

# **CRIME (INTERNATIONAL CO-OPERATION) ACT 2003**

---

## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### ***Schedule 4: Terrorist property: freezing orders***

##### ***Paragraph 11A***

180. Paragraph 11A contains a number of definitions interpreting the provisions which appear in paragraph 11B onwards. Paragraph 11A(3) defines “a listed offence” as an offence described in Article 3(2) of the 2003 Framework Decision, or as an offence prescribed, or an offence of a description prescribed, by order made by the Secretary of State. The latter provision is necessary to cater for two circumstances: firstly, if the list of offences in the 2003 Framework Decision is added to by the European Council of Ministers. Secondly, it reflects the fact that, under the 2003 Framework Decision, freezing orders can be executed in respect of offences other than those listed, but with the executing state able, if it wishes, to apply a dual criminality requirement – (that is, a requirement that the conduct be criminalised in both the issuing and executing states).
181. Paragraph 11A(5) and (6) defines the “specified information” which must be contained in the certificate to be attached to both domestic and overseas freezing orders. Paragraph 11A(7) defines which countries are to be participating countries for the purposes of Schedule 4. Paragraph 11A(9) applies to these provisions the interpretative provisions relating to the proceeds of terrorism contained in section 14(2)(a) of the Terrorism Act.