

SCHEDULES

SCHEDULE 1

Sections 45(1) and 52(1)

CONSEQUENTIAL AMENDMENTS

PART 1

TERRORIST ASSET-FREEZING

Rules of the Court of Judicature (Northern Ireland) 1980 (S.R. 1980 No.346)

- 1 The Rules of the Court of Judicature (Northern Ireland) 1980 are amended as follows.
- 2 In the Arrangement of Orders, in the entry relating to Order 116B, after “2008” insert “and Part 1 of the Terrorist Asset-Freezing etc. Act 2010”.
- 3 In Order 1, after rule 11(l) insert—
 - “(la) proceedings on an application under section 27 of the Terrorist Asset-Freezing etc. Act 2010, or on a claim arising from any matter to which such an application relates;”.
- 4 In Order 116B—
 - (a) in the title of the Order, at the end insert “and Part 1 of the Terrorist Asset-Freezing etc. Act 2010”,
 - (b) in rule 1(2)(a), after “the”, in the first place in which it appears, insert “2008”,
 - (c) after rule 1(2)(a) insert—
 - “(aa) the 2010 Act” means the Terrorist Asset-Freezing etc. Act 2010;”,
 - (d) in rule 1(2)(b), after “the” insert “2008 Act or section 27 of the 2010”,
 - (e) in rule 1(2)(c) for “has the same meaning as in section 65 of the Act” substitute
 - “means—
 - (i) financial restrictions proceedings within the meaning of section 65 of the 2008 Act; and
 - (ii) proceedings in the High Court on an application under section 27 of the 2010 Act, or on a claim arising from any matter to which such an application relates”;
 - (f) in rule 1(2)(h), for “Act” substitute “2008 Act (including that section as applied by section 28(4) of the 2010 Act)”,
 - (g) in rule 4(3)(a)(ii), after “the”, in the first place in which it appears, insert “2008”,
 - (h) in rule 5(1) after “2008”, insert “, or section 27 of the Terrorist Asset-Freezing etc. Act 2010, as the case may be,”.

Status: This is the original version (as it was originally enacted).

- (i) in rule 36(1), after “the” insert “2008”, and
- (j) in rule 36(2), after “the” in the second place in which it appears, insert “2008”.

Civil Procedure Rules 1998 (S.I. 1998/3132)

- 5 In Part 79 of the Civil Procedure Rules 1998 (proceedings under the Counter-Terrorism Act 2008)—
- (a) in the title of Part 79, at the end insert “and Part 1 of the Terrorist Asset-Freezing etc. Act 2010”,
 - (b) in rule 79.1(2)(a), after “the”, in the first place in which it appears, insert “2008”,
 - (c) after rule 79.1(2)(a) insert—
 - “(aa) the 2010 Act” means the Terrorist Asset-Freezing etc. Act 2010;”,
 - (d) in rule 79.1(2)(b), after “the” insert “2008 Act or section 27 of the 2010”,
 - (e) in rule 79.1(2)(c) for “has the same meaning as in section 65 of the Act” substitute “means—
 - (i) financial restrictions proceedings within the meaning of section 65 of the 2008 Act; and
 - (ii) proceedings in the High Court on an application under section 27 of the 2010 Act, or on a claim arising from any matter to which such an application relates”,
 - (f) in rule 79.1(2)(h), for “Act” substitute “2008 Act (including that section as applied by section 28(4) of the 2010 Act)”,
 - (g) in rule 79.6(3)(a)(ii), after “the”, in the first place in which it appears, insert “2008”,
 - (h) in rule 79.31(1), after “the” insert “2008”, and
 - (i) in rule 79.31(2), after “the” in the second place in which it appears, insert “2008”.

Money Laundering Regulations 2007 (S.I. 2007/2157)

- 6 In regulation 2(1) of the Money Laundering Regulations 2007 (interpretation), in the definition of “terrorist financing”—
- (a) omit sub-paragraph (c), and
 - (b) for sub-paragraph (e) substitute—
 - “(e) section 11, 12, 13, 14, 15 or 18 of the Terrorist Asset-Freezing etc. Act 2010 (offences relating to the freezing of funds etc. of designated persons);”.

Transfer of Funds (Information on the Payer) Regulations 2007 (S.I. 2007/3298)

- 7 In regulation 2(1) of the Transfer of Funds (Information on the Payer) Regulations 2007 (interpretation), in the definition of “terrorist financing”—
- (a) omit sub-paragraph (c), and
 - (b) for sub-paragraph (e) substitute—

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- “(e) section 11, 12, 13, 14, 15 or 18 of the Terrorist Asset-Freezing etc. Act 2010 (offences relating to the freezing of funds etc. of designated persons).”

Payment Services Regulations 2009 (S.I. 2009/209)

- 8 In regulation 13(4) of the Payment Services Regulations 2009 (conditions for registration as a small payment institution)—
- (a) in sub-paragraph (d) omit the words from “article 7” (where it first occurs) to “2006 or”, and
 - (b) for sub-paragraph (da) substitute—
 - “(da) an offence under section 11, 12, 13, 14, 15 or 18 of the Terrorist Asset-Freezing etc. Act 2010 (offences relating to the freezing of funds etc. of designated persons);”.

PART 2

TERRORIST FINANCING, MONEY LAUNDERING ETC.

Amendment relating to section 48: branches

- 9 In paragraph 46 of Schedule 7 to the Counter-Terrorism Act 2008 (terrorist financing and money laundering etc: index of defined expressions), in the table—
- (a) in the entry for “credit institution”, after “5(1)” insert “and (3)”, and
 - (b) in the entry for “financial institution”, after “5(2)” insert “and (3)”.

Amendments relating to section 50: circumvention

- 10 (1) In paragraph 26(1) of Schedule 7 to the Counter-Terrorism Act 2008 (imposition of penalty by HMRC) after “25” insert “or 25A”.
- (2) In paragraph 27 of that Schedule (imposition of penalty by other enforcement authority)—
- (a) in sub-paragraph (1) after “25” insert “or 25A”, and
 - (b) in sub-paragraph (3) after “25” insert “or (as the case may be) 25A”.
- (3) In paragraph 29(1) of that Schedule (payment and recovery of civil penalties) after “25” insert “or 25A”.
- (4) In paragraph 41(2) of that Schedule (application of civil penalties by Financial Services Authority) after “25” insert “or 25A”.

Amendments relating to section 51: Northern Ireland credit unions

- 11 (1) In paragraph 18(2) of Schedule 7 to the Counter-Terrorism Act 2008 (definition of “enforcement officer”) omit paragraph (d) (but not the word “or” at the end of the paragraph).
- (2) In paragraph 18(3)(b) of that Schedule (definition of “local enforcement officer” in Northern Ireland) for “DETINI” substitute “the Department of Enterprise, Trade and Investment in Northern Ireland (“DETINI”)”.

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

- (3) In paragraph 27(1) of that Schedule (imposition of penalty by enforcement authority) for “, the OFT or DETINI” substitute “or the OFT”.
- (4) In paragraph 28 of that Schedule (appeal against imposition of certain civil penalties)
- (a) omit sub-paragraph (2), and
- (b) in sub-paragraph (3) omit “or court”.
- (5) In paragraph 46 of that Schedule (index of defined expressions), in the entry for DETINI, for “paragraph 18(1)(d)” substitute “paragraph 18(3)(b)”.

SCHEDULE 2

Sections 45(2) and 52(2)

REPEALS AND REVOCATIONS

PART 1

TERRORIST ASSET-FREEZING

<i>Reference</i>	<i>Extent of repeal or revocation</i>
Terrorism (United Nations Measures) Order 2001 (S.I. 2001/3365)	The whole instrument.
Financial Services and Markets Act 2000 (Consequential Amendments) (No.2) Order 2001 (S.I. 2001/3801)	Article 2.
Al-Qa’ida and Taliban (United Nations Measures) Order 2002 (S.I. 2002/111)	Article 1(6).
Terrorism (United Nations Measures) Order 2001 (Amendment) Regulations 2003 (S.I. 2003/1297)	The whole instrument.
Terrorism (United Nations Measures) Order 2001 (Amendment) Regulations 2005 (S.I. 2005/1525)	The whole instrument.
Serious Organised Crime and Police Act 2005 (Powers of Arrest) (Consequential Amendments) Order 2005 (S.I. 2005/3389)	Article 15.
Terrorism (United Nations Measures) Order 2006 (S.I. 2006/2657)	The whole instrument.
Money Laundering Regulations 2007 (S.I. 2007/2157)	In regulation 2(1), in the definition of “terrorist financing”, sub-paragraph (c).
Transfer of Funds (Information on the Payer) Regulations (S.I. 2007/3298)	In regulation 2(1), in the definition of “terrorist financing”, sub-paragraph (c).

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

<i>Reference</i>	<i>Extent of repeal or revocation</i>
Counter-Terrorism Act 2008	Section 64(1)(e). Section 75(2)(d). In Part 4 of Schedule 9, the entries relating to— (a) the Terrorism (United Nations Measures) Order 2001, and (b) the Terrorism (United Nations Measures) Order 2006.
Payment Services Regulations 2009 (S.I. 2009/209)	In regulation 13(4)(d), the words from “article 7” (where it first occurs) to “2006 or”.
Terrorism (United Nations Measures) Order 2009 (S.I. 2009/1747)	The whole instrument.
Financial Restrictions Proceedings (UN Terrorism Orders) Order 2009 (S.I. 2009/1911)	The whole instrument.
Terrorism (United Nations Measures) Order (Consequential Amendments) Regulations 2009 (S.I. 2009/1912)	Regulation 4.
Terrorist Asset-Freezing (Temporary Provisions) Act 2010	The whole Act.

PART 2

TERRORIST FINANCING, MONEY LAUNDERING ETC.

<i>Reference</i>	<i>Extent of repeal</i>
Counter-Terrorism Act 2008	In Schedule 7— (a) paragraph 5(2)(f), (b) in paragraph 18(1), paragraph (d) and the word “or” before the paragraph, (c) in paragraph 18(2), paragraph (d) (but not the word “or” at the end of the paragraph), (d) in paragraph 28, sub-paragraph (2) and, in sub-paragraph (3), the words “or court”, and (e) in paragraph 39(2), paragraph (d).