



Counter-Terrorism Act 2008

2008 CHAPTER 28

PART 3

PROSECUTION AND PUNISHMENT OF TERRORIST OFFENCES

Forfeiture

36 Forfeiture: supplementary provisions

After section 23A of the Terrorism Act 2000 (c. 11) (inserted by section 35 above), insert—

“23B Forfeiture: supplementary provisions

- (1) Before making an order under section 23 or 23A, a court must give an opportunity to be heard to any person, other than the convicted person, who claims to be the owner or otherwise interested in anything which can be forfeited under that section.
- (2) In considering whether to make an order under section 23 or 23A in respect of any property, a court shall have regard to—
 - (a) the value of the property, and
 - (b) the likely financial and other effects on the convicted person of the making of the order (taken together with any other order that the court contemplates making).
- (3) A court in Scotland must not make an order under section 23 or 23A except on the application of the prosecutor—
 - (a) in proceedings on indictment, when the prosecutor moves for sentence, and
 - (b) in summary proceedings, before the court sentences the accused;and for the purposes of any appeal or review, an order under either of those sections made by a court in Scotland is a sentence.

Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism Act 2008, Section 36. (See end of Document for details)

(4) Schedule 4 makes further provision in relation to forfeiture orders under section 23 or 23A.”

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Commencement Information

II S. 36 in force at 18.6.2009 by [S.I. 2009/1256](#), **art. 2(c)**

Changes to legislation:

There are currently no known outstanding effects for the Counter-Terrorism Act 2008, Section 36.