
STATUTORY INSTRUMENTS

2006 No. 2952

The Al-Qaida and Taliban (United Nations Measures) Order 2006

PART 4

Miscellaneous

Evidence and information

12. Schedule 1 (which contains further provisions about evidence and information) has effect.

Penalties

13.—(1) A person guilty of an offence under article 7, 8, or 10 is liable—

- (a) on conviction on indictment, to imprisonment for a term not exceeding seven years or to a fine or to both;
- (b) on summary conviction—
 - (i) in England and Wales, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum or to both;
 - (ii) in Scotland or Northern Ireland, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum or to both.

(2) A person guilty of an offence under article 6 or 11 or paragraph 4(b) or (d) of Schedule 1 is liable—

- (a) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both;
- (b) on summary conviction—
 - (i) in England and Wales, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum or to both;
 - (ii) in Scotland or Northern Ireland, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum or to both.

(3) A person guilty of an offence under paragraph 2(3) or 4(a) or (c) of Schedule 1 is liable on summary conviction—

- (a) in England and Wales, to imprisonment for a period not exceeding 51 weeks or to a fine not exceeding level 5 on the standard scale or to both;
- (b) in Scotland or Northern Ireland, to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale or to both.

(4) If an offence under this Order committed by a body corporate is shown—

- (a) to have been committed with the consent or connivance of an officer of the body corporate,
or

(b) to be attributable to any neglect on his part,
the officer as well as the body corporate is guilty of the offence and is liable to be proceeded against and punished accordingly.

Proceedings

14.—(1) Proceedings against any person for an offence may be taken before the appropriate court in the United Kingdom having jurisdiction in the place where that person is for the time being.

(2) In England and Wales, summary proceedings for an offence may be tried by a magistrates' court if any information is laid—

- (a) before the end of 12 months from the date on which evidence sufficient in the opinion of the prosecutor to justify the proceedings came to his knowledge, but
- (b) not later than three years from the commission of the offence.

(3) In Scotland—

- (a) summary proceedings for an offence may be commenced—
 - (i) before the end of 12 months from the date on which evidence sufficient in the Lord Advocate's opinion to justify the proceedings came to his knowledge, but
 - (ii) not later than three years from the commission of the offence; and
- (b) section 136(3) of the Criminal Procedure (Scotland) Act 1995⁽¹⁾ (time limit for certain offences) applies for the purpose of this paragraph as it applies for the purpose of that section.

(4) In Northern Ireland, summary proceedings for an offence may be instituted—

- (a) before the end of 12 months from the date on which evidence sufficient in the opinion of the prosecutor to justify the proceedings came to his knowledge, but
- (b) not later than three years from the commission of the offence.

(5) For the purposes of this article—

- (a) a certificate signed by or on behalf of the prosecutor or the Lord Advocate as to the date on which such evidence as is referred to in paragraphs (2) to (4) came to his knowledge is conclusive evidence of that fact, and
- (b) a certificate purporting to be so signed is presumed to be so signed unless the contrary is proved.

(6) In Scotland, where a constable reasonably believes that a person has committed or is committing an offence, he may arrest that person without a warrant.

(7) In Northern Ireland, article 26 of the Police and Criminal Evidence (Northern Ireland) Order 1989⁽²⁾ (arrest without warrant for arrestable offences) applies to an offence which is not an arrestable offence by virtue of the term of imprisonment for which a person may be sentenced in respect of it, as if it were mentioned in paragraph (2) of that article.

(8) No proceedings for an offence, other than for a summary offence, may be instituted in England, Wales or Northern Ireland except with the consent of the Treasury or the Attorney General or, as the case may be, the Attorney General for Northern Ireland.

(9) Whether or not such consent has been given, paragraph (8) does not prevent—

- (a) the arrest of any person in respect of an offence, or
- (b) the remand in custody or on bail of any person charged with an offence.

(1) 1995 c.46.

(2) S.I. 1989/1341 (N.I. 12), to which there are amendments not relevant to this Order.

(10) In this article, “offence” means an offence under this Order.

Notices

15.—(1) This article has effect in relation to any notice to be given to a person by the Treasury under article 5(1)(b) or 11(4)(a).

(2) Any such notice may be given—

(a) by posting it to his last known address; or

(b) where the person is a body corporate, by posting it to the registered or principal office of the body corporate.

(3) Where the Treasury do not have an address for the person, they must make arrangements for the notice to be given to him at the first available opportunity.

Functions of the Treasury

16.—(1) The Treasury may, to such extent and subject to such restrictions and conditions as they may think proper, delegate or authorise the delegation of any of their functions under this Order to any person or description of persons.

(2) References in this Order to the Treasury are to be construed accordingly.

Postponement etc. of the operation of the Security Council Resolutions

17.—(1) If the Security Council of the United Nations takes any decision which has the effect of postponing, suspending or cancelling the operation of the Security Council Resolutions, in whole or in part, this Order shall cease to have effect or its operation shall be postponed or suspended, in whole or in part as the case may be, in accordance with that decision.

(2) The Secretary of State must publish particulars of the decision in a notice in the London, Edinburgh and Belfast Gazettes.

The Crown

18.—(1) This Order binds the Crown, subject to the following provisions of this article.

(2) No contravention by the Crown of a provision of this Order makes the Crown criminally liable; but the High Court or in Scotland the Court of Session may, on the application of a person appearing to the Court to have an interest, declare unlawful any act or omission of the Crown which constitutes such a contravention.

(3) Nothing in this article affects Her Majesty in her private capacity; and this is to be construed as if section 38(3) of the Crown Proceedings Act 1947(3) (meaning of Her Majesty in her private capacity) were contained in this Order.

Transitional provisions

19.—(1) In relation to an offence under article 6, 7, 8, 10 or 11 or paragraph 4(b) or (d) of Schedule 1 committed before the commencement of section 282 of the Criminal Justice Act 2003(4) (increase in maximum term that may be imposed on summary conviction of offence triable either way), the references in article 13(1)(b)(i) and (2)(b)(i) to 12 months shall have effect as if they were references to six months.

(3) 1947 c.44.

(4) 2003 c.44.

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

(2) In relation to an offence under paragraph 2(3) or 4(a) or (c) of Schedule 1 committed before the commencement of section 281(4) and (5) of the Criminal Justice Act 2003 (alteration of penalties for certain summary offences), the reference in article 13(3)(a) to 51 weeks shall have effect as if it were a reference to six months.

Amendments, revocation and saving provision

20.—(1) Subject to paragraph (2), the instruments mentioned in Schedule 2 are amended or revoked as set out in that Schedule.

(2) Where a direction made by the Treasury under article 8 of the 2002 Order had effect immediately before the coming into force of this Order, the instruments mentioned in Schedule 2 continue to apply for the purposes of that direction as if they had not been amended by paragraph (1).

(3) Where a licence granted by the Treasury under article 7 of the 2002 Order in respect of a person designated by the Sanctions Committee had effect immediately before the coming into force of this Order, the licence shall continue to apply as if it had been granted under article 11 of this Order.