
STATUTORY INSTRUMENTS

2001 No. 3927

**The Terrorism Act 2000 (Enforcement
of External Orders) Order 2001**

**PART I:
GENERAL**

Title, commencement and extent

1. This Order may be cited as the Terrorism Act 2000 (Enforcement of External Orders) Order 2001 and shall come into force on the second day after the day on which it is made.

Revocation

2. The Prevention of Terrorism (Temporary Provisions) Act 1989 (Enforcement of External Orders) Order 1995(1) is hereby revoked.

Interpretation

3.—(1) In this Order—

“court of a designated country” includes a court of any state or territory of a designated country;

“appropriate authority of a designated country” means—

- (a) the authority of a designated country specified opposite that country in column 2 of the table in the Schedule to this Order, or
- (b) where no authority is so specified, the authority appearing to the court to be the appropriate authority for the purposes of this Order;

“designated country” means a country or territory designated under article 4 of this Order;

“the 2000 Act” means the Terrorism Act 2000.

(2) The following provisions of this article have effect for the interpretation of this Order.

(3) Proceedings are instituted in a designated country when—

- (a) under the law of the designated country concerned, one of the steps specified in relation to that country in column 3 of the table in the Schedule to this Order has been taken there in respect of the commission of an alleged offence, or
- (b) an application has been made to a court of a designated country for an external forfeiture order,

and where the application of this paragraph would result in there being more than one time for the institution of proceedings, they shall be taken to have been instituted at the earliest of those times.

(4) Proceedings are concluded in a designated country—

(1) S.I.1995/760, this Order has effect as if made under the Terrorism Act 2000 by virtue of section 17(2)(b) of the Interpretation Act 1978 (c. 30).

- (a) when an external forfeiture order has been made in those proceedings and effect has been given to it in respect of all the money or other property to which it applies, or
- (b) when (disregarding any power of a court in a designated country to grant leave to appeal out of time) there is no further possibility of an external forfeiture order being made in the proceedings.

(5) An external order is subject to appeal until (disregarding any power of a court to grant leave to appeal out of time) there is no further possibility of an appeal on which the order could be varied or set aside.

Designation of countries and territories

4. Each of the countries and territories specified in column 1 of the table in the Schedule to this Order is hereby designated for the purposes of paragraphs 14, 28 and 44 of Schedule 4 to the 2000 Act.

Proof of orders and judgment of court of a designated country

5.—(1) For the purposes of this Order—

- (a) any order made or judgment given by a court of a designated country purporting to bear the seal of that court, or to be signed by any person in his capacity as a judge, magistrate or officer of the court, shall be deemed without further proof to have been duly sealed or, as the case may be, to have been signed by that person, and
- (b) a document, duly authenticated, which purports to be a copy of any order made or judgment given by a court of a designated country shall be deemed without further proof to be a true copy.

(2) A document purporting to be a copy of any order made or judgment given by a court of a designated country is duly authenticated for the purposes of paragraph (1)(b) above if it purports to be certified by any person in his capacity as a judge, magistrate or officer of the court in question or by, or on behalf of, the appropriate authority of the designated country.

Evidence in relation to proceedings and orders in a designated country

6.—(1) The following provisions of this article have effect for the purposes of this Order.

(2) A certificate purporting to be issued by or on behalf of the appropriate authority of a designated country stating—

- (a) that proceedings have been instituted and have not been concluded, or that proceedings are to be instituted, there,
- (b) that an external order is in force and is not subject to appeal,
- (c) that property recoverable in the designated country under an external order remains unrecovered there,
- (d) that any person has been notified of any proceedings in accordance with the law of the designated country, or
- (e) that an order (however described) made by a court of a designated country is an external order, or that an order, if made by a court of a designated country, would be an external order,

shall be admissible as evidence or, for the purposes of Part III of this Order, constitute sufficient evidence, of the facts so stated.

(3) A statement contained in a document, duly authenticated, which purports to have been received in evidence or to be a copy of a document so received, or to set out or summarise evidence

given in proceedings in a court of a designated country, shall be admissible as evidence or, for the purposes of Part III of this Order, constitute sufficient evidence, of any fact stated therein.

(4) A document is duly authenticated for the purposes of paragraph (3) above if it purports to be certified by any person in his capacity as judge, magistrate or officer of the court of a designated country, or by or on behalf of the appropriate authority of the designated country, to have been received in evidence or to be a copy of a document so received, or, as the case may be, to be the original document containing or summarising the evidence or a true copy of that document.