselling or procuring the commission of the offence, or

(b) inciting, attempting or conspiring to commit the offence;

"qualifying offence"—

(a) in relation to the investigation of an offence committed in England and Wales, has the meaning given by section 65A of the Police and Criminal Evidence Act 1984,

(b) in relation to the investigation of an offence committed in Scotland, means a relevant offence, an offence for the time being listed in section 41(1) of the Counter-Terrorism Act 2008 or an ancillary offence to an offence so listed, and

(c) in relation to the investigation of an offence committed in Northern Ireland, has the meaning given by Article 53A of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12)).

"relevant court" means—

(a) in England and Wales, a District Judge (Magistrates' Courts),

(b) in Scotland, the sheriff—

(i) in whose sheriffdom the person to whom the sample relates resides,

(ii) in whose sheriffdom that person is believed by the responsible chief officer of police to be, or

(iii) to whose sheriffdom that person is believed by the responsible chief officer of police to be intending to come; and

(c) in Northern Ireland, a district judge (magistrates' court) in Northern Ireland;

"relevant offence" has the same meaning as in section 19A of the Criminal Procedure (Scotland) Act 1995;

"a relevant search" has the meaning given by paragraph 20A(6).

20H (1) Any material to which paragraph 20A or 20G applies must not be used other than—

(a) in the interests of national security,

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(b) for the purposes of a terrorist investigation,

(c) for purposes related to the prevention or detection of crime, the investigation of an offence or the conduct of a prosecution, or

(d) for purposes related to the identification of a deceased person or of the person to whom the material relates.

(2) Subject to sub-paragraph (1), a relevant search (within the meaning given by paragraph 20A(6)) may be carried out in relation to material to which paragraph 20A or 20G applies if the responsible chief officer of police considers the search to be desirable.

(3) Material which is required by paragraph 20A or 20G to be destroyed must not at any time after it is required to be destroyed be used—

(a) in evidence against the person to whom the material relates, or

(b) for the purposes of the investigation of any offence.

(4) In this paragraph—

(a) the reference to using material includes a reference to allowing any check to be made against it and to disclosing it to any person,

(b) the reference to crime includes a reference to any conduct which—

(i) constitutes one or more criminal offences (whether under the law of a part of the United Kingdom or of a country or territory outside the United Kingdom), or

(ii) is, or corresponds to, any conduct which, if it all took place in any one part of the United Kingdom, would constitute one or more criminal offences, and

(c) the references to an investigation and to a prosecution include references, respectively, to any investigation outside the United Kingdom of any crime or suspected crime and to a prosecution brought in respect of any crime in a country or territory outside the United Kingdom.

(5) Sub-paragraphs (1), (2) and (4) do not form part of the law of Scotland.

20I[F455](1) **[**[F456]Paragraphs 20A to 20H do not apply to material **]** relating to a person detained under section 41 which is, or may become, disclosable under—

(a) the Criminal Procedure and Investigations Act 1996, or

(b) a code of practice prepared under section 23 of that Act and in operation by virtue of an order under section 25 of that Act.

[A sample that—

[F457](2) (a) falls within sub-paragraph (1), and

(b) but for that sub-paragraph would be required to be destroyed under paragraph 20G,

must not be used other than for the purposes of any proceedings for the offence in connection with which the sample was taken.

(3) A sample that once fell within sub-paragraph (1) but no longer does, and so becomes a sample to which paragraph 20G applies, must be destroyed immediately if the time specified for its destruction under that paragraph has already passed.**]**

Status: *Point in time view as at 29/06/2017.*
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Textual Amendments

F455 Sch. 8 para. 20I(1): Sch. 8 para. 20I renumbered as Sch. 8 para. 20I(1) (13.5.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), **ss. 146(2)(b)**, 185(1) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 3, Sch. para. 13

F456 Words in Sch. 8 para. 20I substituted (13.5.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), **ss. 146(2)(a)**, 185(1) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 3, Sch. para. 13

F457 Sch. 8 para. 20I(2), (3) inserted (13.5.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), **ss. 146(2)(b)**, 185(1) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 3, Sch. para. 13

20J In paragraphs 20A to 20I—

"DNA profile" means any information derived from a DNA sample;

"DNA sample" means any material that has come from a human body and consists of or includes human cells;

"fingerprints" has the meaning given by section 65(1) of the Police and Criminal Evidence Act 1984 (Part 5 definitions);

"paragraph 20A material" has the meaning given by paragraph 20A(2);

"police force" means any of the following—

(a) the metropolitan police force;

(b) a police force maintained under section 2 of the Police Act 1996 (police forces in England and Wales outside London);

(c) the City of London police force;

(d) **[**[F458]the Police Service of Scotland;

(e) the Scottish Police Authority;**]**

(f) the Police Service of Northern Ireland;

(g) the Police Service of Northern Ireland Reserve;

(h) the Ministry of Defence Police;

(i) the Royal Navy Police;

(j) the Royal Military Police;

(k) the Royal Air Force Police;

(l) the British Transport Police;

"recordable offence" has—

(a) in relation to a conviction in England and Wales, the meaning given by section 118(1) of the Police and Criminal Evidence Act 1984, and

(b) in relation to a conviction in Northern Ireland, the meaning given by Article 2(2) of the Police and Criminal Evidence (Northern Ireland) Order 1989;

"relevant physical data" has the meaning given by section 18(7A) of the Criminal Procedure (Scotland) Act 1995;

"responsible chief officer of police" means, in relation to fingerprints or samples taken in England or Wales, or a DNA profile derived from a sample so taken, the chief officer of police for the police area—

(a) in which the material concerned was taken, or

(b) in the case of a DNA profile, in which the sample from which the DNA profile was derived was taken;

"responsible chief officer of police" means, in relation to relevant physical data or samples taken or provided in Scotland, or a DNA profile derived

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from a sample so taken or provided, the chief constable of **[**[F459]the Police Service of Scotland **]** —

(a) in which the material concerned was taken or provided, or

(b) in the case of a DNA profile, in which the sample from which the DNA profile was derived was taken;

"responsible chief officer of police" means, in relation to fingerprints or samples taken in Northern Ireland, or a DNA profile derived from a sample so taken, the Chief Constable of the Police Service of Northern Ireland.**]**

Textual Amendments

F458 Sch. 8 para. 20J: in definition of "police force" paras. (d)(e) substituted (13.5.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 11 para. 125(3)(a)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 3, Sch. para. 23(l)

F459 Words in Sch. 8 para. 20J substituted (13.5.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 11 para. 125(3)(b)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 3, Sch. para. 23(l)

[[F460]PART 1A

REVIEW OF DETENTION UNDER SCHEDULE 7

Textual Amendments

F460 Sch. 8 Pt. 1A inserted (13.5.2014 for para. 20K(8)(9) and otherwise 1.4.2015) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 9 para. 7(3)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 3, Sch. para. 21(b); S.I. 2014/1916, **art. 4**

General requirements

20K (1) A person's detention under Schedule 7 must be periodically reviewed by a review officer.

(2) The first review must be carried out before the end of the period of one hour beginning with the person's detention under that Schedule.

(3) Subsequent reviews must be carried out at intervals of not more than two hours.

(4) The review officer may authorise a person's continued detention under Schedule 7 only if satisfied that it is necessary for the purposes of exercising a power under paragraph 2 or 3 of that Schedule.

(5) If on a review under this paragraph the review officer does not authorise a person's continued detention, the person must be released (unless detained under another power).

(6) In this Part of this Schedule "review officer" means a senior officer who has not been directly involved in questioning the detained person under paragraph 2 or 3 of Schedule 7.

(7) "Senior officer" means—

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(a) where the examining officer is a constable, a constable of a higher rank than the examining officer,
(b) where the examining officer is an immigration officer, an immigration officer of a higher grade than the examining officer, and
(c) where the examining officer is a customs officer, a customs officer of a higher grade than the examining officer.

(8) The Secretary of State must under paragraph 6 of Schedule 14 issue a code of practice about reviews under this Part of this Schedule.

(9) The code of practice must include provision about training to be undertaken by persons who are to act as review officers.

Representations

20L (1) Before determining whether to authorise a person's continued detention, a review officer must give either of the following persons an opportunity to make representations about the detention—
(a) the detained person, or
(b) a solicitor representing the detained person who is available at the time of the review.

(2) Representations may be oral or written.

(3) A review officer may refuse to hear oral representations from the detained person if the officer considers that the detained person is unfit to make representations because of the detained person's condition or behaviour.

Rights

20M (1) Where a review officer authorises continued detention the officer must inform the detained person—
(a) of any of the detained person's rights under paragraphs 6 and 7 which have not yet been exercised, and
(b) if the exercise of any of those rights is being delayed in accordance with the provisions of paragraph 8, of the fact that it is being delayed.

(2) Where a review of a person's detention is being carried out at a time when the person's exercise of a right under paragraph 6 or 7 is being delayed—
(a) the review officer must consider whether the reason or reasons for which the delay was authorised continue to subsist, and
(b) if in the review officer's opinion the reason or reasons have ceased to subsist, the review officer must inform the officer who authorised the delay of that opinion (unless the review officer was that officer).

(3) In the application of this paragraph to Scotland, for the references to paragraphs 6, 7 and 8 substitute references to paragraph 16.

Record

20N (1) A review officer carrying out a review must make a written record of the outcome of the review and of any of the following which apply—

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(a) the fact that the officer is satisfied that continued detention is necessary for the purposes of exercising a power under paragraph 2 or 3 of Schedule 7,
(b) the fact that the detained person has been informed as required under paragraph 20M(1),
(c) the officer's conclusion on the matter considered under paragraph 20M(2)(a), and
(d) the fact that the officer has taken action under paragraph 20M(2)(b).

(2) The review officer must inform the detained person whether the officer is authorising continued detention, and if so that the officer is satisfied that continued detention is necessary for the purposes of exercising a power under paragraph 2 or 3 of Schedule 7.

(3) Sub-paragraph (2) does not apply where the detained person is—
(a) incapable of understanding what is said,
(b) violent or likely to become violent, or
(c) in urgent need of medical attention.**]**

PART II

REVIEW OF DETENTION UNDER SECTION 41

Requirement

21 (1) A person's detention shall be periodically reviewed by a review officer.

(2) The first review shall be carried out as soon as is reasonably practicable after the time of the person's arrest.

(3) Subsequent reviews shall, subject to paragraph 22, be carried out at intervals of not more than 12 hours.

(4) No review of a person's detention shall be carried out after a warrant extending his detention has been issued under Part III.

Postponement

22 (1) A review may be postponed if at the latest time at which it may be carried out in accordance with paragraph 21—
(a) the detained person is being questioned by a police officer and an officer is satisfied that an interruption of the questioning to carry out the review would prejudice the investigation in connection with which the person is being detained,
(b) no review officer is readily available, or
(c) it is not practicable for any other reason to carry out the review.

(2) Where a review is postponed it shall be carried out as soon as is reasonably practicable.

(3) For the purposes of ascertaining the time within which the next review is to be carried out, a postponed review shall be deemed to have been carried out at the latest time at which it could have been carried out in accordance with paragraph 21.

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Grounds for continued detention

23 (1) A review officer may authorise a person's continued detention only if satisfied that it is necessary—

(a) to obtain relevant evidence whether by questioning him or otherwise,

(b) to preserve relevant evidence,

[[F461](ba) pending the result of an examination or analysis of any relevant evidence or of anything the examination or analysis of which is to be or is being carried out with a view to obtaining relevant evidence;**]**

(c) pending a decision whether to apply to the Secretary of State for a deportation notice to be served on the detained person,

(d) pending the making of an application to the Secretary of State for a deportation notice to be served on the detained person,

(e) pending consideration by the Secretary of State whether to serve a deportation notice on the detained person, or

(f) pending a decision whether the detained person should be charged with an offence.

(2) The review officer shall not authorise continued detention by virtue of sub-paragraph (1)(a) or (b) unless he is satisfied that the investigation in connection with which the person is detained is being conducted diligently and expeditiously.

(3) The review officer shall not authorise continued detention by virtue of sub-paragraph (1)(c) to (f) unless he is satisfied that the process pending the completion of which detention is necessary is being conducted diligently and expeditiously.

(4) In **[**[F462]this paragraph**]**"relevant evidence" means evidence which—

(a) relates to the commission by the detained person of an offence under any of the provisions mentioned in section 40(1)(a), or

(b) indicates that the detained person falls within section 40(1)(b).

(5) In sub-paragraph (1) "deportation notice" means notice of a decision to make a deportation order under the Immigration Act 1971.

Textual Amendments

F461 Sch. 8 para. 23(1)(ba) inserted (25.7.2006) by Terrorism Act 2006 (c. 11), **s. 24(1)** (with s. 24(6)); S.I. 2006/1936, **art. 2**

F462 Words in Sch. 8 para. 23(4) substituted (25.7.2006) by Terrorism Act 2006 (c. 11), **s. 24(4)** (with s. 24(6)); S.I. 2006/1936, **art. 2**

Review officer

24 (1) The review officer shall be an officer who has not been directly involved in the investigation in connection with which the person is detained.

(2) In the case of a review carried out within the period of 24 hours beginning with the time of arrest, the review officer shall be an officer of at least the rank of inspector.

(3) In the case of any other review, the review officer shall be an officer of at least the rank of superintendent.

25 (1) This paragraph applies where—

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(a) the review officer is of a rank lower than superintendent,
(b) an officer of higher rank than the review officer gives directions relating to the detained person, and
(c) those directions are at variance with the performance by the review officer of a duty imposed on him under this Schedule.

(2) The review officer shall refer the matter at once to an officer of at least the rank of superintendent.

Representations

26 (1) Before determining whether to authorise a person's continued detention, a review officer shall give either of the following persons an opportunity to make representations about the detention—
(a) the detained person, or
(b) a solicitor representing him who is available at the time of the review.

(2) Representations may be oral or written.

(3) A review officer may refuse to hear oral representations from the detained person if he considers that he is unfit to make representations because of his condition or behaviour.

Rights

27 (1) Where a review officer authorises continued detention he shall inform the detained person—
(a) of any of his rights under paragraphs 6 and 7 which he has not yet exercised, and
(b) if the exercise of any of his rights under either of those paragraphs is being delayed in accordance with the provisions of paragraph 8, of the fact that it is being so delayed.

(2) Where a review of a person's detention is being carried out at a time when his exercise of a right under either of those paragraphs is being delayed—
(a) the review officer shall consider whether the reason or reasons for which the delay was authorised continue to subsist, and
(b) if in his opinion the reason or reasons have ceased to subsist, he shall inform the officer who authorised the delay of his opinion (unless he was that officer).

(3) In the application of this paragraph to Scotland, for the references to paragraphs 6, 7 and 8 substitute references to paragraph 16.

(4) The following provisions (requirement to bring an accused person before the court after his arrest) shall not apply to a person detained under section 41—
(a) section 135(3) of the [M170]Criminal Procedure (Scotland) Act 1995, and
(b) Article 8(1) of the [M171]Criminal Justice (Children) (Northern Ireland) Order 1998.

(5) Section 22(1) of the [M172]Criminal Procedure (Scotland) Act 1995 (interim liberation by officer in charge of police station) shall not apply to a person detained under section 41.

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Marginal Citations

M170 1995 c. 46.
M171 S.I. 1998/1504 (N.I. 9).
M172 1995 c. 46.

Record

28 (1) A review officer carrying out a review shall make a written record of the outcome of the review and of any of the following which apply—

(a) the grounds upon which continued detention is authorised,
(b) the reason for postponement of the review,
(c) the fact that the detained person has been informed as required under paragraph 27(1),
(d) the officer's conclusion on the matter considered under paragraph 27(2)(a),
(e) the fact that he has taken action under paragraph 27(2)(b), and
(f) the fact that the detained person is being detained by virtue of section 41(5) or (6).

(2) The review officer shall—

(a) make the record in the presence of the detained person, and
(b) inform him at that time whether the review officer is authorising continued detention, and if he is, of his grounds.

(3) Sub-paragraph (2) shall not apply where, at the time when the record is made, the detained person is—

(a) incapable of understanding what is said to him,
(b) violent or likely to become violent, or
(c) in urgent need of medical attention.

PART III

EXTENSION OF DETENTION UNDER SECTION 41

Warrants of further detention

29 (1) **[**[F463]Each of the following—

(a) in England and Wales, a Crown Prosecutor,
(b) in Scotland, the Lord Advocate or a procurator fiscal,
(c) in Northern Ireland, the Director of Public Prosecutions for Northern Ireland,
(d) in any part of the United Kingdom, a police officer of at least the rank of superintendent,

may**]** apply to a judicial authority for the issue of a warrant of further detention under this Part.

(2) A warrant of further detention—

(a) shall authorise the further detention under section 41 of a specified person for a specified period, and

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(b) shall state the time at which it is issued.

(3) **[**[F464]Subject to sub-paragraph (3A) and paragraph 36**]**, the specified period in relation to a person shall **[**[F465]be**]** the period of seven days beginning—

(a) with the time of his arrest under section 41, or

(b) if he was being detained under Schedule 7 when he was arrested under section 41, with the time when his examination under that Schedule began.

[[F466](3A) A judicial authority may issue a warrant of further detention in relation to a person which specifies a shorter period as the period for which that person's further detention is authorised if—

(a) the application for the warrant is an application for a warrant specifying a shorter period; or

(b) the judicial authority is satisfied that there are circumstances that would make it inappropriate for the specified period to be as long as the period of seven days mentioned in sub-paragraph (3).**]**

(4) In this Part "judicial authority" means—

(a) in England and Wales, [F467]. . . a District Judge (Magistrates' Courts) who is designated for the purpose of this Part **[**[F468]by the Lord Chief Justice of England and Wales [F469]. . . **]**,

(b) in Scotland, the sheriff, and

(c) in Northern Ireland, a county court judge, or a resident magistrate who is designated for the purpose of this Part **[**[F470]by the Lord Chief Justice of Northern Ireland [F469]. . . **]**.

[[F471](5) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under sub-paragraph (4)(a).

(6) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under sub-paragraph (4)(c)—

(a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;

(b) a Lord Justice of Appeal (as defined in section 88 of that Act).**]**

Textual Amendments

F463 Words in Sch. 8 para. 29(1) substituted (25.7.2006) by Terrorism Act 2006 (c. 11), **s. 23(2)** (with (12)); S.I. 2006/1936, **art. 2**

F464 Words in Sch. 8 para. 29(3) substituted (25.7.2006) by Terrorism Act 2006 (c. 11), **s. 23(3)(a)** (with (12)); S.I. 2006/1936, **art. 2**

F465 Words in Sch. 8 para. 29(3) substituted (25.7.2006) by Terrorism Act 2006 (c. 11), **s. 23(3)(b)** (with (12)); S.I. 2006/1936, **art. 2**

F466 Sch. 8 para. 29(3A) inserted (25.7.2006) by Terrorism Act 2006 (c. 11), **s. 23(4)** (with (12)); S.I. 2006/1936, **art. 2**

F467 Words in Sch. 8 para. 29(4)(a) repealed (1.4.2005) by Courts Act 2003 (c. 39), s. 109(1)(3), **Sch. 8 para. 391**, **Sch. 10**; S.I. 2005/910, **art. 3(y)(bb)**

F468 Words in Sch. 8 para. 29(4)(a) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15(1), **Sch. 4 para. 290(2)(a)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 paras. 10, 11(x)

F469 Words in Sch. 8 para. 29(4)(a)(c) repealed (16.2.2009) by Counter-Terrorism Act 2008 (c. 28), **ss. 82(2)**, 99, 100(5), **Sch. 9 Pt. 6** (with s. 101(2)); S.I. 2009/58, **art. 2(g)**

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F470 Words in Sch. 8 para. 29(4)(c) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15(1), **Sch. 4 para. 290(2)(b)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 paras. 10, 11(x)

F471 Sch. 8 para. 29(5)(6) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15(1), **Sch. 4 para. 290(2)(c)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 paras. 10, 11(x)

Time limit

30 (1) An application for a warrant shall be made—

(a) during the period mentioned in section 41(3), or

(b) within six hours of the end of that period.

(2) The judicial authority hearing an application made by virtue of sub-paragraph (1)(b) shall dismiss the application if he considers that it would have been reasonably practicable to make it during the period mentioned in section 41(3).

(3) For the purposes of this Schedule, an application for a warrant is made when written or oral notice of an intention to make the application is given to a judicial authority.

Notice

31 An application for a warrant may not be heard unless the person to whom it relates has been given a notice stating—

(a) that the application has been made,

(b) the time at which the application was made,

(c) the time at which it is to be heard, and

(d) the grounds upon which further detention is sought.

Grounds for extension

32 (1) A judicial authority may issue a warrant of further detention only if satisfied that—

(a) there are reasonable grounds for believing that the further detention of the person to whom the application relates is necessary **[**[F472]as mentioned in sub-paragraph (1A)**]** , and

(b) the investigation in connection with which the person is detained is being conducted diligently and expeditiously.

[[F473](1A) The further detention of a person is necessary as mentioned in this sub-paragraph if it is necessary—

(a) to obtain relevant evidence whether by questioning him or otherwise;

(b) to preserve relevant evidence; or

(c) pending the result of an examination or analysis of any relevant evidence or of anything the examination or analysis of which is to be or is being carried out with a view to obtaining relevant evidence.**]**

(2) In **[**[F474]this paragraph**]**"relevant evidence" means, in relation to the person to whom the application relates, evidence which—

(a) relates to his commission of an offence under any of the provisions mentioned in section 40(1)(a), or

(b) indicates that he is a person falling within section 40(1)(b).

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Textual Amendments

F472 Words in Sch. 8 para. 32(1) substituted (25.7.2006) by Terrorism Act 2006 (c. 11), **s. 24(2)** (with (6)); S.I. 2006/1936, **art. 2**

F473 Sch. 8 para. 32(1A) inserted (25.7.2006) by Terrorism Act 2006 (c. 11), **s. 24(3)** (with (6)); S.I. 2006/1936, **art. 2**

F474 Words in Sch. 8 para. 32(2) substituted (25.7.2006) by Terrorism Act 2006 (c. 11), **s. 24(5)** (with (6)); S.I. 2006/1936, **art. 2**

Representation

33 (1) The person to whom an application relates shall—

(a) be given an opportunity to make oral or written representations to the judicial authority about the application, and

(b) subject to sub-paragraph (3), be entitled to be legally represented at the hearing.

(2) A judicial authority shall adjourn the hearing of an application to enable the person to whom the application relates to obtain legal representation where—

(a) he is not legally represented,

(b) he is entitled to be legally represented, and

(c) he wishes to be so represented.

(3) A judicial authority may exclude any of the following persons from any part of the hearing—

(a) the person to whom the application relates;

(b) anyone representing him.

[F475(4) A judicial authority may, after giving an opportunity for representations to be made by or on behalf of the applicant and the person to whom the application relates, direct—

(a) that the hearing of the application must be conducted, and

(b) that all representations by or on behalf of a person for the purposes of the hearing must be made,

by such means (whether a live television link or other means) falling within sub-paragraph (5) as may be specified in the direction and not in the presence (apart from by those means) of the applicant, of the person to whom the application relates or of any legal representative of that person.

(5) A means of conducting the hearing and of making representations falls within this sub-paragraph if it allows the person to whom the application relates and any legal representative of his (without being present at the hearing and to the extent that they are not excluded from it under sub-paragraph (3))—

(a) to see and hear the judicial authority and the making of representations to it by other persons; and

(b) to be seen and heard by the judicial authority.

(6) If the person to whom the application relates wishes to make representations about whether a direction should be given under sub-paragraph (4), he must do so by using the facilities that will be used if the judicial authority decides to give a direction under that sub-paragraph.

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(7) Sub-paragraph (2) applies to the hearing of representations about whether a direction should be given under sub-paragraph (4) in the case of any application as it applies to a hearing of the application.

(8) A judicial authority shall not give a direction under sub-paragraph (4) unless—

(a) it has been notified by the Secretary of State that facilities are available at the place where the person to whom the application relates is held for the judicial authority to conduct a hearing by means falling within sub-paragraph (5); and

(b) that notification has not been withdrawn.

(9) If in a case where it has power to do so a judicial authority decides not to give a direction under sub-paragraph (4), it shall state its reasons for not giving it.**]**

Textual Amendments

F475 Sch. 8 paras. 33(4)-(9) inserted (E.W.N.I.) (1.8.2001) by 2001 c. 16, **s. 75**; S.I. 2001/2223, **art. 3(d)**

Information

34 (1) The **[**[F476]person**]** who has made an application for a warrant may apply to the judicial authority for an order that specified information upon which he intends to rely be withheld from—

(a) the person to whom the application relates, and

(b) anyone representing him.

(2) Subject to sub-paragraph (3), a judicial authority may make an order under sub-paragraph (1) in relation to specified information only if satisfied that there are reasonable grounds for believing that if the information were disclosed—

(a) evidence of an offence under any of the provisions mentioned in section 40(1)(a) would be interfered with or harmed,

(b) the recovery of property obtained as a result of an offence under any of those provisions would be hindered,

(c) the recovery of property in respect of which a forfeiture order could be made under section 23 **[**[F477]or 23A**]** would be hindered,

(d) the apprehension, prosecution or conviction of a person who is suspected of falling within section 40(1)(a) or (b) would be made more difficult as a result of his being alerted,

(e) the prevention of an act of terrorism would be made more difficult as a result of a person being alerted,

(f) the gathering of information about the commission, preparation or instigation of an act of terrorism would be interfered with, or

(g) a person would be interfered with or physically injured.

[[F478](3) A judicial authority may also make an order under sub-paragraph (1) in relation to specified information if satisfied that there are reasonable grounds for believing that—

(a) the detained person has benefited from his criminal conduct, and

(b) the recovery of the value of the property constituting the benefit would be hindered if the information were disclosed.

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(3A) For the purposes of sub-paragraph (3) the question whether a person has benefited from his criminal conduct is to be decided in accordance with Part 2 or 3 of the Proceeds of Crime Act 2002.**]**

(4) The judicial authority shall direct that the following be excluded from the hearing of the application under this paragraph—

(a) the person to whom the application for a warrant relates, and

(b) anyone representing him.

Textual Amendments

F476 Word in Sch. 8 para. 34(1) substituted (25.7.2006) by Terrorism Act 2006 (c. 11), **s. 23(5)**; S.I. 2006/1936, **art. 2**

F477 Words in Sch. 8 para. 34(2)(c) inserted (18.6.2009) by Counter-Terrorism Act 2008 (c. 28), ss. 39, 100(5), **Sch. 3 para. 6** (with s. 101(2)); S.I. 2009/1256, **art. 2(c)**

F478 Sch. 8 para. 34(3)(3A) substituted for Sch. 8 para. 34(3) (24.3.2003 subject to certain provisions in the commencing instruments) by 2002 c. 29, s. 456, Sch. 11 para. 39(5); S.I. 2003/333, **art. 2**, Sch. (as amended by S.I. 2003/531); S.S.I. 2003/210, **art. 2**, Sch.

Adjournments

35 (1) A judicial authority may adjourn the hearing of an application for a warrant only if the hearing is adjourned to a date before the expiry of the period mentioned in section 41(3).

(2) This paragraph shall not apply to an adjournment under paragraph 33(2).

Extensions of warrants

36 **[**[F479](1) Each of the following—

(a) in England and Wales, a Crown Prosecutor,

(b) in Scotland, the Lord Advocate or a procurator fiscal,

(c) in Northern Ireland, the Director of Public Prosecutions for Northern Ireland,

(d) in any part of the United Kingdom, a police officer of at least the rank of superintendent,

may**]** apply [F480]. . . for the extension or further extension of the period specified in a warrant of further detention.

[[F481](1A) The person to whom an application under sub-paragraph (1) may be made **[**[F482] is a judicial authority **]**

.

[F483](1B) . . . . . .**]**

(2) Where the period specified is extended, the warrant shall be endorsed with a note stating the new specified period.

[[F484](3) Subject to sub-paragraph (3AA), the period by which the specified period is extended or further extended shall be the period which—

(a) begins with the time specified in sub-paragraph (3A); and

(b) ends with whichever is the earlier of—

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(i) the end of the period of seven days beginning with that time; and

(ii) the end of the period of **[**[F485]14 days **]** beginning with the relevant time.

(3A) The time referred to in sub-paragraph (3)(a) is—

(a) in the case of a warrant specifying a period which has not previously been extended under this paragraph, the end of the period specified in the warrant, and

(b) in any other case, the end of the period for which the period specified in the warrant was last extended under this paragraph.

(3AA) A judicial authority [F486]... may extend or further extend the period specified in a warrant by a shorter period than is required by sub-paragraph (3) if—

(a) the application for the extension is an application for an extension by a period that is shorter than is so required; or

(b) the judicial authority [F486]... is satisfied that there are circumstances that would make it inappropriate for the period of the extension to be as long as the period so required.**]**

[[F487](3B) In this paragraph " the relevant time ", in relation to a person, means—

(a) the time of his arrest under section 41, or

(b) if he was being detained under Schedule 7 when he was arrested under section 41, the time when his examination under that Schedule began.**]**

(4) Paragraphs 30(3) and 31 to 34 shall apply to an application under this paragraph as they apply to an application for a warrant of further detention [F488]...

(5) A judicial authority [F489]... may adjourn the hearing of an application under sub-paragraph (1) only if the hearing is adjourned to a date before the expiry of the period specified in the warrant.

(6) Sub-paragraph (5) shall not apply to an adjournment under paragraph 33(2).

[F490](7) . . . . . .

Textual Amendments

F479 Words in Sch. 8 para. 36(1) substituted (25.7.2006) by Terrorism Act 2006 (c. 11), **s. 23(2)** (with (12)); S.I. 2006/1936, **art. 2**

F480 Words in Sch. 8 para. 36(1) repealed (25.7.2006) by Terrorism Act 2006 (c. 11), ss. 23(6), 37, Sch. 3 (with s. 23(12)); S.I. 2006/1936, **art. 2**

F481 Sch. 8 para. 36(1A)(1B) inserted (25.7.2006) by Terrorism Act 2006 (c. 11), **s. 23(6)** (with (12)); S.I. 2006/1936, **art. 2**

F482 Words in Sch. 8 para. 36(1A) substituted (10.7.2012) by Protection of Freedoms Act 2012 (c. 9), s. 120, **Sch. 9 para. 26(2)** (with s. 97); S.I. 2012/1205, art. 4(k)(l)

F483 Sch. 8 para. 36(1B) repealed (10.7.2012) by Protection of Freedoms Act 2012 (c. 9), s. 120, Sch. 9 para. 26(3)(a), **Sch. 10 Pt. 4** (with s. 97); S.I. 2012/1205, art. 4(k)(l)

F484 Sch. 8 para. 36(3)-(3AA) substituted for Sch. 8 para. 36(3)(3A) (25.7.2006) by Terrorism Act 2006 (c. 11), **s. 23(7)** (with (12)); S.I. 2006/1936, **art. 2**

F485 Words in Sch. 8 para. 36(3)(b)(ii) substituted (10.7.2012) by Protection of Freedoms Act 2012 (c. 9), **ss. 57(1)**, 120 (with s. 97); S.I. 2012/1205, art. 4(a)

F486 Words in Sch. 8 para. 36(3AA) repealed (10.7.2012) by Protection of Freedoms Act 2012 (c. 9), s. 120, Sch. 9 para. 26(3)(b), **Sch. 10 Pt. 4** (with s. 97); S.I. 2012/1205, art. 4(k)(l)

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F487 Sch. 8 para. 36(3A)(3B) inserted (20.1.2004) by Criminal Justice Act 2003 (c. 44), **s. 306(4)**; S.I. 2004/81, **art. 2(2)** (with art. 2(8))

F488 Words in Sch. 8 para. 36(4) repealed (10.7.2012) by Protection of Freedoms Act 2012 (c. 9), s. 120, Sch. 9 para. 26(3)(c), **Sch. 10 Pt. 4** (with s. 97); S.I. 2012/1205, art. 4(k)(l)

F489 Words in Sch. 8 para. 36(5) repealed (10.7.2012) by Protection of Freedoms Act 2012 (c. 9), s. 120, Sch. 9 para. 26(3)(d), **Sch. 10 Pt. 4** (with s. 97); S.I. 2012/1205, art. 4(k)(l)

F490 Sch. 8 para. 36(7) repealed (10.7.2012) by Protection of Freedoms Act 2012 (c. 9), s. 120, Sch. 9 para. 26(3)(e), **Sch. 10 Pt. 4** (with s. 97); S.I. 2012/1205, art. 4(k)(l)

Modifications etc. (not altering text)

C86 S. 36 extended (E.W.) (2.12.2002) by 2002 c. 30, s. 38, **Sch. 4 Pt. 1 para. 14**; S.I. 2002/2750, **art. 2(a)(ii)(d)**

Detention - conditions

[F491 37(1) This paragraph applies where—

(a) a person ("the detained person") is detained by virtue of a warrant issued under this Part of this Schedule; and

(b) his detention is not authorised by virtue of section 41(5) or (6) or otherwise apart from the warrant.

(2) If it at any time appears to the police officer or other person in charge of the detained person's case that any of the matters mentioned in paragraph 32(1)(a) and (b) on which the judicial authority F492... last authorised his further detention no longer apply, he must—

(a) if he has custody of the detained person, release him immediately; and

(b) if he does not, immediately inform the person who does have custody of the detained person that those matters no longer apply in the detained person's case.

(3) A person with custody of the detained person who is informed in accordance with this paragraph that those matters no longer apply in his case must release that person immediately.]

Textual Amendments

F491 Sch. 8 para. 37 substituted (25.7.2006) by Terrorism Act 2006 (c. 11), **s. 23(11)** (with (12)); S.I. 2006/1936, **art. 2**

F492 Words in Sch. 8 para. 37(2) repealed (10.7.2012) by Protection of Freedoms Act 2012 (c. 9), s. 120, Sch. 9 para. 26(4), **Sch. 10 Pt. 4** (with s. 97); S.I. 2012/1205, art. 4(k)(l)

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

[F493PART 4

EMERGENCY POWER WHEN PARLIAMENT DISSOLVED ETC. FOR TEMPORARY EXTENSION OF MAXIMUM PERIOD FOR DETENTION UNDER SECTION 41

Textual Amendments

F493 Sch. 8 Pt. 4 inserted (10.7.2012) by Protection of Freedoms Act 2012 (c. 9), **ss. 58(1)**, 120 (with s. 97); S.I. 2012/1205, art. 4(b)

38 (1) The Secretary of State may make a temporary extension order if—

(a) either—

(i) Parliament is dissolved, or

(ii) Parliament has met after a dissolution but the first Queen's Speech of the Parliament has not yet taken place, and

(b) the Secretary of State considers that it is necessary by reason of urgency to make such an order.

(2) A temporary extension order is an order which provides, in relation to the period of three months beginning with the coming into force of the order, for paragraphs 36 and 37 to be read as if—

(a) in paragraph 36(3)(b)(ii) for "14 days" there were substituted " 28 days ", and

(b) the other modifications in sub-paragraphs (3) and (4) were made.

(3) The other modifications of paragraph 36 are—

(a) the insertion at the beginning of sub-paragraph (1) of "Subject to sub-paragraphs (1ZA) to (1ZI),",

(b) the insertion, after sub-paragraph (1), of—

"(1ZA) Sub-paragraph (1ZB) applies in relation to any proposed application under sub-paragraph (1) for the further extension of the period specified in a warrant of further detention where the grant (otherwise than in accordance with sub-paragraph (3AA)(b)) of the application would extend the specified period to a time that is more than 14 days after the relevant time.

(1ZB) No person may make such an application—

(a) in England and Wales, without the consent of the Director of Public Prosecutions,

(b) in Scotland, without the consent of the Lord Advocate, and

(c) in Northern Ireland, without the consent of the Director of Public Prosecutions for Northern Ireland,

unless the person making the application is the person whose consent is required.

(1ZC) The Director of Public Prosecutions must exercise personally any function under sub-paragraph (1ZB) of giving consent.

(1ZD) The only exception is if—

(a) the Director is unavailable, and

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(b) there is another person who is designated in writing by the Director acting personally as the person who is authorised to exercise any such function when the Director is unavailable.

(1ZE) In that case—

(a) the other person may exercise the function but must do so personally, and

(b) the Director acting personally—

(i) must review the exercise of the function as soon as practicable, and

(ii) may revoke any consent given.

(1ZF) Where the consent is so revoked after an application has been made or extension granted, the application is to be dismissed or (as the case may be) the extension is to be revoked.

(1ZG) Sub-paragraphs (1ZC) to (1ZF) apply instead of any other provisions which would otherwise have enabled any function of the Director of Public Prosecutions under sub-paragraph (1ZB) of giving consent to be exercised by a person other than the Director.

(1ZH) The Director of Public Prosecutions for Northern Ireland must exercise personally any function under sub-paragraph (1ZB) of giving consent unless the function is exercised personally by the Deputy Director of Public Prosecutions for Northern Ireland by virtue of section 30(4) or (7) of the Justice (Northern Ireland) Act 2002 (powers of Deputy Director to exercise functions of Director).

(1ZI) Sub-paragraph (1ZH) applies instead of section 36 of the Act of 2002 (delegation of the functions of the Director of Public Prosecutions for Northern Ireland to persons other than the Deputy Director) in relation to the functions of the Director of Public Prosecutions for Northern Ireland and the Deputy Director of Public Prosecutions for Northern Ireland under, or (as the case may be) by virtue of, sub-paragraph (1ZB) above of giving consent.”,

(c) the substitution, for “a judicial authority” in sub-paragraph (1A), of “—

“(a) in the case of an application falling within sub-paragraph (1B), a judicial authority; and

(b) in any other case, a senior judge”,

(d) the insertion, after sub-paragraph (1A), of—

“(1B) An application for the extension or further extension of a period falls within this sub-paragraph if—

(a) the grant of the application otherwise than in accordance with sub-paragraph (3AA)(b) would extend that period to a time that is no more than 14 days after the relevant time; and

(b) no application has previously been made to a senior judge in respect of that period.”,

(e) the insertion, after “judicial authority” in both places in sub-paragraph (3AA) where it appears, of “or senior judge”,

(f) the insertion, after “detention” in sub-paragraph (4), of

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Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

"but, in relation to an application made by virtue of sub-paragraph (1A)(b) to a senior judge, as if—

(a) references to a judicial authority were references to a senior judge; and

(b) references to the judicial authority in question were references to the senior judge in question",

(g) the insertion, after "judicial authority" in sub-paragraph (5), of "or senior judge", and

(h) the insertion, after sub-paragraph (6), of—

"(7) In this paragraph and paragraph 37 "senior judge" means a judge of the High Court or of the High Court of Justiciary."

(4) The modification of paragraph 37 is the insertion, in sub-paragraph (2), after "judicial authority", of "or senior judge".

(5) A temporary extension order applies, except so far as it provides otherwise, to any person who is being detained under section 41 when the order comes into force (as well as any person who is subsequently detained under that section).

(6) The Secretary of State may by order revoke a temporary extension order if the Secretary of State considers it appropriate to do so (whether or not the conditions mentioned in paragraphs (a) and (b) of sub-paragraph (1) are met).

(7) Sub-paragraph (8) applies if—

(a) any of the following events occurs—

(i) the revocation without replacement of a temporary extension order,

(ii) the expiry of the period of three months mentioned in sub-paragraph (2) in relation to such an order,

(iii) the ceasing to have effect of such an order by virtue of section 123(6B) and (6C), and

(b) at that time—

(i) a person is being detained by virtue of a further extension under paragraph 36,

(ii) the person's further detention was authorised by virtue of the temporary extension order concerned (before its revocation, expiry or ceasing to have effect) for a period ending more than 14 days after the relevant time (within the meaning given by paragraph 36(3B)),

(iii) that 14 days has expired, and

(iv) the person's detention is not otherwise authorised by law.

(8) The person with custody of that individual must release the individual immediately.

(9) Subject to sub-paragraphs (7) and (8), the fact that—

(a) a temporary extension order is revoked,

(b) the period of three months mentioned in sub-paragraph (2) has expired in relation to such an order, or

(c) such an order ceases to have effect by virtue of section 123(6B) and (6C),

is without prejudice to anything previously done by virtue of the order or to the making of a new order.**]**

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

[F494SCHEDULE 8A

OFFENCE UNDER SECTION 58A: SUPPLEMENTARY PROVISIONS

Textual Amendments

F494 Sch. 8A inserted (16.2.2009) by Counter-Terrorism Act 2008 (c. 28), ss. 76(4), 100(5), **Sch. 8** (with s. 101(2)); S.I. 2009/58, **art. 2(d)**

Introduction

1 (1) This Schedule makes supplementary provision relating to the offence in section 58A (eliciting, publishing or communicating information about members of the armed forces etc).

(2) The purpose of this Schedule is to comply with Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (" the E-Commerce Directive ").

Domestic service providers: extension of liability

2 (1) This paragraph applies where a service provider is established in the United Kingdom (a "domestic service provider").

(2) Section 58A applies to a domestic service provider who—

(a) commits any of the acts specified in subsection (1) of that section in an EEA state other than the United Kingdom, and

(b) does so in the course of providing information society services,

as it applies to a person who commits such an act in the United Kingdom.

(3) In such a case—

(a) proceedings for the offence may be taken at any place in the United Kingdom, and

(b) the offence may for all incidental purposes be treated as having been committed at any such place.

Non-UK service providers: restriction on proceedings

3 (1) This paragraph applies where a service provider is established in an EEA state other than the United Kingdom (a "non-UK service provider").

(2) Proceedings for an offence under section 58A must not be brought against a non-UK service provider in respect of anything done in the course of the provision of information society services unless the following conditions are met.

(3) The conditions are—

(a) that the bringing of proceedings is necessary for one of the following reasons—

(i) public policy,

(ii) public security, including the safeguarding of national security and defence;

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(b) that the proceedings are brought against an information society service that prejudices the objectives referred to in paragraph (a) or presents a serious and grave risk of prejudice to those objectives;

(c) that the bringing of the proceedings is proportionate to those objectives.

Exceptions for mere conduits

4 (1) A service provider is not guilty of an offence under section 58A in respect of anything done in the course of providing so much of an information society service as consists in—

(a) the provision of access to a communication network, or

(b) the transmission in a communication network of information provided by a recipient of the service,

if the following condition is satisfied.

(2) The condition is that the service provider does not—

(a) initiate the transmission,

(b) select the recipient of the transmission, or

(c) select or modify the information contained in the transmission.

(3) For the purposes of sub-paragraph (1)—

(a) the provision of access to a communication network, and

(b) the transmission of information in a communication network,

includes the automatic, intermediate and transient storage of the information transmitted so far as the storage is solely for the purpose of carrying out the transmission in the network.

(4) Sub-paragraph (3) does not apply if the information is stored for longer than is reasonably necessary for the transmission.

Exception for caching

5 (1) This paragraph applies where an information society service consists in the transmission in a communication network of information provided by a recipient of the service.

(2) The service provider is not guilty of an offence under section 58A in respect of the automatic, intermediate and temporary storage of information so provided, if—

(a) the storage of the information is solely for the purpose of making more efficient the onward transmission of the information to other recipients of the service at their request, and

(b) the following conditions are satisfied.

(3) The first condition is that the service provider does not modify the information.

(4) The second condition is that the service provider complies with any conditions attached to having access to the information.

(5) The third condition is that if the service provider obtains actual knowledge that—

(a) the information at the initial source of the transmission has been removed from the network,

(b) access to it has been disabled, or

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(c) a court or administrative authority has ordered the removal from the network of, or the disablement of access to, the information,

the service provider expeditiously removes the information or disables access to it.

Exception for hosting

6 (1) A service provider is not guilty of an offence under section 58A in respect of anything done in the course of providing so much of an information society service as consists in the storage of information provided by a recipient of the service, if the condition is met.

(2) The condition is that—

(a) the service provider had no actual knowledge when the information was provided that it contained offending material, or

(b) on obtaining actual knowledge that the information contained offending material, the service provider expeditiously removed the information or disabled access to it.

(3) " Offending material " means information about a person who is or has been—

(a) a member of Her Majesty's forces,

(b) a member of any of the intelligence services, or

(c) a constable,

which is of a kind likely to be useful to a person committing or preparing an act of terrorism.

(4) This paragraph does not apply if the recipient of the service is acting under the authority or control of the service provider.

(5) In this paragraph " the intelligence services " means the Security Service, the Secret Intelligence Service and GCHQ (within the meaning of section 3 of the Intelligence Services Act 1994 (c. 13)).

Interpretation

7 (1) In this Schedule—

" information society services "—

(a) has the meaning given in Article 2(a) of the E-Commerce Directive (which refers to Article 1(2) of Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations), and

(b) is summarised in recital 17 of the E-Commerce Directive as covering "any service normally provided for remuneration, at a distance, by means of electronic equipment for the processing (including digital compression) and storage of data, and at the individual request of a recipient of a service";

" recipient ", in relation to a service, means any person who, for professional ends or otherwise, uses an information society service, in particular for the purposes of seeking information or making it accessible;

" service provider " means a person providing an information society service.

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2) For the purposes of this Schedule whether a service provider is established in the United Kingdom, or in some other EEA state, shall be determined in accordance with the following provisions—

(a) a service provider is established in the United Kingdom, or in a particular EEA state, if the service provider—

(i) effectively pursues an economic activity using a fixed establishment in the United Kingdom, or that EEA state, for an indefinite period, and

(ii) is a national of an EEA state or a company or firm mentioned in **[**[F495]Article 54 of the Treaty on the Functioning of the European Union**]** ;

(b) the presence or use in a particular place of equipment or other technical means of providing an information society service does not, of itself, constitute the establishment of a service provider;

(c) where it cannot be determined from which of a number of establishments a given information society service is provided, that service is to be regarded as provided from the establishment at the centre of the service provider's activities relating to that service.**]**

Textual Amendments

F495 Words in Sch. 8A para. 7(2)(a)(ii) substituted (1.8.2012) by The Treaty of Lisbon (Changes in Terminology or Numbering) Order 2012 (S.I. 2012/1809), art. 2(1), **Sch. Pt. 1** (with art. 2(2))

SCHEDULE 9

Section 65.

SCHEDULED OFFENCES

PART I

SUBSTANTIVE OFFENCES

Common law offences

1 Murder [F496]. . . .

Textual Amendments

F496 Words in Sch. 9 Pt. I para. 1 repealed (19.2.2006) by Terrorism (Northern Ireland) Act 2006 (c. 4), ss. {3(1)(a)}, 5(2)(3), {Sch.}

2 Manslaughter [F497]. . . .

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F497 Words in Sch. 9 Pt. I para. 2 repealed (19.2.2006) by Terrorism (Northern Ireland) Act 2006 (c. 4), ss. {3(1)(a)}, 5(2)(3), {Sch.}

3 Riot [F498]. . . .

Textual Amendments

F498 Words in Sch. 9 Pt. I para. 3 repealed (19.2.2006) by Terrorism (Northern Ireland) Act 2006 (c. 4), ss. {3(1)(a)}, 5(2)(3), {Sch.}

4 Kidnapping [F499]. . . .

Textual Amendments

F499 Words in Sch. 9 Pt. I para. 4 repealed (19.2.2006) by Terrorism (Northern Ireland) Act 2006 (c. 4), ss. {3(1)(a)}, 5(2)(3), {Sch.}

5 False imprisonment [F500]. . . .

Textual Amendments

F500 Words in Sch. 9 Pt. I para. 5 repealed (19.2.2006) by Terrorism (Northern Ireland) Act 2006 (c. 4), ss. {3(1)(a)}, 5(2)(3), {Sch.}

Malicious Damage Act 1861 (c. 97)

6 Offences under section 35 of the [M173]Malicious Damage Act 1861 (interference with railway) [F501]. . . .

Textual Amendments

F501 Words in Sch. 9 Pt. I para. 6 repealed (19.2.2006) by Terrorism (Northern Ireland) Act 2006 (c. 4), ss. {3(1)(a)}, 5(2)(3), {Sch.}

Marginal Citations

M173 1861 c. 97

Offences against the Person Act 1861 (c. 100)

7 Offences under the following provisions of the [M174]Offences against the Person Act 1861 [F502]. . . —

(a) section 4 (offences relating to murder),
(b) section 16 (threats to kill),
(c) section 18 (wounding with intent to cause grievous bodily harm),
(d) section 20 (causing grievous bodily harm),

Status: *Point in time view as at 29/06/2017.*
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(e) section 29 (causing explosion or sending explosive substance or throwing corrosive liquid with intent to cause grievous bodily harm), and

(f) section 47 (assault occasioning actual bodily harm).

Textual Amendments

F502 Words in Sch. 9 Pt. I para. 7 repealed (19.2.2006) by Terrorism (Northern Ireland) Act 2006 (c. 4), ss. {3(1)(a)}, 5(2)(3), {Sch.}

Marginal Citations

M174 1861 c. 100.

Explosive Substances Act 1883 (c. 3)

8 Offences under the following provisions of the [M175]Explosive Substances Act 1883 [F503]. . . —

(a) section 2 (causing explosion likely to endanger life or damage property),

(b) section 3 (intending or conspiring to cause any such explosion, and making or possessing explosive with intent to endanger life or cause serious damage to property), and

(c) section 4 (making or possessing explosives in suspicious circumstances).

Textual Amendments

F503 Words in Sch. 9 Pt. I para. 8 repealed (19.2.2006) by Terrorism (Northern Ireland) Act 2006 (c. 4), ss. {3(1)(a)}, 5(2)(3), {Sch.}

Marginal Citations

M175 1883 c. 3.

Prison Act (Northern Ireland) 1953 (c. 18 (N.I.))

9 Offences under the following provisions of the [M176]Prison Act (Northern Ireland) 1953 [F504]. . . —

(a) section 25 (being unlawfully at large while under sentence),

(b) section 26 (escaping from lawful custody and failing to surrender to bail),

(c) section 27 (attempting to break prison),

(d) section 28 (breaking prison by force or violence),

(e) section 29 (rescuing or assisting or permitting to escape from lawful custody persons under sentence of death or life imprisonment),

(f) section 30 (rescuing or assisting or permitting to escape from lawful custody persons other than persons under sentence of death or life imprisonment),

(g) section 32 (causing discharge of prisoner under pretended authority), and

(h) section 33 (assisting prisoners to escape by conveying things into prisons).

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F504 Words in Sch. 9 Pt. I para. 9 repealed (19.2.2006) by Terrorism (Northern Ireland) Act 2006 (c. 4), ss. {3(1)(a)}, 5(2)(3), {Sch.}

Marginal Citations

M176 1953 c. 18(N.I.).

Theft Act (Northern Ireland) 1969 (c. 16 (N.I.))

10 **[**[F505]Subject to notes 2 and 3 below,**]** offences under the following provisions of the [M177]Theft Act (Northern Ireland) 1969—

(a) section 1 (theft) [F506]. . . ,

(b) section 8 (robbery) [F506]. . . ,

(c) section 9 (burglary) [F506]. . . ,

(d) section 10 (aggravated burglary) [F506]. . . , **[**[F507]and**]**

(e) [F508]. . . . . .

(f) section 20 (blackmail) [F506]. . . .

Textual Amendments

F505 Words in Sch. 9 Pt. I para. 10 inserted (19.2.2006) by Terrorism (Northern Ireland) Act 2006 (c. 4), ss. {3(2)(a)}, 5(3)

F506 Words in Sch. 9 Pt. I para. 10 repealed (19.2.2006) by Terrorism (Northern Ireland) Act 2006 (c. 4), ss. {3(2)(b)}, 5(2)(3), {Sch.}

F507 Word in Sch. 9 Pt. 1 para. 10(d) inserted (15.1.2007) by Fraud Act 2006 (c. 35), s. 14(1), **Sch. 1 para. 30(1)**; S.I. 2006/3200, **art. 2**

F508 Sch. 9 Pt. 1 para. 10(e) repealed (15.1.2007) by Fraud Act 2006 (c. 35), s. 14(1)(3), **Sch. 1 para. 30(1)**, **Sch. 3**; S.I. 2006/3200, **art. 2**

Marginal Citations

M177 1969 c. 16(N.I.).

Protection of the Person and Property Act (Northern Ireland) 1969 (c. 29 (N.I.))

11 Offences under the following provisions of the [M178]Protection of the Person and Property Act (Northern Ireland) 1969 [F509]. . . —

(a) section 1 (intimidation),

(b) section 2 (making or possessing petrol bomb, etc. in suspicious circumstances), and

(c) section 3 (throwing or using petrol bomb, etc.).

Textual Amendments

F509 Words in Sch. 9 Pt. I para. 11 repealed (19.2.2006) by Terrorism (Northern Ireland) Act 2006 (c. 4), ss. {3(1)(a)}, 5(2)(3), {Sch.}

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Marginal Citations
M178 1969 c. 29(N.I.).

Hijacking

12 Offences under section 1 of the [M179]Aviation Security Act 1982 (aircraft) [F510]. . . .

Textual Amendments
F510 Words in Sch. 9 Pt. I para. 12 repealed (19.2.2006) by Terrorism (Northern Ireland) Act 2006 (c. 4), ss. {3(1)(a)}, 5(2)(3), {Sch.}

Marginal Citations
M179 1982 c. 36.

13 Offences in Northern Ireland under section 2 of the [M180]Criminal Jurisdiction Act 1975 (vehicles or ships) [F511]. . . .

Textual Amendments
F511 Words in Sch. 9 Pt. I para. 13 repealed (19.2.2006) by Terrorism (Northern Ireland) Act 2006 (c. 4), ss. {3(1)(a)}, 5(2)(3), {Sch.}

Marginal Citations
M180 1975 c. 59.

Criminal Damage (Northern Ireland) Order 1977 (S.I. 1977/426 (N.I. 4))

14 Offences under the following provisions of the [M181]Criminal Damage (Northern Ireland) Order 1977 [F512]. . . —

(a) Article 3(1) and (3) or Article 3(2) and (3) (arson),
(b) Article 3(2) (destroying or damaging property with intent to endanger life),
(c) Article 4 (threats to destroy or damage property), and
(d) Article 5 (possessing anything with intent to destroy or damage property).

Textual Amendments
F512 Words in Sch. 9 Pt. I para. 14 repealed (19.2.2006) by Terrorism (Northern Ireland) Act 2006 (c. 4), ss. {3(1)(a)}, 5(2)(3), {Sch.}

Marginal Citations
M181 S.I. 1977/426 (N.I. 4).

Criminal Law (Amendment) (Northern Ireland) Order 1977 (S.I. 1977/1249 (N.I. 16))

15 Offences under Article 3 of the [M182]Criminal Law (Amendment) (Northern Ireland) Order 1977 (bomb hoaxes) [F513]. . . .

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F513 Words in Sch. 9 Pt. I para. 15 repealed (19.2.2006) by Terrorism (Northern Ireland) Act 2006 (c. 4), ss. {3(1)(a)}, 5(2)(3), {Sch.}

Marginal Citations

M182 S.I. 1977/1249 (N.I. 16

[F514 Firearms (Northern Ireland) Order 2004 (S.I. 2004/ (N.I.))]

Textual Amendments

F514 Cross-heading substituted (1.2.2005) by The Firearms (Northern Ireland) Order 2004 (S.I. 2004/702 (N.I. 3)), art. 82(1), **Sch. 7 para. 24** (with art. 81); S.R. 2005/4, **art. 3**

[F515 16 Offences under the following provisions of the Firearms (Northern Ireland) Order 2004 F516 . . . —

(a) Article 24(1)(manufacturing, dealing in, repairing, etc. , firearm or ammunition without firearms dealer's certificate),

(b) Article 37(1), (2) or (4)(sale, etc. , of firearm or ammunition),

(c) Article 45(1)(manufacturing, dealing in or possessing certain weapons, etc.),

(d) Article 58(1)(possessing firearm or ammunition with intent to endanger life or cause serious damage to property),

(e) Article 59 (use or attempted use of firearm or imitation firearm to prevent arrest of self or another),

(f) Article 60 (carrying firearm or imitation firearm with intent to commit indictable offence or prevent arrest of self or another),

(g) Article 61 (carrying firearm, etc. in public place) subject to note 4 below,

(h) Article 63 (possession of firearm or ammunition by person who has been sentenced to imprisonment, etc. and sale of firearm or ammunition to such a person),

(i) Article 64 (possessing firearm or ammunition in suspicious circumstances), and

(j) Article 67 (shortening barrel of shotgun or converting imitation firearm into firearm).]

Textual Amendments

F515 Sch. 9 para. 16 substituted (1.2.2005) by The Firearms (Northern Ireland) Order 2004 (S.I. 2004/702 (N.I. 3)), art. 82(1), **Sch. 7 para. 24** (with art. 81); S.R. 2005/4, **art. 3**

F516 Words in Sch. 9 Pt. I para. 16 repealed (19.2.2006) by Terrorism (Northern Ireland) Act 2006 (c. 4), ss. {3(1)(a)}, 5(2)(3), {Sch.}

Taking of Hostages Act 1982 (c. 28)

17 Offences under the M183Taking of Hostages Act 1982 F517. . . .

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F517 Words in Sch. 9 Pt. I para. 17 repealed (19.2.2006) by Terrorism (Northern Ireland) Act 2006 (c. 4), ss. {3(1)(a)}, 5(2)(3), {Sch.}

Marginal Citations

M183 1982 c. 28

Nuclear Material (Offences) Act 1983 (c. 18)

18 Offences under section 2 of the [M184]Nuclear Material (Offences) Act 1983 (offences involving nuclear material: preparatory acts and threats) [F518]. . . .

Textual Amendments

F518 Words in Sch. 9 Pt. I para. 18 repealed (19.2.2006) by Terrorism (Northern Ireland) Act 2006 (c. 4), ss. {3(1)(a)}, 5(2)(3), {Sch.}

Marginal Citations

M184 1983 c. 18

Computer Misuse Act 1990 (c. 18)

19 Offences under the following provisions of the [M185]Computer Misuse Act 1990 [F519]. . . —

(a) section 1 (unauthorised access to computer material),
(b) section 2 (unauthorised access with intent to commit further offence), and
(c) section 3 (unauthorised modification).

Textual Amendments

F519 Words in Sch. 9 Pt. I para. 19 repealed (19.2.2006) by Terrorism (Northern Ireland) Act 2006 (c. 4), ss. {3(1)(a)}, 5(2)(3), {Sch.}

Marginal Citations

M185 1990 c. 18

Aviation and Maritime Security Act 1990 (c. 31)

20 Offences under the following provisions of the [M186]Aviation and Maritime Security Act 1990 [F520]. . . —

(a) section 1 (endangering safety at aerodromes),
(b) section 9 (hijacking of ships), and
(c) section 10 (seizing or exercising control of fixed platforms).

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F520 Words in Sch. 9 Pt. I para. 20 repealed (19.2.2006) by Terrorism (Northern Ireland) Act 2006 (c. 4), ss. {3(1)(a)}, 5(2)(3), {Sch.}

Marginal Citations

M186 1990 c. 31

Channel Tunnel (Security) Order 1994 (S.I. 1994/570)

21 Offences under the following provisions of [M187]the Channel Tunnel (Security) Order 1994 [F521]. . . —

(a) Article 4 (hijacking of Channel Tunnel trains), and

(b) Article 5 (seizing or exercising control of the tunnel system).

Textual Amendments

F521 Words in Sch. 9 Pt. I para. 21 repealed (19.2.2006) by Terrorism (Northern Ireland) Act 2006 (c. 4), ss. {3(1)(a)}, 5(2)(3), {Sch.}

Marginal Citations

M187 S.I. 1994/570

This Act

22 Offences under the following provisions of this Act—

(a) section 11,

(b) section 12,

(c) section 13,

(d) sections 15 to 19,

(e) section 54,

(f) section 56,

(g) section 57,

(h) section 58,

(i) section 103,

(j) paragraph 37 of Schedule 4,

(k) Schedule 5,

(l) paragraph 10 of Schedule 10 [F522]. . . , and

(m) paragraphs 2 and 3 of Schedule 13 [F522]. . . .

Textual Amendments

F522 Words in Sch. 9 Pt. I para. 22 repealed (19.2.2006) by Terrorism (Northern Ireland) Act 2006 (c. 4), ss. {3(1)(a)}, 5(2)(3), {Sch.}

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

[F523 Justice (Northern Ireland) Act 2004

Textual Amendments

F523 Sch. 9 Pt. 1 para. 22A and preceding cross-heading inserted (14.7.2004) by Justice (Northern Ireland) Act 2004 (c. 4), s. 11, **Sch. 2 para. 1(5)** (with para. 5); S.R. 2004/267, **art. 2**

22A Offences under paragraph 1(1) or (2) of Schedule 2 to the Justice (Northern Ireland) Act 2004 (absconding by persons admitted to bail in respect of a scheduled offence), F524 . . . . **]**

Textual Amendments

F524 Words in Sch. 9 Pt. I para. 22A repealed (19.2.2006) by Terrorism (Northern Ireland) Act 2006 (c. 4), ss. {3(1)(a)}, 5(2)(3), {Sch.}

[F525 Prevention of Terrorism Act 2005

Textual Amendments

F525 Sch. 9 Pt. 1 para. 22B and preceding cross-heading inserted (19.2.2006) by Terrorism (Northern Ireland) Act 2006 (c. 4), ss. {3(3)}, 5(3)

22B Offences under section 9 of the Prevention of Terrorism Act 2005 (contravention of control order obligations and obstruction of persons serving control order).**]**

[F526 Terrorism Act 2006

Textual Amendments

F526 Sch. 9 Pt. 1 para. 22C and preceding cross-heading inserted (13.4.2006) by Terrorism Act 2006 (c. 11), **s. 37(4)**; S.I. 2006/1013, **art. 2**

22C Offences under Part 1 of the Terrorism Act 2006 (terrorism-related offences).**]**

[F527 Fraud Act 2006

Textual Amendments

F527 Sch. 9 Pt. 1 para. 23 and preceding cross-heading inserted after para. 22 (15.1.2007) by Fraud Act 2006 (c. 35), s. 14(1), **Sch. 1 para. 30(2)**; S.I. 2006/3200, **art. 2**

23 Offences under section 1 of the Fraud Act 2006 (fraud) subject to note 2 below.**]**

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Notes

1 Any offence specified in this Part of this Schedule [F528]. . . is not a scheduled offence in any particular case in which the **[**[F529] Advocate General for Northern Ireland **]** certifies that it is not to be treated as a scheduled offence.

Textual Amendments

F528 Words in Sch. 9 Pt. I Note 1 repealed (19.2.2006) by Terrorism (Northern Ireland) Act 2006 (c. 4), ss. {3(1)(a)}, 5(2)(3), {Sch.}

F529 Words in Sch. 9 Pt. 1 substituted (12.4.2010) by Justice (Northern Ireland) Act 2002 (c. 26), s. 87(1), **Sch. 7 para. 23**; S.R. 2010/113, art. 2, Sch. para. 19(d)

2 An offence specified in **[**[F530]paragraph 10(a) or (c) or 23**]** is a scheduled offence only where it is charged that the offence was committed in relation to or by means of nuclear material within the meaning of the [M188]Nuclear Material (Offences) Act 1983 [F531]. . .

Textual Amendments

F530 Words in Sch. 9 Pt. 1 note 2 substituted (15.1.2007) by Fraud Act 2006 (c. 35), s. 14(1), **Sch. 1 para. 30(3)**; S.I. 2006/3200, **art. 2**

F531 Words in Sch. 9 Pt. I note 2 repealed (19.2.2006) by Terrorism (Northern Ireland) Act 2006, ss. {3(1)(b)}, 5(2)(3), {Sch.}

Marginal Citations

M188 1983 c. 18.

3 An offence specified in paragraph 10(b) or (d) is a scheduled offence only where it is charged—

(a) that an explosive, firearm, imitation firearm or weapon of offence was used to commit the offence, or

(b) that the offence was committed in relation to or by means of nuclear material within the meaning of the [M189]Nuclear Material (Offences) Act 1983;

and expressions defined in section 10 of the [M190]Theft Act (Northern Ireland) 1969 have the same meaning when used in this note.

Marginal Citations

M189 1983 c. 18.

M190 1969 c. 16(N.I.).

4 The offence specified in paragraph 16(g) is a scheduled offence only where it is charged that the offence relates to a weapon other than an air weapon.

[[F532]5 Notes 2 to 4 are subject to note 1.**]**

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F532 Sch. 9 Pt. I Note 5 inserted (19.2.2006) by Terrorism (Northern Ireland) Act 2006 (c. 4), ss. {3(1)(c)}, 5(3)

PART II

INCHOATE AND RELATED OFFENCES

Each of the following offences, that is to say—

(a) aiding, abetting, counselling, procuring or inciting the commission of an offence specified in Part I of this Schedule (hereafter in this paragraph referred to as a "substantive offence"),

(b) attempting or conspiring to commit a substantive offence,

(c) an offence under section 4 of the [M191]Criminal Law Act (Northern Ireland) 1967 of doing any act with intent to impede the arrest or prosecution of a person who has committed a substantive offence, and

(d) an offence under section 5(1) of the [M192]Criminal Law Act (Northern Ireland) 1967 of failing to give information to a constable which is likely to secure, or to be of material assistance in securing, the apprehension, prosecution or conviction of a person for a substantive offence,

shall be treated for the purposes of Part VII of this Act as if it were the substantive offence.

Marginal Citations

M191 1967 c. 18(N.I.).

M192 1967 c. 18(N.I.).

Marginal Citations

M191 1967 c. 18(N.I.).

M192 1967 c. 18(N.I.).

PART III

EXTRA-TERRITORIAL OFFENCES

Any extra-territorial offence as defined in section 1(3) of the [M193]Criminal Jurisdiction Act 1975.

Marginal Citations

M193 1975 c. 59.

Marginal Citations

M193 1975 c. 59.

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Note

An extra-territorial offence is not a scheduled offence in any particular case in which the **[**[F533] Advocate General for Northern Ireland **]** certifies that it is not to be treated as a scheduled offence.

Textual Amendments

F533 Words in Sch. 9 Pt. 3 substituted (12.4.2010) by Justice (Northern Ireland) Act 2002 (c. 26), s. 87(1), **Sch. 7 para. 23**; S.R. 2010/113, art. 2, Sch. para. 19(d)

Textual Amendments

F533 Words in Sch. 9 Pt. 3 substituted (12.4.2010) by Justice (Northern Ireland) Act 2002 (c. 26), s. 87(1), **Sch. 7 para. 23**; S.R. 2010/113, art. 2, Sch. para. 19(d)

SCHEDULE 10

Section 84.

MUNITIONS AND TRANSMITTERS: SEARCH AND SEIZURE

Interpretation

1 (1) In this Schedule "officer" means—

(a) a member of Her Majesty's forces on duty, and

(b) a constable.

(2) In this Schedule "authorised officer" means—

(a) a member of Her Majesty's forces who is on duty and is authorised by a commissioned officer of those forces, and

(b) a constable who is authorised by an officer of the Royal Ulster Constabulary of at least the rank of inspector.

(3) In this Schedule—

"munitions" means—

(a) explosives, firearms and ammunition, and

(b) anything used or capable of being used in the manufacture of an explosive, a firearm or ammunition,

"scanning receiver" means apparatus (or a part of apparatus) for wireless telegraphy designed or adapted for the purpose of automatically monitoring selected frequencies, or automatically scanning a selected range of frequencies, so as to enable transmissions on any of those frequencies to be detected or intercepted,

"transmitter" means apparatus (or a part of apparatus) for wireless telegraphy designed or adapted for emission, as opposed to reception,

"wireless apparatus" means a scanning receiver or a transmitter, and

"wireless telegraphy" **[**[F534]has the meaning given by section 116 of the Wireless Telegraphy Act 2006**]**.

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F534 Words in Sch. 10 para. 1(3) in definition of "wireless telegraphy" substituted (8.2.2007) by Wireless Telegraphy Act 2006 (c. 36), ss. 123, 126(2), **Sch. 7 para. 20**

Entering premises

2 (1) An officer may enter and search any premises for the purpose of ascertaining—
(a) whether there are any munitions unlawfully on the premises, or
(b) whether there is any wireless apparatus on the premises.

(2) An officer may not enter a dwelling under this paragraph unless he is an authorised officer and he reasonably suspects that the dwelling—
(a) unlawfully contains munitions, or
(b) contains wireless apparatus.

3 If it is necessary for the purpose of carrying out a search under paragraph 2 (including a search of a dwelling) an officer may be accompanied by other persons.

4 (1) If the officer carrying out a search of premises under paragraph 2 reasonably believes that it is necessary in order to carry out the search or to prevent it from being frustrated, he may—
(a) require a person who is on the premises when the search begins, or who enters during the search, to remain on the premises;
(b) require a person mentioned in paragraph (a) to remain in a specified part of the premises;
(c) require a person mentioned in paragraph (a) to refrain from entering a specified part of the premises;
(d) require a person mentioned in paragraph (a) to go from one specified part of the premises to another;
(e) require a person who is not a resident of the premises to refrain from entering them.

(2) A requirement imposed under this paragraph shall cease to have effect after the conclusion of the search in relation to which it was imposed.

(3) Subject to sub-paragraph (4), no requirement under this paragraph for the purposes of a search shall be imposed or have effect after the end of the period of four hours beginning with the time when the first (or only) requirement is imposed in relation to the search.

(4) An officer of the Royal Ulster Constabulary of at least the rank of superintendent may extend the period mentioned in sub-paragraph (3) in relation to a search by a further period of four hours if he reasonably believes that it is necessary to do so in order to carry out the search or to prevent it from being frustrated.

(5) The power to extend a period conferred by sub-paragraph (4) may be exercised only once in relation to a particular search.

5 Section 114(2) has effect for the purposes of this Schedule in relation to a member of Her Majesty's forces as it has effect in relation to a constable.

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Stopping and searching persons

6 (1) An officer may—
(a) stop a person in a public place, and
(b) search him for the purpose of ascertaining whether he has munitions unlawfully with him or wireless apparatus with him.

(2) An officer may search a person who—
(a) is not in a public place, and
(b) whom the officer reasonably suspects to have munitions unlawfully with him or to have wireless apparatus with him.

(3) An officer may search a person entering or found in a dwelling entered under paragraph 2.

Seizure

7 (1) This paragraph applies where an officer is empowered by virtue of any provision of Part VII of this Act to search premises or a person.

(2) The officer may—
(a) seize any munitions found in the course of the search (unless it appears to him that the munitions are being, have been and will be used only lawfully), and
(b) retain and, if necessary, destroy them.

(3) The officer may—
(a) seize any wireless apparatus found in the course of the search (unless it appears to him that the apparatus is being, has been and will be used only lawfully), and
(b) retain it.

Records

8 (1) Where an officer carries out a search of premises under this Schedule he shall, unless it is not reasonably practicable, make a written record of the search.

(2) The record shall specify—
(a) the address of the premises searched,
(b) the date and time of the search,
(c) any damage caused in the course of the search, and
(d) anything seized in the course of the search.

(3) The record shall also include the name (if known) of any person appearing to the officer to be the occupier of the premises searched; but—
(a) a person may not be detained in order to discover his name, and
(b) if the officer does not know the name of a person appearing to him to be the occupier of the premises searched, he shall include in the record a note describing him.

(4) The record shall identify the officer—
(a) in the case of a constable, by reference to his police number, and

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(b) in the case of a member of Her Majesty's forces, by reference to his service number, rank and regiment.

9 (1) Where an officer makes a record of a search in accordance with paragraph 8, he shall supply a copy to any person appearing to him to be the occupier of the premises searched.

(2) The copy shall be supplied immediately or as soon as is reasonably practicable.

Offence

10 (1) A person commits an offence if he—

(a) knowingly fails to comply with a requirement imposed under paragraph 4, or

(b) wilfully obstructs, or seeks to frustrate, a search of premises under this Schedule.

(2) A person guilty of an offence under this paragraph shall be liable—

(a) on conviction on indictment, to imprisonment for a term not exceeding two years, to a fine or to both, or

(b) on summary conviction, to imprisonment for a term not exceeding six months, to a fine not exceeding the statutory maximum or to both.

11 (1) A person commits an offence if he fails to stop when required to do so under paragraph 6.

(2) A person guilty of an offence under this paragraph shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

SCHEDULE 11

Section 98.

INDEPENDENT ASSESSOR OF MILITARY COMPLAINTS PROCEDURES IN NORTHERN IRELAND

Tenure

1 (1) The Independent Assessor of Military Complaints Procedures in Northern Ireland shall hold and vacate office in accordance with the terms of his appointment.

(2) The Independent Assessor shall be appointed for a term not exceeding three years (but may be reappointed).

(3) The Independent Assessor may at any time resign his office by written notice to the Secretary of State.

(4) The Secretary of State may remove the Independent Assessor from office—

(a) if he has failed without reasonable excuse to carry out his duties for a continuous period of six months or more,

(b) if he has been convicted of a criminal offence,

(c) if a bankruptcy order has been made against him, his estate has been sequestrated or he has made a composition or arrangement with, or granted a trust deed for, his creditors, or

(d) if the Secretary of State is satisfied that he is otherwise unable or unfit to perform his functions.

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Remuneration

2 (1) The Secretary of State shall pay to the Independent Assessor—
(a) such remuneration, and
(b) such allowances,
as the Secretary of State may determine.

(2) The Secretary of State may make payments to or in respect of the Independent Assessor in connection with pensions and gratuities.

Staff

3 (1) The Independent Assessor may appoint such number of employees, on such terms and conditions, as he may determine with the approval of the Secretary of State.

(2) The Secretary of State may make payments to or in respect of persons appointed under this paragraph.

Reports

4 (1) The Independent Assessor shall send the Secretary of State an annual report on the performance of his functions.

(2) Where the Secretary of State receives a report under sub-paragraph (1) he shall—
(a) publish it, and
(b) lay it before Parliament.

(3) The Independent Assessor may report to the Secretary of State on any matter which comes to his attention in the course of the performance of his functions.

Disqualification

5 In Part III of Schedule 1 to the [M194]Northern Ireland Assembly Disqualification Act 1975 (other disqualifying offices) the following entry shall be inserted at the appropriate place—

"Independent Assessor of Military Complaints Procedures in Northern Ireland."

Marginal Citations
M194 1975 c. 25.

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

SCHEDULE 12

Section 102.

COMPENSATION

Modifications etc. (not altering text)

C87 Sch. 12: power to apply conferred (19.2.2006) by Terrorism (Northern Ireland) Act 2006 (c. 4), ss. {4(2)(f)}, 5(3)

Right to compensation

1 (1) This paragraph applies where under Part VII of this Act—

(a) real or personal property is taken, occupied, destroyed or damaged, or

(b) any other act is done which interferes with private rights of property.

(2) Where this paragraph applies in respect of an act taken in relation to any property or rights the Secretary of State shall pay compensation to any person who—

(a) has an estate or interest in the property or is entitled to the rights, and

(b) suffers loss or damage as a result of the act.

2 No compensation shall be payable unless an application is made to the Secretary of State in such manner as he may specify.

Time limit

3 (1) Subject to sub-paragraphs (2) and (3), an application for compensation in respect of an act must be made within the period of 28 days beginning with the date of the act.

(2) The Secretary of State may, in response to a request made to him in writing, permit an application to be made—

(a) after the expiry of the period mentioned in sub-paragraph (1), and

(b) within such longer period, starting from the date of the act and not exceeding six months, as he may specify.

(3) Where the Secretary of State refuses a request under sub-paragraph (2)—

(a) he shall serve a notice of refusal on the person who made the request,

(b) that person may, within the period of six weeks beginning with the date of service of the notice, appeal to the county court against the refusal, and

(c) the county court may exercise the power of the Secretary of State under sub-paragraph (2).

Determination

4 Where the Secretary of State determines an application for compensation he shall serve on the applicant a notice—

(a) stating that he has decided to award compensation and specifying the amount of the award, or

(b) stating that he has decided to refuse the application.

5 (1) An applicant may appeal to the county court against—

(a) the amount of compensation awarded, or

(b) the refusal of compensation.

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2) An appeal must be brought within the period of six weeks beginning with the date of service of the notice under paragraph 4.

6 (1) This paragraph applies where the Secretary of State considers that in the course of an application for compensation the applicant—
- (a) knowingly made a false or misleading statement,
- (b) made a statement which he did not believe to be true, or
- (c) knowingly failed to disclose a material fact.

(2) The Secretary of State may—
- (a) refuse to award compensation,
- (b) reduce the amount of compensation which he would otherwise have awarded, or
- (c) withhold all or part of compensation which he has awarded.

7 Where the Secretary of State makes an award of compensation he may make a payment to the applicant in respect of all or part of the costs of the application.

Assignment of right

8 (1) This paragraph applies where—
- (a) a person has made an application for compensation, and
- (b) his right to compensation has passed to another person by virtue of an assignment or the operation of law.

(2) The Secretary of State shall treat the person mentioned in sub-paragraph (1)(b) as the applicant.

Offenders

9 (1) This paragraph applies where a person has a right to compensation in respect of an act and—
- (a) the act was done in connection with, or revealed evidence of the commission of, a scheduled offence or a non-scheduled offence under this Act, and
- (b) proceedings for the offence are brought against the person.

(2) The person's right to compensation shall not be enforceable while the proceedings have not been concluded.

(3) If the person stands convicted of the offence he shall have no right to compensation.

Notices

10 A notice served under paragraph 3(3)(a) or 4 shall contain particulars of the right of appeal under paragraph 3(3)(b) or 5.

11 (1) The Secretary of State may serve a notice under this Schedule on an individual—
- (a) by delivering it to him,
- (b) by sending it by post addressed to him at his usual or last-known place of residence or business, or
- (c) by leaving it for him there.

(2) The Secretary of State may serve a notice under this Schedule on a partnership—

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(a) by sending it by post to a partner, or to a person having the control or management of the partnership business, at the principal office of the partnership, or

(b) by addressing it to a partner or to a person mentioned in paragraph (a) and leaving it at that office.

(3) The Secretary of State may serve a notice under this Schedule on a body corporate—

(a) by sending it by post to the secretary or clerk of the body at its registered or principal office, or

(b) by addressing it to the secretary or clerk of the body and leaving it at that office.

(4) The Secretary of State may serve a notice under this Schedule on any person—

(a) by delivering it to his solicitor,

(b) by sending it by post to his solicitor at his solicitor's office, or

(c) by leaving it for his solicitor there.

Offences

12 (1) A person commits an offence if he obtains compensation or increased compensation for himself or another person by deception [F535]. . . .

[[F536](1A) " Deception " means any deception (whether deliberate or reckless) by words or conduct as to fact or as to law, including a deception as to the present intentions of the person using the deception or any other person.]

(2) A person commits an offence if for the purposes of obtaining compensation he—

(a) knowingly makes a false or misleading statement,

(b) makes a statement which he does not believe to be true, or

(c) knowingly fails to disclose a material fact.

(3) A person guilty of an offence under this paragraph shall be liable—

(a) on conviction on indictment, to imprisonment for a term not exceeding five years, to a fine or to both, or

(b) on summary conviction, to imprisonment for a term not exceeding one year, to a fine not exceeding the statutory maximum or to both.

(4) Section 82 shall not apply in relation to an offence under this paragraph.

Textual Amendments

F535 Words in Sch. 12 para. 12(1) repealed (15.1.2007) by Fraud Act 2006 (c. 35), s. 14(1)(3), **Sch. 1 para. 31(1)**, **Sch. 3**; S.I. 2006/3200, **art. 2**

F536 Sch. 12 para. 12(1A) inserted (15.1.2007) by Fraud Act 2006 (c. 35), s. 14(1), **Sch. 1 para. 31(2)**; S.I. 2006/3200, **art. 2**

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

SCHEDULE 13

Section 106.

PRIVATE SECURITY SERVICES

Security services: interpretation

1 In this Schedule "security services" means the services of one or more individuals as security guards (whether or not provided together with other services relating to the protection of property or persons).

Unlicensed services: offences

2 A person commits an offence if he provides or offers to provide security services for reward unless he—

(a) holds a licence under this Schedule, or

(b) acts on behalf of someone who holds a licence under this Schedule.

3 (1) A person commits an offence if he publishes or causes to be published an advertisement for the provision for reward of security services by a person who does not hold a licence under this Schedule.

(2) It is a defence for a person charged with an offence under this paragraph to prove—

(a) that his business is publishing advertisements or arranging for their publication,

(b) that he received the advertisement for publication in the ordinary course of business, and

(c) that he reasonably believed that the person mentioned in the advertisement as the provider of security services held a licence under this Schedule.

4 (1) A person commits an offence if he pays money, in respect of the provision of security services, to a person who—

(a) does not hold a licence under this Schedule, and

(b) is not acting on behalf of someone who holds a licence under this Schedule.

(2) It is a defence for a person charged with an offence under this paragraph to prove that he reasonably believed that the person to whom he paid the money—

(a) held a licence under this Schedule, or

(b) was acting on behalf of someone who held a licence under this Schedule.

5 (1) A person guilty of an offence under paragraph 2 or 3 shall be liable—

(a) on conviction on indictment, to imprisonment for a term not exceeding five years, to a fine or to both, or

(b) on summary conviction, to imprisonment for a term not exceeding six months, to a fine not exceeding the statutory maximum or to both.

(2) A person guilty of an offence under paragraph 4 is liable on summary conviction to—

(a) imprisonment for a term not exceeding six months,

(b) a fine not exceeding level 5 on the standard scale, or

(c) both.

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Application for licence

6 (1) An application for a licence under this Schedule shall be made to the Secretary of State—
(a) in such manner and form as he may specify, and
(b) accompanied by such information as he may specify.

(2) The Secretary of State may specify information only if it concerns—
(a) the applicant,
(b) a business involving the provision of security services for reward which is, was or is proposed to be carried on by the applicant,
(c) a person whom the applicant employs or proposes to employ as a security guard,
(d) a partner or proposed partner of the applicant (where the applicant is an individual),
(e) a member or proposed member of the applicant (where the applicant is a partnership),
(f) an officer or proposed officer of the applicant (where the applicant is a body corporate).

(3) A person commits an offence if in connection with an application for a licence he—
(a) makes a statement which he knows to be false or misleading in a material particular, or
(b) recklessly makes a statement which is false or misleading in a material particular.

(4) A person guilty of an offence under sub-paragraph (3) shall be liable—
(a) on conviction on indictment, to imprisonment for a term not exceeding two years, to a fine or to both, or
(b) on summary conviction, to imprisonment for a term not exceeding six months, to a fine not exceeding the statutory maximum or to both.

(5) For the purposes of this paragraph—
(a) a reference to employment or proposed employment by an applicant for a licence shall, where the applicant is a partnership or a member of a partnership, be construed as a reference to employment or proposed employment by the partnership or any of the partners,
(b) "officer" includes a director, manager or secretary,
(c) a person in accordance with whose directions or instructions the directors of a body corporate are accustomed to act shall be treated as an officer of that body, and
(d) the reference to directions or instructions in paragraph (c) does not include a reference to advice given in a professional capacity.

Issue of licence

7 (1) The Secretary of State shall grant an application for a licence unless satisfied that—
(a) an organisation within sub-paragraph (4) would be likely to benefit from the licence (whether or not a condition were imposed under sub-paragraph (2)),
(b) that the applicant has persistently failed to comply with the requirements of this Schedule, or

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(c) that the applicant has failed to comply with a condition imposed under sub-paragraph (2).

(2) The Secretary of State may on granting a licence impose a condition if satisfied that it is necessary in order to prevent an organisation within sub-paragraph (4) from benefiting from the licence.

(3) If the Secretary of State refuses an application for a licence he shall notify the applicant of the refusal.

(4) An organisation is within this sub-paragraph if—
(a) it is a proscribed organisation, or
(b) it appears to the Secretary of State to be closely associated with a proscribed organisation.

(5) In this paragraph a reference to a benefit is a reference to any benefit—
(a) whether direct or indirect, and
(b) whether financial or not.

(6) In this paragraph a reference to the requirements of this Schedule includes a reference to the requirements of—
(a) Part V of the [M195]Northern Ireland (Emergency Provisions) Act 1991 (private security services), and
(b) Part V of the [M196]Northern Ireland (Emergency Provisions) Act 1996 (private security services).

Marginal Citations
M195 1991 c. 24.
M196 1996 c. 22.

Duration of licence

8 (1) A licence—
(a) shall come into force at the beginning of the day on which it is issued, and
(b) subject to sub-paragraph (2), shall expire at the end of the period of 12 months beginning with that day.

(2) Where a licence is issued to a person who already holds a licence, the new licence shall expire at the end of the period of 12 months beginning with the day after the day on which the current licence expires.

(3) The Secretary of State may by order substitute a period exceeding 12 months for the period for the time being specified in sub-paragraphs (1)(b) and (2).

Revocation of licence

9 (1) The Secretary of State may revoke a licence if satisfied that—
(a) an organisation within paragraph 7(4) would be likely to benefit from the licence remaining in force,
(b) the holder of the licence has persistently failed to comply with the requirements of this Schedule, or

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(c) the holder of the licence has failed to comply with a condition imposed under paragraph 7(2).

(2) The Secretary of State shall not revoke a licence unless the holder—

(a) has been notified of the Secretary of State's intention to revoke the licence, and

(b) has been given a reasonable opportunity to make representations to the Secretary of State.

(3) If the Secretary of State revokes a licence he shall notify the holder immediately.

(4) Sub-paragraphs (5) and (6) of paragraph 7 shall apply for the purposes of this paragraph.

Appeal

10 The applicant for a licence may appeal to the High Court if—

(a) the application is refused,

(b) a condition is imposed on the grant of the licence, or

(c) the licence is revoked.

11 (1) Where an appeal is brought under paragraph 10, the Secretary of State may issue a certificate that the decision to which the appeal relates—

(a) was taken for the purpose of preventing benefit from accruing to an organisation which was proscribed or which appeared to the Secretary of State to be closely associated with an organisation which was proscribed, and

(b) was justified by that purpose.

(2) If he intends to rely on a certificate under this paragraph, the Secretary of State shall notify the appellant.

(3) Where the appellant is notified of the Secretary of State's intention to rely on a certificate under this paragraph—

(a) he may appeal against the certificate to the Tribunal established under section 91 of the [M197]Northern Ireland Act 1998, and

(b) sections 90(3) and (4), 91(2) to (9) and 92 of that Act (effect of appeal, procedure, and further appeal) shall apply.

(4) Rules made under section 91 or 92 of that Act which are in force immediately before this paragraph comes into force shall have effect in relation to a certificate under this paragraph—

(a) with any necessary modifications, and

(b) subject to any later rules made by virtue of sub-paragraph (3)(b).

Marginal Citations

M197 1998 c. 47.

Change of personnel

12 Paragraphs 13 and 14 apply to a person who—

(a) holds a licence, or

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(b) has made an application for a licence which has not yet been determined.

13 (1) If a person to whom this paragraph applies proposes to employ a security guard about whom information was not given under paragraph 6, he shall give the Secretary of State such information about the security guard as the Secretary of State may specify.

(2) The information shall be given not less than 14 days before the employment is to begin.

(3) For the purposes of this paragraph the provisions of paragraph 6(5) shall have effect in relation to a holder of or an applicant for a licence as they have effect for the purposes of paragraph 6 in relation to an applicant.

14 (1) A person to whom this paragraph applies shall give the Secretary of State such information about a relevant change of personnel as the Secretary of State may specify.

(2) The information shall be given—
(a) not less than 14 days before the change, or
(b) if that is not reasonably practicable, as soon as is reasonably practicable.

(3) A relevant change of personnel is—
(a) where the application for the licence was made by a partnership or a member of a partnership, a change in the members of the partnership, and
(b) where the application for the licence was made by a body corporate, a change in the officers of the body (within the meaning of paragraph 6).

(4) But a change of personnel is not relevant if it was mentioned in the information given under paragraph 6.

15 (1) A person commits an offence if he fails to comply with paragraph 13 or 14.

(2) A person guilty of an offence under this paragraph shall be liable on summary conviction to—
(a) imprisonment for a term not exceeding six months,
(b) a fine not exceeding level 5 on the standard scale, or
(c) both.

Records

16 (1) A constable may—
(a) enter premises where a business involving the provision of security services is being carried on, and
(b) require records kept there of a person employed as a security guard to be produced for the constable's inspection.

(2) A constable exercising the power under this paragraph—
(a) shall identify himself to a person appearing to be in charge of the premises, and
(b) if the constable is not in uniform, shall produce to that person documentary evidence that he is a constable.

(3) A person commits an offence if he fails to comply with a requirement under this paragraph.

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(4) It is a defence for a person charged with an offence under sub-paragraph (3) to show that he had a reasonable excuse for his failure.

(5) A person guilty of an offence under sub-paragraph (3) shall be liable on summary conviction to—
- (a) imprisonment for a term not exceeding six months,
- (b) a fine not exceeding level 5 on the standard scale, or
- (c) both.

17 (1) A person who provides security services for reward commits an offence if he makes or keeps a record of a person employed by him as a security guard which he knows to be false or misleading in a material particular.

(2) A person guilty of an offence under this paragraph shall be liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding two years, to a fine or to both, or
- (b) on summary conviction, to imprisonment for a term not exceeding six months, to a fine not exceeding the statutory maximum or to both.

Offence: body corporate

18 (1) This paragraph applies where an offence under this Schedule committed by a body corporate is proved—
- (a) to have been committed with the consent or connivance of an officer of the body corporate, or
- (b) to be attributable to neglect on the part of an officer of the body corporate.

(2) The officer, as well as the body corporate, shall be guilty of the offence.

(3) In this paragraph "officer" includes—
- (a) a director, manager or secretary,
- (b) a person purporting to act as a director, manager or secretary, and
- (c) a member of a body corporate the affairs of which are managed by its members.

Notice

19 (1) A notice under this Schedule shall be in writing.

(2) Information required to be given to the Secretary of State under this Schedule—
- (a) shall be in writing, and
- (b) may be sent to him by post.

(3) The Secretary of State may serve a notice under this Schedule on an individual—
- (a) by delivering it to him,
- (b) by sending it by post addressed to him at his usual or last-known place of residence or business, or
- (c) by leaving it for him there.

(4) The Secretary of State may serve a notice under this Schedule on a partnership—

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(a) by sending it by post to a partner, or to a person having the control or management of the partnership business, at the principal office of the partnership, or

(b) by addressing it to a partner or to a person mentioned in paragraph (a) and leaving it at that office.

(5) The Secretary of State may serve a notice under this Schedule on a body corporate—

(a) by sending it by post to the secretary or clerk of the body at its registered or principal office, or

(b) by addressing it to the secretary or clerk of the body and leaving it at that office.

(6) The Secretary of State may serve a notice under this Schedule on any person—

(a) by delivering it to his solicitor,

(b) by sending it by post to his solicitor at his solicitor's office, or

(c) by leaving it for his solicitor there.

(7) Sub-paragraphs (3) to (6) do not apply in relation to a notice under paragraph 11.

SCHEDULE 14

Section 115.

EXERCISE OF OFFICERS' POWERS

Modifications etc. (not altering text)

C88 Schs. 7, 8, 14 extended (with modifications) (coming into force in accordance with art. 1(2) of the extending S.I.) by The Nationality, Immigration and Asylum Act 2002 (Juxtaposed Controls) Order 2003 (S.I. 2003/2818), **art. 11(1)(b)**, Sch. 2

General

1 In this Schedule an "officer" means **[**[F537](subject to paragraph 6A)**]** —

(a) an authorised officer within the meaning given by **[**[F538]the **[**[F539]terrorist cash**][**[F539]terrorist property**]** provisions**][**[F540](including when referred to in those provisions as an "enforcement officer" or a "senior officer")**]** , and

(b) an examining officer within the meaning of Schedule 7.

[[F541] and " the **[**[F539]terrorist cash**][**[F539]terrorist property**]** provisions " means Schedule 1 to the Anti-terrorism, Crime and Security Act 2001. **]**

Textual Amendments

F537 Words in Sch. 14 para. 1 inserted (13.5.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 9 para. 8(2)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 3, Sch. para. 21(c)

F538 Words in Sch. 14 para. 1(a) substituted (20.12.2001) by 2001 c. 24, **s. 2(5)(a)**, S.I. 2001/4019, art. 2(1)(b)

F539 Words in Sch. 14 substituted (27.4.2017 for specified purposes, 31.10.2017 for specified purposes, 31.1.2018 in so far as not already in force) by Criminal Finances Act 2017 (c. 22), s. 58(5)(6), **Sch. 5 para. 13(a)**; S.I. 2017/991, reg. 2(p); S.I. 2018/78, reg. 5(1)(c)

Status: *Point in time view as at 29/06/2017.*
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F540 Words in Sch. 14 para. 1(a) inserted (27.4.2017 for specified purposes, 31.10.2017 for specified purposes, 31.1.2018 in so far as not already in force) by Criminal Finances Act 2017 (c. 22), s. 58(5)(6), **Sch. 5 para. 13(b)**; S.I. 2017/991, reg. 2(p); S.I. 2018/78, reg. 5(1)(c)
F541 Words in Sch. 14 para. 1 inserted (20.12.2001) by 2001 c. 24, **s. 2(5)(b)**; S.I. 2001/4019, **art. 2(1)(b)**

2 An officer may enter a vehicle (within the meaning of section 121) for the purpose of exercising any of the functions conferred on him by virtue of this Act **[**[F542]or the **[**[F539]terrorist cash**]**[[F539]terrorist property**]** provisions**]**.

Textual Amendments
F539 Words in Sch. 14 substituted (27.4.2017 for specified purposes, 31.10.2017 for specified purposes, 31.1.2018 in so far as not already in force) by Criminal Finances Act 2017 (c. 22), s. 58(5)(6), **Sch. 5 para. 13(a)**; S.I. 2017/991, reg. 2(p); S.I. 2018/78, reg. 5(1)(c)
F542 Words in Sch. 14 para. 2 inserted (20.12.2001) by 2001 c. 24, **s. 2(6)**; S.I. 2001/4019, **art. 2(1)(b)**

3 An officer may if necessary use reasonable force for the purpose of exercising a power conferred on him by virtue of this Act (apart from paragraphs 2 and 3 of Schedule 7) **[**[F543]or the **[**[F539]terrorist cash**]**[[F539]terrorist property**]** provisions**]**.

Textual Amendments
F539 Words in Sch. 14 substituted (27.4.2017 for specified purposes, 31.10.2017 for specified purposes, 31.1.2018 in so far as not already in force) by Criminal Finances Act 2017 (c. 22), s. 58(5)(6), **Sch. 5 para. 13(a)**; S.I. 2017/991, reg. 2(p); S.I. 2018/78, reg. 5(1)(c)
F543 Words in Sch. 14 para. 3 inserted (20.12.2001) by 2001 c. 24, **s. 2(6)**; S.I. 2001/4019, **art. 2(1)(b)**

Information

4 (1) Information acquired by an officer may be supplied—
(a) to the Secretary of State for use in relation to immigration;
(b) to the Commissioners of Customs and Excise or a customs officer;
(c) to a constable;
[[F544](d) to the National Crime Agency;**]**
(e) to a person specified by order of the Secretary of State for use of a kind specified in the order.

(2) Information acquired by a customs officer or an immigration officer may be supplied to an examining officer within the meaning of Schedule 7.

Textual Amendments
F544 Sch. 14 para. 4(1)(d) substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 8 para. 76**; S.I. 2013/1682, art. 3(v)

Modifications etc. (not altering text)
C89 Sch. 14 para. 4(2) restricted (7.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 17(6), **Sch. 2 Pt. 2 para. 19**; S.I. 2005/1126, **art. 2**

Status: *Point in time view as at 29/06/2017.*
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Code of practice

5 An officer shall perform functions conferred on him by virtue of this Act **[**[F545]or the **[**[F539]terrorist cash**][**[F539]terrorist property**]** provisions**]** in accordance with any relevant code of practice in operation under paragraph 6.

Textual Amendments

F539 Words in Sch. 14 substituted (27.4.2017 for specified purposes, 31.10.2017 for specified purposes, 31.1.2018 in so far as not already in force) by Criminal Finances Act 2017 (c. 22), s. 58(5)(6), **Sch. 5 para. 13(a)**; S.I. 2017/991, reg. 2(p); S.I. 2018/78, reg. 5(1)(c)

F545 Words in Sch. 14 para. 5 inserted (20.12.2001) by 2001 c. 24, **s. 2(7)**; S.I. 2001/4019, **art. 2(1)(b)**

6 (1) The Secretary of State shall issue codes of practice about the exercise by officers of functions conferred on them by virtue of this Act **[**[F546]or the **[**[F539]terrorist cash**][**[F539]terrorist property**]** provisions**]**.

(2) The failure by an officer to observe a provision of a code shall not of itself make him liable to criminal or civil proceedings.

(3) A code—

(a) shall be admissible in evidence in criminal and civil proceedings, and

(b) shall be taken into account by a court or tribunal in any case in which it appears to the court or tribunal to be relevant.

(4) The Secretary of State may revise a code and issue the revised code.

Textual Amendments

F539 Words in Sch. 14 substituted (27.4.2017 for specified purposes, 31.10.2017 for specified purposes, 31.1.2018 in so far as not already in force) by Criminal Finances Act 2017 (c. 22), s. 58(5)(6), **Sch. 5 para. 13(a)**; S.I. 2017/991, reg. 2(p); S.I. 2018/78, reg. 5(1)(c)

F546 Words in Sch. 14 para. 6(1) inserted (20.12.2001) by 2001 c. 24, **s. 2(6)**; S.I. 2001/4019, **art. 2(1)(b)**

Commencement Information

I15 Sch. 14 para. 6 wholly in force at 19.2.2001; Sch. 14 para. 6 not in force at Royal Assent see s. 128; Sch. 14 para. 6(1)(4) in force at 12.10.2000 by S.I. 2000/2800, **art. 2(d)(ii)**; Sch. 14 para. 6 in force at 19.2.2001 in so far as not already in force by S.I. 2001/421, **art. 2**

[[F547]6A In paragraphs 5 and 6, "officer" includes a constable, immigration officer or customs officer who—

(a) has functions under Schedule 7, or

(b) has functions under Schedule 8 in relation to a person detained under Schedule 7,

otherwise than as an examining officer.**]**

Textual Amendments

F547 Sch. 14 para. 6A inserted (13.5.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 9 para. 8(3)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 3, Sch. para. 21(c)

7 (1) Before issuing a code of practice the Secretary of State shall—

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(a) publish a draft code,
(b) consider any representations made to him about the draft, and
(c) if he thinks it appropriate, modify the draft in the light of any representations made to him.

(2) The Secretary of State shall lay a draft of the code before Parliament.

(3) When the Secretary of State has laid a draft code before Parliament he may bring it into operation by order.

(4) This paragraph has effect in relation to the issue of a revised code as it has effect in relation to the first issue of a code.

SCHEDULE 15

Section 125.

CONSEQUENTIAL AMENDMENTS

Criminal Justice Act 1967 (c. 80)

1 (1) The [M198]Criminal Justice Act 1967 shall be amended as follows.

(2) In section 67(7)(b) (computation of sentences) for "section 14 of the Prevention of Terrorism (Temporary Provisions) Act 1989" substitute " section 41 of the Terrorism Act 2000 ".

Marginal Citations
M198 1967 c. 80.

Treatment of Offenders Act (Northern Ireland) 1968 (c. 29 (N.I.))

2 (1) The [M199]Treatment of Offenders Act (Northern Ireland) 1968 shall be amended as follows.

(2) In section 26(6)(b) (definition of police detention) for "section 14 of the Prevention of Terrorism (Temporary Provisions) Act 1989" substitute " section 41 of the Terrorism Act 2000 ".

Marginal Citations
M199 1968 c. 29(N.I.).

Suppression of Terrorism Act 1978 (c. 26)

3 (1) The [M200]Suppression of Terrorism Act 1978 shall be amended as follows.

(2) For paragraph 19A of Schedule 1 (list of offences) substitute—

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" Financing terrorism

19A An offence under any of sections 15 to 18 of the Terrorism Act 2000."

Marginal Citations
M200 1978 c. 26.

Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 (S.I. 1981/228 (N.I.8))

4 (1) In Schedule 1 to the [M201]Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 (proceedings for which legal aid may be given under Part II of that Order) at the end of Part I insert—

"8. Proceedings brought by an individual before the Proscribed Organisations Appeal Commission."

(2) The amendment made by sub-paragraph (1) is without prejudice to the power to make regulations under Article 10(2) of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 amending or revoking the provision inserted by that sub-paragraph.

Marginal Citations
M201 S.I. 1981/228 (N.I. 8)

Police and Criminal Evidence Act 1984 (c. 60)

5 (1) The [M202]Police and Criminal Evidence Act 1984 shall be amended as follows.

(2) For section 30(12)(c) (arrest elsewhere than at a police station) substitute—

"(c) any provision of the Terrorism Act 2000."

(3) In section 32(10) (search upon arrest) for "section 15(3), (4) and (5) of the Prevention of Terrorism (Temporary Provisions) Act 1989" substitute " section 43 of the Terrorism Act 2000 ".

(4) For section 51(b) (savings: Part IV) substitute—

"(b) the powers conferred by virtue of section 41 of, or Schedule 7 to, the Terrorism Act 2000 (powers of arrest and detention);".

(5) For section 56(10) and (11) (application of right to have someone informed) substitute—

"(10) Nothing in this section applies to a person arrested or detained under the terrorism provisions."

(6) For section 58(12) to (18) (application of right of access to legal advice) substitute—

"(12) Nothing in this section applies to a person arrested or detained under the terrorism provisions."

(7) For section 61(9)(b) (fingerprinting: disapplication) substitute—

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"(b) applies to a person arrested or detained under the terrorism provisions."

(8) For section 62(12) (intimate samples: disapplication) substitute—

"(12) Nothing in this section applies to a person arrested or detained under the terrorism provisions; and subsection (1A) shall not apply where the non-intimate samples mentioned in that subsection were taken under paragraph 10 of Schedule 8 to the Terrorism Act 2000."

(9) For section 63(10) (non-intimate samples: disapplication) substitute—

"(10) Nothing in this section applies to a person arrested or detained under the terrorism provisions."

(10) In section 65 (interpretation) for the definitions of "the terrorism provisions" and "terrorism" substitute—

""the terrorism provisions" means section 41 of the Terrorism Act 2000, and any provision of Schedule 7 to that Act conferring a power of detention; and

"terrorism" has the meaning given in section 1 of that Act."

(11) [F548] . . . . . .

(12) For section 118(2)(a) (definition of police detention) substitute—

"(a) he has been taken to a police station after being arrested for an offence or after being arrested under section 41 of the Terrorism Act 2000, or."

Textual Amendments

F548 Sch. 15 para. 5(11) repealed (1.1.2006 subject to art. 2(2) of the commencing S.I.) by Serious Organised Crime and Police Act 2005 (c. 15), s. 174(2), **Sch. 17 Pt. 2**; S.I. 2005/3495, **art. 2(1)**

Marginal Citations

M202 1984 c. 60

Criminal Justice Act 1988 (c. 33)

6 [F549] . . . . . .

Textual Amendments

F549 Sch. 15 para. 6 repealed (24.3.2003 subject to transitional provisions and savings in the commencing S.I.) by 2002 c. 29, s. 457, Sch. 12; S.I. 2003/333, **art. 2**, Sch. (with art. 10(1)(n)) (as amended by S.I. 2003/531)

Elected Authorities (Northern Ireland) Act 1989 (c. 3)

7 (1) The Elected Authorities (Northern Ireland) Act 1989 shall be amended as follows.

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2) In section 6(5) (breach of terms of declaration), in the definition of "proscribed organisation" for "section 30 of the Northern Ireland (Emergency Provisions) Act 1996" substitute " section 3 of the Terrorism Act 2000 ".

(3) In Schedule 2 (declaration against terrorism) for "Schedule 2 to the Northern Ireland (Emergency Provisions) Act 1996" substitute " Schedule 2 to the Terrorism Act 2000 ".

Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12))

8 (1) The [M203]Police and Criminal Evidence (Northern Ireland) Order 1989 shall be amended as follows.

(2) In Article 2(2) (interpretation) for the definitions of "the terrorism provisions" and "terrorism" substitute—

> ""the terrorism provisions" means section 41 of the Terrorism Act 2000, and any provision of Schedule 7 to that Act conferring a power of detention;
>
> "terrorism" has the meaning given in section 1 of that Act."

(3) In Article 2(3) (definition of police detention) for "section 14 of the Prevention of Terrorism (Temporary Provisions) Act 1989 or under paragraph 6 of Schedule 5 to that Act by an examining officer who is a constable" substitute " section 41 of the Terrorism Act 2000 ".

(4) For Article 4(3)(b) (provisions relating to powers to stop and search) substitute—

"(b) sections 85, 95 and 116 of and Schedule 10 to the Terrorism Act 2000, and".

(5) In Article 11(3) (special provisions as to access) for "section 17 of, and Schedule 7 to, the Prevention of Terrorism (Temporary Provisions) Act 1989" substitute " sections 37 and 38 of, and Schedules 5 and 6 to, the Terrorism Act 2000 ".

(6) In Article 30(3) (information to be given on arrest) for "section 19(2) of the Northern Ireland (Emergency Provisions) Act 1996" substitute " section 83(2) of the Terrorism Act 2000 ".

(7) For Article 32(15)(b) (arrest elsewhere than at a police station) substitute—

"(b) any provision of the Terrorism Act 2000."

(8) In Article 34(10) (search upon arrest) for "section 15(3), (4) and (5) of the Prevention of Terrorism (Temporary Provisions) Act 1989" substitute " section 43 of the Terrorism Act 2000 ".

(9) For Article 51(b) (savings: Part V) substitute—

"(b) the powers conferred by virtue of section 41 of, or Schedule 7 to, the Terrorism Act 2000 (powers of arrest and detention);".

(10) In Article 60 (tape-recording of interviews), omit paragraph (2).

(11) For Article 61(9)(b) (fingerprinting: application) substitute—

"(b) applies to a person arrested or detained under the terrorism provisions".

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(12) For Article 62(12) (intimate samples: application) substitute—

"(12) Nothing in this Article applies to a person arrested or detained under the terrorism provisions; and paragraph (1A) shall not apply where the non-intimate samples mentioned in that paragraph were taken under paragraph 10 of Schedule 8 to the Terrorism Act 2000."

(13) For Article 63(11) (non-intimate samples: application) substitute—

"(11) Nothing in this Article applies to a person arrested or detained under the terrorism provisions".

(14) In Article 66 (codes of practice), omit paragraph (12).

(15) In Article 74(9) (confessions) for "section 12 of the Northern Ireland (Emergency Provisions) Act 1996" substitute " section 76 of the Terrorism Act 2000 ".

(16) In Article 76(2)(b) (exclusion of unfair evidence) for "subsection (1) of section 12 of the Northern Ireland (Emergency Provisions) Act 1996" substitute " subsection (1) of section 76 of the Terrorism Act 2000 ".

Marginal Citations

M203 S.I. 1989/1341 (N.I. 12).

Criminal Justice and Public Order Act 1994 (c. 33)

9 In section 139(11) of the [M204]Criminal Justice and Public Order Act 1994 (search powers available on arrests under sections 136 and 137) for "section 15(3), (4) and (5) of the Prevention of Terrorism (Temporary Provisions) Act 1989" there shall be substituted " section 43 of the Terrorism Act 2000 ".

Marginal Citations

M204 1994 c. 33.

Drug Trafficking Act 1994 (c. 37)

10 [F550] . . . . . .

Textual Amendments

F550 Sch. 15 para. 10 repealed (24.3.2003 subject to transitional provisions and savings in the commencing S.I.) by 2002 c. 29, s. 457, Sch. 12; S.I. 2003/333, **art. 2**, Sch. (with art. 10(1)(n)) (as amended by S.I. 2003/531)

Proceeds of Crime (Scotland) Act 1995 (c. 43)

11 (1) The [M205]Proceeds of Crime (Scotland) Act 1995 shall be amended as follows.

(2) [F551] . . . . . .

Status: *Point in time view as at 29/06/2017.*
Changes to legislation: *Terrorism Act 2000 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(3) In subsection (1)(c) of section 42 (reciprocal enforcement of orders), for "1989 Act" substitute " Terrorism Act 2000 ".

(4) In subsection (1) of section 49 (interpretation), the definition of "the 1989 Act" shall cease to have effect.

Textual Amendments

F551 Sch. 15 para. 11(2) repealed (24.3.2003 for S. subject to certain provisions in the commencing S.S.I.) by 2002 c. 29, s. 457, Sch. 12; S.S.I. 2003/210, **art. 2(1)**

Marginal Citations

M205 1995 c. 43.

Northern Ireland (Remission of Sentences) Act 1995 (c. 47)

12 (1) The following shall be substituted for section 1(1) and (2) of the [M206]Northern Ireland (Remission of Sentences) Act 1995 (release on licence of persons subject to restricted remission)—

"**1** (1) This section applies to persons serving sentences to which section 79 of the Terrorism Act 2000 applies (restricted remission for persons sentenced for scheduled offences).

(2) A person to whom this section applies shall be released on licence for the period (or, where that period has partly elapsed, for the remainder of the period) during which, by reason only of section 79, he is prevented from being discharged in pursuance of prison rules."

(2) The following shall be substituted for section 1(6) of that Act—

"(6) Section 80 of the Terrorism Act 2000 and Part II of the Treatment of Offenders (Northern Ireland) Order 1976 (conviction within certain period after discharge from prison, &c.) shall apply in relation to a person released on licence under this section as if he had been discharged in pursuance of prison rules."

Marginal Citations

M206 1995 c. 47.

Criminal Procedure and Investigations Act 1996 (c. 25)

13 (1) The [M207]Criminal Procedure and Investigations Act 1996 shall, in its application to Northern Ireland (as set out in Schedule 4 to that Act), be amended as follows.

(2) In section 14A(1) (public interest: review for scheduled offences) for "section 1 of the Northern Ireland (Emergency Provisions) Act 1996" substitute " section 65 of the Terrorism Act 2000 ".

(3) In section 39(3)(a) (start of trial on indictment without a jury) for "section 11 of the Northern Ireland (Emergency Provisions) Act 1996" substitute " section 75 of the Terrorism Act 2000 ".

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Marginal Citations
M207 1996 c. 25.

Proceeds of Crime (Northern Ireland) Order 1996 (S.I. 1996/1299 (N.I. 9))

14 (1) The [M208]Proceeds of Crime (Northern Ireland) Order 1996 shall be amended as follows.

(2) In Article 2(4)(b) (offences to which Order does not apply) for "Part III of the Prevention of Terrorism (Temporary Provisions) Act 1989" substitute " any of sections 15 to 18 of the Terrorism Act 2000 ".

(3) In Article 5(3) (realisable property) for sub-paragraph (c) substitute—

"(c) section 23 or 111 of the Terrorism Act 2000 (forfeiture orders)."

Marginal Citations
M208 S.I. 1996/1299 (N.I. 9)

Northern Ireland Arms Decommissioning Act 1997 (c. 7)

15 (1) This paragraph applies to a reference in paragraph 9 or 10 of the Schedule to the [M209]Northern Ireland Arms Decommissioning Act 1997 (amnesty) to an offence under a provision ("the old provision") of—

(a) the [M210]Prevention of Terrorism (Temporary Provisions) Act 1989, or

(b) the [M211]Northern Ireland (Emergency Provisions) Act 1996.

(2) The reference shall be taken as a reference to an offence under this Act which is committed in circumstances which would have amounted to the commission of an offence under the old provision before it ceased to have effect.

(3) Sub-paragraph (2) has effect for the purpose of the application of section 4(1) of the [M212]Northern Ireland Arms Decommissioning Act 1997 (amnesty) in relation to anything done after the old provision ceases to have effect.

Marginal Citations
M209 1997 c. 7
M210 1989 c. 4.
M211 1996 c. 22.
M212 1997 c. 7)

Northern Ireland (Sentences) Act 1998 (c. 35)

16 (1) The [M213]Northern Ireland (Sentences) Act 1998 shall be amended as follows.

(2) In section 5 (fixed term prisoners: special cases)—

(a) in subsection (2) for "section 16(2) of the Northern Ireland (Emergency Provisions) Act 1996" substitute " section 80(2) of the Terrorism Act 2000 ",

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(b) in subsection (3)(a) for "section 16(2) of the 1996 Act" substitute " section 80(2) of the 2000 Act ",

(c) in subsection (4) for "section 16(2) of the 1996 Act" substitute " section 80(2) of the 2000 Act ", and

(d) at the end of subsection (4)(b) insert ", and

(c) section 16(2) of the [M214]Northern Ireland (Emergency Provisions) Act 1996."

(3) For section 14(3)(a) (inadmissibility of evidence or information in certain proceedings) substitute—

"(a) be admissible in proceedings on applications made under paragraph 1, 2, 5, 11, 13, 22, 28 or 30 of Schedule 5 to the Terrorism Act 2000."

Marginal Citations

M213 1998 c. 35

M214 1996 c. 22

17 (1) This paragraph applies to a reference in section 14(2) of the Northern Ireland (Sentences) Act 1998 (inadmissibility of evidence or information in certain proceedings) to an offence under a provision ("the old provision") of—

(a) the [M215]Prevention of Terrorism (Temporary Provisions) Act 1989, or

(b) the [M216]Northern Ireland (Emergency Provisions) Act 1996.

(2) The reference shall be taken as including a reference to an offence under this Act which is committed in circumstances which would have amounted to the commission of an offence under the old provision before it ceased to have effect.

Marginal Citations

M215 1989 c. 4.

M216 1996 c. 22.

Criminal Justice (Children) (Northern Ireland) Order 1998 (S.I. 1998/1504 (N.I. 9))

18 (1) The [M217]Criminal Justice (Children) (Northern Ireland) Order 1998 shall be amended as follows.

(2) In Article 12(4) (release on bail) for "section 3 of the Northern Ireland (Emergency Provisions) Act 1996" substitute " section 67 of the Terrorism Act 2000 ".

Marginal Citations

M217 S.I. 1998/1504 (N.I. 9)

Access to Justice Act 1999 (c. 22)

[F552]19 . . . . . .

Status: *Point in time view as at 29/06/2017.*
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Textual Amendments

F552 Sch. 15 para. 19 repealed (1.4.2013) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 5 Pt. 2**; S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)

Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)

20 **F553** . . . . . .

Textual Amendments

F553 Sch. 15 para. 20 repealed (4.4.2005 subject to art. 2(2) and Sch. 2 of the commencing S.I.) by Criminal Justice Act 2003 (c. 44), s. 332, **Sch. 37 Pt. 7**; S.I 2005/950, {art. 2}, Sch. 1 (with transitional provisions in Sch. 2 (as amended by S.I. 2005/2122))

SCHEDULE 16

Section 125.

REPEALS AND REVOCATIONS

PART I

ACTS

Chapter	Short title	Extent of repeal
1980 c. 62.	Criminal Justice (Scotland) Act 1980.	Sections 3A to 3D.
1984 c. 60.	Police and Criminal Evidence Act 1984.	Section 116(5).
1985 c. 73.	Law Reform (Miscellaneous Provisions) (Scotland) Act 1985.	Section 35.
1988 c. 33.	Criminal Justice Act 1988.	Section 74(2)(e).
1989 c. 4.	Prevention of Terrorism (Temporary Provisions) Act 1989.	The whole Act.
1993 c. 36.	Criminal Justice Act 1993.	Sections 49 to 51.
		Section 78(11).
		In Schedule 4, paragraph 4.
		In Schedule 5, paragraph 15.
1994 c. 33.	Criminal Justice and Public Order Act 1994.	Sections 81 to 83.

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		In Schedule 10, paragraphs 62 (other than sub-paragraph (4)(a) and (b)) and 63.
1995 c. 40.	Criminal Procedure (Consequential Provisions) (Scotland) Act 1995.	In Schedule 4, paragraph 72.
1995 c. 43.	Proceeds of Crime (Scotland) Act 1995.	In section 49(1), the definition of "the 1989 Act".
1996 c. 7.	Prevention of Terrorism (Additional Powers) Act 1996.	The whole Act.
1996 c. 22.	Northern Ireland (Emergency Provisions) Act 1996.	The whole Act.
1998 c. 9.	Northern Ireland (Emergency Provisions) Act 1998.	The whole Act.
1998 c. 40.	Criminal Justice (Terrorism and Conspiracy) Act 1998.	Sections 1 to 4.
		Part I of Schedule 1.
		Part I of Schedule 2.
1999 c. 22.	Access to Justice Act 1999.	In paragraph 2(1) of Schedule 2, the word "or" after paragraph (f).
1999 c. 33.	Immigration and Asylum Act 1999.	In Schedule 14, paragraph 89.

PART II

ORDERS

Reference	Title	Extent of revocation
S.I. 1989/1341 (N.I. 12).	Police and Criminal Evidence (Northern Ireland) Order 1989.	In Article 54(1) the words "Subject to paragraph (2)".
		Article 54(2).
		Article 60(2).
		Article 66(12).
		In Schedule 2, the entry relating to the Prevention of Terrorism (Temporary Provisions) Act 1989.
		In Schedule 6, paragraph 18.

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S.I. 1989/2405 (N.I. 19).	Insolvency (Northern Ireland) Order 1989.	In Schedule 9, paragraph 62.
S.I. 1995/2993 (N.I. 17).	Police (Amendment) (Northern Ireland) Order 1995.	Article 10(8).
		Article 11(7).
S.I. 1998/1504 (N.I. 9).	Criminal Justice (Children) (Northern Ireland) Order 1998.	In Schedule 5, paragraphs 39, 47 and 48.

Status:
Point in time view as at 29/06/2017.

Changes to legislation:
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