

SCHEDULE

Article 3

MODIFICATIONS TO THE CODE OF PRACTICE MADE
UNDER SCHEDULE 14 TO THE TERRORISM ACT 2000

1. In the heading, for “UNDER THE TERRORISM ACT 2000”, substitute “ ACTING UNDER SCHEDULE 1 TO THE ANTI-TERRORISM, CRIME AND SECURITY ACT 2001 ”.
2. In paragraph 1 for “Part III of the Terrorism Act 2000”, substitute “ Schedule 1 to the Anti-terrorism, Crime and Security Act 2001”.
3. In paragraph 2—
 - (a) for “Section 24 of”, substitute “paragraph 19(1) of Schedule 1 to”;
 - (b) for “Part III of”, substitute “Schedule 1 to”;
 - (c) for both references to “police officer”, substitute “constable ”;
 - (d) delete “under the Act or any other legislation”;
 - (e) before “the Drug Trafficking Act 1994”, insert “Part 2 of”; and
 - (f) delete “because the cash directly or indirectly represents proceeds from drug trafficking, even though it may also be cash which would be liable to seizure under Section 25 of the Act”.
4. In paragraph 3—
 - (a) for “Section 24(2) of”, substitute “paragraph 1 of Schedule 1 to ”;
 - (b) delete the definition of “port”.
5. In paragraph 4, after “ports”, insert “(within the meaning of Schedule 7 to the Terrorism Act 2000)”.
6. In paragraph 5, delete “police” where it occurs for the first time.
7. In paragraph 6—
 - (a) for “1971 or”, substitute “1971,”; and
 - (b) after “1979” insert “or the Police and Criminal Evidence Act 1984 ”.
8. For paragraph 8 substitute:

“8. Under Schedule 1 to the Act an authorised officer may seize and detain cash (for up to 48 hours) where he/she has reasonable grounds for suspecting that the cash—

 - (a) — is intended to be used for the purposes of terrorism;
 - consists of resources of a proscribed organisation;
 - is or represents property obtained by or in return for acts of terrorism or acts carried out for the purposes of terrorism (although this is subject to the exceptions set out at paragraph 16 of Schedule 1 to the Act);
 - AND

(b) the cash is found at any place in the United Kingdom.”.
9. Delete paragraphs 9 and 10 and renumber accordingly.
10. In paragraph 14, for “Section 25 of”, substitute “paragraph 1(1) of Schedule 1 to”.
11. In paragraph 16, for “travellers cheques, bank notes or postal orders ”, substitute “postal orders, ordinary cheques, travellers' cheques, bankers' drafts, bearer bonds or bearer shares”.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

12. In paragraph 20, after the first reference to “authorised officer”, insert “or the Commissioners for Customs and Excise”.

13. In paragraph 21—

- (a) for “Section 27(1) of” substitute “paragraph 4 of Schedule 1 to ”; and
- (b) for “accounts for each cash seizure should be opened” substitute “ records for each cash seizure deposit should be kept”.

14. In paragraph 22—

- (a) delete “*and where no application for forfeiture has been made to and is under consideration by a court*”;
- (b) after the first sentence, insert “But this does not apply where an application for forfeiture had been made and not concluded, where an application has been made under paragraph 9 of Schedule 1 to the Act by a person who claims to be a victim and not concluded or where criminal proceedings have been commenced in connection with the cash and not concluded, whether in the United Kingdom or elsewhere.”;
- (c) delete “(although authorised officers should bear in mind that, notwithstanding the lack of any forfeiture proceedings, the cash cannot be released while other proceedings, whether in the United Kingdom or elsewhere, which relate to the cash have not been concluded)”;
- (d) after “detained cash is”, insert “ to be”; and
- (e) for “has been released”, substitute “is to be released”.

15. In paragraph 24—

- (a) for “section 28 of”, substitute “paragraph 6 of Schedule 1 to”;
- (b) for “is of the kind mentioned in Section 25(1)(a), (b) or (c) of the Act and that section 25(3) applies”, substitute “is cash to which Schedule 1 to the Act applies”;
- (c) for “procurator fiscal”, substitute “Scottish Ministers”.

16. In paragraph 25—

- (a) for “police officer”, substitute “constable”;
- (b) for “Section 27 of”, substitute “paragraph 4 of Schedule 1 to”;
- (c) for “Section 26”, substitute “paragraph 3(2) of Schedule 1 to the Act”.

17. In the heading to the Annex, for “**SECTION 25 OF THE TERRORISM ACT 2000**”, substitute “**PARAGRAPH 2 OF SCHEDULE 1 TO THE ANTI-TERRORISM, CRIME AND SECURITY ACT 2001**”.

18. In the first paragraph to the Annex—

- (a) for “section 25 of the Terrorism Act 2000”, substitute “paragraph 2 of Schedule 1 to the Anti-terrorism, Crime and Security Act 2001”; and
- (b) for “travellers' cheques*/bankers' drafts*”, substitute “cheques*/travellers' cheques*/bankers' drafts*/bearer bonds*/bearer shares*”.

19. In the second paragraph to the Annex, for “section 26 of the Terrorism Act”, substitute “paragraph 3 of Schedule 1 to the Anti-terrorism, Crime and Security Act 2001”.

20. In the third paragraph to the Annex, for “*by an authorised officer (a constable, customs officer or immigration officer)”, substitute “ by a constable*/customs officer*/immigration officer*/the Commissioners for Customs and Excise*”.

21. In the acknowledgement clause of the Annex, for “travellers' cheques*/bankers' drafts*”, substitute “cheques*/travellers' cheques*/bankers' drafts*/bearer bonds*/bearer shares*”.