



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,
 - (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.
- (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

Status: This is the original version (as it was originally enacted).

- (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.

64 UN terrorism orders

- (1) For the purposes of section 63 the UN terrorism orders are—
 - (a) the Terrorism (United Nations Measures) Order 2001 ([S.I. 2001/3365](#));
 - (b) the Al-Qa'ida and Taliban (United Nations Measures) Order 2002 ([S.I. 2002/111](#));
 - (c) the Terrorism (United Nations Measures) Order 2006 ([S.I. 2006/2657](#));
 - (d) the Al-Qaida and Taliban (United Nations Measures) Order 2006 ([S.I. 2006/2952](#)).
- (2) The Treasury may by order amend subsection (1) by—
 - (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.