
DRAFT STATUTORY INSTRUMENTS

2019 No.

**The Law Enforcement and Security
(Amendment) (EU Exit) Regulations 2019**

PART 3

Counter-Terrorism

Amendment of the Terrorism Act 2000

5.—(1) The Terrorism Act 2000⁽¹⁾ is amended as follows.

(2) In section 21E⁽²⁾ (disclosures within an undertaking or group etc), in subsections (2)(b) and (4)(b), for “an EEA State” substitute “the United Kingdom or an EEA state”.

(3) In section 21F^{(2)(c)}⁽³⁾ (other permitted disclosures between institutions etc), for “an EEA State” substitute “the United Kingdom or an EEA state”.

(4) In section 123(2)(i) (orders and regulations), for “paragraphs 11A, 25A, 41A and” substitute “paragraph”.

(5) In Schedule 3A⁽⁴⁾ (regulated sector and supervisory authorities), in paragraph 1 (business in the regulated sector)—

(a) for sub-paragraph (1)(c), substitute—

“(c) the carrying on of activities by an authorised person (within the meaning of section 31 of the Financial Services and Markets Act 2000) who has permission under Part 4A of that Act to carry out or effect contracts of insurance, where those activities consist of carrying out or effecting contracts of long-term insurance;”;

(b) in sub-paragraph (1)(d), for “(other than a person falling within Article 2 of the Markets in Financial Instruments Directive)” substitute “(other than a person falling within one of the exclusions to the definition of “investment firm” in article 3(1) of the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001 (S.I. 2001/544))”;

(c) in sub-paragraph (1)(g), for “an EEA State” substitute “the United Kingdom”;

(d) in sub-paragraph (2)(b), for “an EEA state” substitute “the United Kingdom”;

(e) after sub-paragraph (2) insert—

“(2A) For the purposes of sub-paragraph (1)(c), “contract of long-term insurance” means any contract falling within Part 2 of Schedule 1 to the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001 (S.I. 2001/544).”;

(f) for sub-paragraph (5) substitute—

(1) 2000 c. 11.

(2) Section 21E was inserted by S.I. 2007/3398.

(3) Section 21F was inserted by S.I. 2007/3398.

(4) Schedule 3A was inserted by paragraph 6 of Schedule 2 to the Anti-terrorism, Crime and Security Act 2001 (c. 24).

- “(5) For the purposes of sub-paragraph (4)(d) “regulated market” has the meaning given by regulation 3(1) (general interpretation) of the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 (S.I. 2017/692).”;
- (g) omit sub-paragraph (6).
- (6) In Schedule 4 (forfeiture orders)—
- (a) omit paragraphs 11A to 11G, 25A to 25G and 41A to 41G⁽⁵⁾ (domestic and overseas freezing orders);
 - (b) in paragraph 14(2) (enforcement of orders made in designated countries), omit “(other than an overseas freezing order within the meaning of paragraph 11D)”;
 - (c) in paragraph 28(2) (enforcement of orders made in designated countries), omit “(other than an overseas freezing order within the meaning of paragraph 25D)”;
 - (d) in paragraph 44(2) (enforcement of orders made in designated countries), omit “(other than an overseas freezing order within the meaning of paragraph 41D)”;
 - (e) in paragraph 45 (general), in the definition of “restraint order”, in paragraph (c) omit “or an order which is enforceable in England and Wales, Scotland or Northern Ireland by virtue of paragraph 11G, 25G or 41G”.
- (7) In Schedule 6 (financial information), in paragraph 6 (financial institution)—
- (a) in sub-paragraph (1), for sub-paragraphs (ha) and (i) substitute—
 - “(ha) an electronic money institution within the meaning of the Electronic Money Regulations 2011 (S.I. 2011/99) (see regulation 2(1)), and
 - (i) an authorised person (within the meaning of section 31 of the Financial Services and Markets Act 2000) who has permission under Part 4A of that Act to carry out or effect contracts of insurance, when carrying out or effecting any contract of long-term insurance.”;
 - (b) after sub-paragraph (1A)(6) insert—

“(1AA) For the purposes of sub-paragraph (1)(i), “contract of long-term insurance” means any contract falling within Part 2 of Schedule 1 to the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001 (S.I. 2001/544).”.
- (8) In Schedule 8A(7) (offence under section 58A: supplementary provisions)—
- (a) in paragraph 1 (introduction), omit sub-paragraph (2);
 - (b) omit paragraph 2 (domestic service providers: extension of liability);
 - (c) in paragraph 3(1) (non-UK service providers: restriction on proceedings) omit “other than the United Kingdom”;
 - (d) in paragraph 7 (interpretation)—
 - (i) in sub-paragraph (1), insert in the relevant place—

““the E-Commerce Directive” means [Directive 2000/31/EC](#) of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce in the Internal Market⁽⁸⁾.”;
 - (ii) in sub-paragraph (2)—

(5) Paragraphs 11A to 11G, 25A to 25G and 41A to 41G were inserted by paragraphs 3, 5 and 7 of Schedule 4 to the Crime (International Co-operation) Act 2003 (c. 32).

(6) Sub-paragraph (1A) was inserted by paragraph 6(3) of Schedule 2 to the Anti-terrorism, Crime and Security Act 2001 (c. 24).

(7) Schedule 8A was inserted by Schedule 8 to the Counter-Terrorism Act 2008 (c. 28).

(8) O.J. L 178/1, 17.7.2000.

- (aa) in the words before paragraph (a), for “the United Kingdom, or in some other EEA state,” substitute “an EEA state”;
- (bb) in paragraph (a), for “the United Kingdom, or in a particular EEA state,” substitute “a particular EEA state”;
- (cc) in sub-paragraph (i) of paragraph (a), for “the United Kingdom, or that EEA state,” substitute “that EEA state”.

Transitional provision in relation to amendment of Schedule 4 to the Terrorism Act 2000

6. Regulation 5(4) and (6) does not apply in relation to a case where, before commencement day, any of the following has occurred—

- (a) the High Court has made a certificate under paragraph 11B(2) or 41B(2) of Schedule 4 to the Terrorism Act 2000 (domestic freezing orders: certification);
- (b) the Secretary of State has received an overseas freezing order under paragraph 11D, 25D or 41D of that Schedule (overseas freezing orders), or
- (c) the Court of Session has made a certificate under paragraph 25B(2) of that Schedule (domestic freezing orders: certification).

Amendment of the Electronic Commerce Directive (Terrorism Act 2006) Regulations 2007

7.—(1) The Electronic Commerce Directive (Terrorism Act 2006) Regulations 2007(9) are amended as follows.

- (2) Omit regulation 3 (internal market: UK service providers).
- (3) In regulation 4 (internal market: non-UK service providers)—
 - (a) in paragraph (5), omit “and” at the end of paragraph (a) and omit paragraph (b);
 - (b) in paragraph (6), omit “and” at the end of paragraph (a) and omit paragraph (b);
 - (c) in paragraph (8)—
 - (i) omit paragraph (a);
 - (ii) in paragraph (b) omit “other than the United Kingdom”.