

# ANTI-TERRORISM, CRIME AND SECURITY ACT 2001

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### *Schedule 1 Forfeiture of Terrorist Cash*

#### **Part 6 Interpretation**

346. “Disposing” of property is a key feature of the provisions at paragraph 12 and 13. Disposal of property may take place, for instance:
- where the property is dealt with to some extent only (including where an interest in the property is created); a disposal might also consist of the grant of an interest in a part (*sub-paragraph (1)* of paragraph 18);
  - where a person makes a payment, in cash or any other kind of property, to another (*sub-paragraph (3)* of paragraph 18);
  - where property changes hands on death (*sub-paragraph (4)* of paragraph 18).
347. *Sub-paragraph (5)* is relevant to the protection provided at *sub-paragraph (1)* of paragraph 16 for persons who obtain property “for value”. It provides that a person obtains property “for value” only when he has given executed consideration for it. That means that if someone obtains property in return for a promise to pay for it or to perform some service in exchange, that will not count as having “obtained for value” until the payment is actually made or the service performed.
348. *Sub-paragraph (2)* provides that where a person grants an interest in property which is earmarked, that interest is also to be treated as property which is earmarked. For example, if a person grants a lease on a car obtained through terrorism, then the lease on the car should also be treated as being obtained through terrorism i.e. as property which is earmarked.
349. *Sub-paragraph (1)* of *paragraph 19* defines certain terms used in this Schedule.
350. *Sub-paragraph (3)* provides that the provisions on property earmarked as terrorist property apply to events occurring before commencement of this Schedule. So if cash is obtained through terrorism before commencement of the Schedule, it is still liable to seizure and forfeiture under the Schedule.