

ANTI-TERRORISM, CRIME AND SECURITY ACT 2001

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1: Terrorist Property

Section 1 Forfeiture of Terrorist cash

41. **Section 1** introduces Schedule 1, which expands and replaces the current provisions in the Terrorism Act 2000 for the seizure and forfeiture of terrorist cash at the borders in civil proceedings.
42. Terrorist cash is cash which is intended to be used for the purposes of terrorism, cash which consists of the resources of a proscribed organisation or cash which is or represents property obtained through terrorism. “Terrorism” and “proscribed organisation” are defined in paragraph 19 of Schedule 1. Property obtained through terrorism is defined as property obtained by or in return for acts of terrorism or by or in return for acts carried out for the purposes of terrorism (paragraph 11(1) of Schedule 1).
43. **Subsection (2)** makes it clear that the powers of seizure and forfeiture are exercisable whether or not any criminal proceedings have been brought for an offence in connection with the cash.
44. Schedule 14 to the Terrorism Act 2000 (as amended by section 2 to the Act) provides for a code of practice to be made in relation to the operation of powers under Schedule 1 to this Act. The code is subject to a consultation process and to the affirmative resolution procedure. **Subsection (5)** of section 1 provides that, in this instance, the modifications to the existing code may be made in the order commencing Schedule 1.

Section 2 Amendments relating to section 1

45. **Subsections (1) to (3)** amend the Access to Justice Act 1999 so that Community Legal Service funding is available for proceedings under Schedule 1.
46. **Subsections(4) to (7)** amend Schedule 14 to the Terrorism Act 2000 so that it applies to Schedule 1 to this Act.
47. **Subsection (8)** amends the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 so that legal aid is available for proceedings under Schedule 1.

Section 3 Terrorist property: amendments

48. **Section 3** introduces Schedule 2 to this Act.