



Counter-Terrorism Act 2008

2008 CHAPTER 28

PART 6

FINANCIAL RESTRICTIONS PROCEEDINGS

CHAPTER 1

APPLICATION TO SET ASIDE FINANCIAL RESTRICTIONS DECISION

63 Application to set aside financial restrictions decision

- (1) This section applies to any decision of the Treasury in connection with the exercise of any of their functions under—
- (a) the UN terrorism orders,
 - ^{F1}(aa)
 - ^{F2}(ab)
 - ^{F3}(ac) the Libya (Asset-Freezing) Regulations 2011([S.I. 2011/605](#)),]
 - ^{F4}(ad) the Afghanistan (Asset-Freezing) Regulations 2011 ([S.I. 2011/1893](#)),]
 - ^{F5}(ae) the ISIL (Da'esh) and Al-Qaida (Asset-Freezing) Regulations 2011 ([S.I. 2011/2742](#) as renamed by [S.I. 2016/937](#)),]
 - ^{F6}(af)
 - ^{F7}(ag) the Iran (European Union Financial Sanctions) Regulations 2016 ([S.I. 2016/36](#)),]
 - (b) Part 2 of the Anti-terrorism, Crime and Security Act 2001 (c. 24) (freezing orders), or
 - (c) Schedule 7 to this Act (terrorist financing, money laundering and certain other activities: financial restrictions).
- (2) Any person affected by the decision may apply to the High Court or, in Scotland, the Court of Session to set aside the decision.

Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism Act 2008, Chapter 1. (See end of Document for details)

- (3) In determining whether the decision should be set aside the court shall apply the principles applicable on an application for judicial review.
- (4) If the court decides that a decision should be set aside it may make any such order, or give any such relief, as may be made or given in proceedings for judicial review.
- (5) Without prejudice to the generality of subsection (4), if the court sets aside a decision of the Treasury—
 - (a) to give a direction under any of the UN terrorism orders,
 - (b) to make a freezing order under Part 2 of the Anti-terrorism, Crime and Security Act 2001 (c. 24), or
 - (c) to give a direction or make an order under Schedule 7 to this Act,
 the court must quash the relevant direction or order.
- (6) This section applies whether the decision of the Treasury was made before or after the commencement of this section.
- (7) After the commencement of this section an application to set aside a decision of the Treasury to which this section applies must be made under this section.
- (8) This section does not apply to any decision of the Treasury to make an order under paragraph 8 or 28(6) of Schedule 7 to this Act.

Textual Amendments

- F1** S. 63(1)(aa) repealed (16.11.2011) by [The Al-Qaida \(Asset-Freezing\) Regulations 2011 \(S.I. 2011/2742\)](#), regs. 1(1), **19(2)** (with reg. 20)
- F2** S. 63(1)(ab) repealed (26.3.2012) by [The Iran \(European Union Financial Sanctions\) Regulations 2012 \(S.I. 2012/925\)](#), regs. 1(1), **28(2)** (with regs. 26(1)(2)(4), 29(2))
- F3** S. 63(1)(ac) inserted (3.3.2011) by [The Libya \(Asset-Freezing\) Regulations 2011 \(S.I. 2011/605\)](#), regs. 1(1), **19** (with reg. 18)
- F4** S. 63(1)(ad) inserted (5.8.2011) by [The Afghanistan \(Asset-Freezing\) Regulations 2011 \(S.I. 2011/1893\)](#), regs. 1(1), **19** (with reg. 18)
- F5** S. 63(1)(ae) substituted (22.9.2016) by [The Al-Qaida \(Asset-Freezing\) \(Amendment\) Regulations 2016 \(S.I. 2016/937\)](#), reg. 1, **Sch. para. 1**
- F6** S. 63(1)(af) repealed (coming into force at 4.00 pm on 18.1.2016) by [The Iran \(European Union Financial Sanctions\) Regulations 2016 \(S.I. 2016/36\)](#), regs. 1(1), **20(2)** (with regs. 18, 21)
- F7** S. 63(1)(ag) inserted (coming into force at 4.00 pm on 18.1.2016) by [The Iran \(European Union Financial Sanctions\) Regulations 2016 \(S.I. 2016/36\)](#), regs. 1(1), **19** (with regs. 18, 21)

64 UN terrorism orders

- (1) For the purposes of section 63 the UN terrorism orders are—
 - ^{F8}(a)
 - (b) the Al-Qa'ida and Taliban (United Nations Measures) Order 2002 (S.I. 2002/111);
 - ^{F9}(c)
 - (d) the Al-Qaida and Taliban (United Nations Measures) Order 2006 (S.I. 2006/2952).
 - ^{F10}(e)
- (2) The Treasury may by order amend subsection (1) by—

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- (a) adding other Orders in Council made under section 1 of the United Nations Act 1946 (c. 45),
 - (b) providing that a reference to a specified Order in Council is to that order as amended by a further Order in Council (made after the passing of this Act), or
 - (c) removing an Order in Council.
- (3) An order under subsection (2) is subject to negative resolution procedure.

Textual Amendments

- F8** S. 64(1)(a) omitted (31.8.2010) by virtue of [Financial Restrictions Proceedings \(UN Terrorism Orders\) Order 2009 \(S.I. 2009/1911\)](#), arts. 1(3), **2(2)**
- F9** S. 64(1)(c) omitted (31.8.2010) by virtue of [Financial Restrictions Proceedings \(UN Terrorism Orders\) Order 2009 \(S.I. 2009/1911\)](#), arts. 1(3), **2(2)**
- F10** S. 64(1)(e) repealed (17.12.2010) by [Terrorist Asset-Freezing etc. Act 2010 \(c. 38\)](#), s. 55(1), **Sch. 2 Pt. 1**

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