



Terrorism Act 2000

2000 CHAPTER 11

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.

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.

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.

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.

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 comes to his attention in the course of a trade, profession, business or employment.
- (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.
- (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
 - (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.

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.

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.

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.

23 Forfeiture

- (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—
 - (a) which, at the time of the offence, he had in his possession or under his control, and
 - (b) which, at that time, he intended should be used, or had reasonable cause to suspect might be used, for the purposes of terrorism.
- (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—
 - (a) which, at the time of the offence, he had in his possession or under his control, and
 - (b) which, at that time, he knew or had reasonable cause to suspect would or might be used for the purposes of terrorism.
- (4) Where a person is convicted of an offence under section 17 the court may order the forfeiture of the money or other property—
 - (a) to which the arrangement in question related, and
 - (b) which, at the time of the offence, he knew or had reasonable cause to suspect would or might be used for the purposes of terrorism.
- (5) 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.
- (6) 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.
- (7) Where a person other than the convicted person claims to be the owner of or otherwise interested in anything which can be forfeited by an order under this section, the court shall give him an opportunity to be heard before making an order.
- (8) A court in Scotland shall not make an order under this section except on the application of the prosecutor—
 - (a) in proceedings on indictment, when he moves for sentence, and
 - (b) in summary proceedings, before the court convicts the accused,and for the purposes of any appeal or review, an order under this section made by a court in Scotland is a sentence.
- (9) Schedule 4 (which makes further provision in relation to forfeiture orders under this section) shall have effect.

Seizure of terrorist cash

24 Interpretation

- (1) In sections 25 to 31 “authorised officer” means any of the following—
 - (a) a constable,
 - (b) a customs officer, and
 - (c) an immigration officer.
- (2) In sections 25 to 31 “cash” means—
 - (a) coins and notes in any currency,
 - (b) postal orders,
 - (c) travellers' cheques,
 - (d) bankers' drafts, and
 - (e) such other kinds of monetary instrument as the Secretary of State may specify by order.

25 Seizure and detention

- (1) An authorised officer may seize and detain any cash to which this section applies if he has reasonable grounds for suspecting that—
 - (a) it is intended to be used for the purposes of terrorism,
 - (b) it forms the whole or part of the resources of a proscribed organisation, or
 - (c) it is terrorist property within the meaning given in section 14(1)(b) or (c).
- (2) In subsection (1)(b) the reference to an organisation's resources includes a reference to any cash which is applied or made available, or is to be applied or made available, for use by the organisation.
- (3) This section applies to cash which—
 - (a) is being imported into or exported from the United Kingdom,
 - (b) is being brought to any place in the United Kingdom for the purpose of being exported from the United Kingdom,
 - (c) is being brought to Northern Ireland from Great Britain, or to Great Britain from Northern Ireland,
 - (d) is being brought to any place in Northern Ireland for the purpose of being brought to Great Britain, or
 - (e) is being brought to any place in Great Britain for the purpose of being brought to Northern Ireland.
- (4) Subject to subsection (5), cash seized under this section shall be released not later than the end of the period of 48 hours beginning with the time when it is seized.
- (5) Where an order is made under section 26 in relation to cash seized, it may be detained during the period specified in the order.

26 Continued detention

- (1) An authorised officer or the Commissioners of Customs and Excise may apply to a magistrates' court for an order under this section in relation to cash seized under section 25.

- (2) An order under this section—
 - (a) shall authorise the further detention under section 25 of the cash to which it relates for a period specified in the order,
 - (b) shall specify a period which ends not later than the end of the period of three months beginning with the date of the order, and
 - (c) shall require notice to be given to the person from whom the cash was seized and to any other person who is affected by and specified in the order.
- (3) An application for an order under this section may be granted only if the court is satisfied—
 - (a) that there are reasonable grounds to suspect that the cash is cash of a kind mentioned in section 25(1)(a), (b) or (c), and
 - (b) that the continued detention of the cash is justified pending completion of an investigation of its origin or derivation or pending a determination whether to institute criminal proceedings (whether in the United Kingdom or elsewhere) which relate to the cash.
- (4) More than one order may be made under this section in relation to particular cash; but cash shall not be detained by virtue of an order under this section after the end of the period of two years beginning with the date when the first order under this section was made in relation to it.
- (5) In Scotland, any application under this section shall be made by the procurator fiscal to the sheriff; and in this section a reference to a magistrates' court shall be taken as a reference to the sheriff.

27 Detained cash

- (1) Cash detained under section 25 by virtue of an order under section 26 shall, unless required as evidence of an offence, be held in an interest bearing account; and the interest accruing on the cash shall be added to it on its release or forfeiture.
- (2) Any person may apply to a magistrates' court, or in Scotland to the sheriff, for a direction that cash detained under section 25 be released.
- (3) A magistrates' court or the sheriff shall grant an application under subsection (2) if satisfied—
 - (a) that section 26(3)(a) or (b) no longer applies, or
 - (b) that the detention of the cash is for any other reason no longer justified.
- (4) An authorised officer, or in Scotland the procurator fiscal, may release cash detained under section 25 if—
 - (a) he is satisfied that its detention is no longer justified, and
 - (b) he has notified the magistrates' court or sheriff who made the order by virtue of which the cash is being detained under section 25.
- (5) Cash detained under section 25 shall not be released under this section—
 - (a) while proceedings on an application for its forfeiture under section 28 have not been concluded, or
 - (b) while proceedings, whether in the United Kingdom or elsewhere, which relate to the cash have not been concluded.

28 Forfeiture

- (1) An authorised officer or the Commissioners of Customs and Excise may apply to a magistrates' court, or in Scotland the procurator fiscal may apply to the sheriff, for an order forfeiting cash being detained under section 25.
- (2) A magistrates' court or the sheriff may grant an application only if satisfied on the balance of probabilities that the cash is cash of a kind mentioned in section 25(1)(a), (b) or (c).
- (3) Before making an order under this section, a magistrates' court or the sheriff must give an opportunity to be heard to any person—
 - (a) who is not a party to the proceedings, and
 - (b) who claims to be the owner of or otherwise interested in any of the cash which can be forfeited under this section.
- (4) An order may be made under this section whether or not proceedings are brought against any person for an offence with which the cash is connected.
- (5) Proceedings on an application under this section to the sheriff shall be civil proceedings.

29 Forfeiture: appeal

- (1) Subject to subsection (2), any party to proceedings in which a forfeiture order is made under section 28 may appeal—
 - (a) where the order is made by a magistrates' court in England and Wales, to the Crown Court,
 - (b) where the order is made by the sheriff in Scotland, to the Court of Session, or
 - (c) where the order is made by a magistrates' court in Northern Ireland, to the county court.
- (2) An appeal under subsection (1)—
 - (a) must be brought before the end of the period of 30 days beginning with the date on which the forfeiture order was made, and
 - (b) may not be brought by the applicant for the forfeiture order.
- (3) On an application by the appellant, a magistrates' court or the sheriff may order the release of so much of the cash to which the forfeiture order applies as it considers appropriate to enable him to meet his reasonable legal expenses in connection with the appeal.
- (4) An appeal under subsection (1) shall be by way of a rehearing.
- (5) If the court allows the appeal, it may order the release of—
 - (a) the cash to which the forfeiture order applies together with any interest which has accrued, or
 - (b) where an order has been made under subsection (3), the remaining cash to which the forfeiture order applies together with any interest which has accrued.
- (6) Subsection (7) applies where a successful application for a forfeiture order relies (in whole or in part) on the fact that an organisation is proscribed, and—

- (a) a deproscription appeal under section 5 is allowed in respect of the organisation,
 - (b) an order is made under section 3(3)(b) in respect of the organisation in accordance with an order of the Proscribed Organisations Appeal Commission under section 5(4) (and, if the order is made in reliance on section 123(5), a resolution is passed by each House of Parliament under section 123(5)(b)), and
 - (c) the forfeited cash was seized under section 25 on or after the date of the refusal to deproscribe against which the appeal under section 5 was brought.
- (7) Where this subsection applies an appeal under subsection (1) may be brought at any time before the end of the period of 30 days beginning with the date on which the order under section 3(3)(b) comes into force.

30 Treatment of forfeited cash

Any cash to which a forfeiture order under section 28 applies or accrued interest thereon shall be paid into the Consolidated Fund—

- (a) after the end of the period within which an appeal may be brought under section 29(1), or
- (b) where an appeal is brought under section 29(1), after the appeal is determined or otherwise disposed of.

31 Rules of court

Provision may be made by rules of court about the procedure on applications or appeals to any court under sections 26 to 29, and in particular as to—

- (a) the giving of notice to persons affected by an application or appeal under those provisions;
- (b) the joinder, or in Scotland the sisting, of those persons as parties to the proceedings.