



# Terrorism Act 2000

## 2000 CHAPTER 11

### PART III

#### TERRORIST PROPERTY

##### *Interpretation*

#### **14 Terrorist property.**

- (1) In this Act “terrorist property” means—
- (a) money or other property which is likely to be used for the purposes of terrorism (including any resources of a proscribed organisation),
  - (b) proceeds of the commission of acts of terrorism, and
  - (c) proceeds of acts carried out for the purposes of terrorism.
- (2) In subsection (1)—
- (a) a reference to proceeds of an act includes a reference to any property which wholly or partly, and directly or indirectly, represents the proceeds of the act (including payments or other rewards in connection with its commission), and
  - (b) the reference to an organisation’s resources includes a reference to any money or other property which is applied or made available, or is to be applied or made available, for use by the organisation.

##### *Offences*

#### **15 Fund-raising.**

- (1) A person commits an offence if he—
- (a) invites another to provide money or other property, and
  - (b) intends that it should be used, or has reasonable cause to suspect that it may be used, for the purposes of terrorism.

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- (2) A person commits an offence if he—
- (a) receives money or other property, and
  - (b) intends that it should be used, or has reasonable cause to suspect that it may be used, for the purposes of terrorism.
- (3) A person commits an offence if he—
- (a) provides money or other property, and
  - (b) knows or has reasonable cause to suspect that it will or may be used for the purposes of terrorism.
- (4) In this section a reference to the provision of money or other property is a reference to its being given, lent or otherwise made available, whether or not for consideration.

**Modifications etc. (not altering text)**

C1 S. 15 applied (19.2.2001) by [S.I. 2001/192, reg. 3](#)

**16 Use and possession.**

- (1) A person commits an offence if he uses money or other property for the purposes of terrorism.
- (2) A person commits an offence if he—
- (a) possesses money or other property, and
  - (b) intends that it should be used, or has reasonable cause to suspect that it may be used, for the purposes of terrorism.

**Modifications etc. (not altering text)**

C2 S. 16 applied (19.2.2001) by [S.I. 2001/192, reg. 3](#)

**17 Funding arrangements.**

A person commits an offence if—

- (a) he enters into or becomes concerned in an arrangement as a result of which money or other property is made available or is to be made available to another, and
- (b) he knows or has reasonable cause to suspect that it will or may be used for the purposes of terrorism.

**Modifications etc. (not altering text)**

C3 S. 17 applied (19.2.2001) by [S.I. 2001/192, reg. 3](#)

**[<sup>F1</sup>17A Insurance against payments made in response to terrorist demands**

- (1) The insurer under an insurance contract commits an offence if—
- (a) the insurer makes a payment under the contract, or purportedly under it,

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- (b) the payment is made in respect of any money or other property that has been, or is to be, handed over in response to a demand made wholly or partly for the purposes of terrorism, and
  - (c) the insurer or the person authorising the payment on the insurer's behalf knows or has reasonable cause to suspect that the money or other property has been, or is to be, handed over in response to such a demand.
- (2) If an offence under this section committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—
- (a) a director, manager, secretary or other similar officer of the body corporate, or
  - (b) any person who was purporting to act in any such capacity,
- that person, as well as the body corporate, is guilty of the offence and liable to be proceeded against and punished accordingly.
- (3) The reference in subsection (2) to a director, in relation to a body corporate whose affairs are managed by its members, is a reference to a member of the body corporate.
- (4) If an offence under this section is committed by a Scottish partnership and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—
- (a) a partner, or
  - (b) any person who was purporting to act in that capacity,
- that person, as well as the partnership, is guilty of the offence and liable to be proceeded against and punished accordingly.
- (5) In this section “insurance contract” means a contract under which one party accepts significant insurance risk from another party (“the policyholder”) by agreeing to compensate the policyholder if a specified uncertain future event adversely affects the policyholder.]

#### Textual Amendments

- F1** S. 17A inserted (12.2.2015) by [Counter-Terrorism and Security Act 2015 \(c. 6\)](#), **ss. 42(1), 52(5)** (with [s. 42\(3\)\(4\)](#))

## 18 Money laundering.

- (1) A person commits an offence if he enters into or becomes concerned in an arrangement which facilitates the retention or control by or on behalf of another person of terrorist property—
- (a) by concealment,
  - (b) by removal from the jurisdiction,
  - (c) by transfer to nominees, or
  - (d) in any other way.
- (2) It is a defence for a person charged with an offence under subsection (1) to prove that he did not know and had no reasonable cause to suspect that the arrangement related to terrorist property.

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**Modifications etc. (not altering text)**

C4 S. 18 applied (19.2.2001) by S.I. 2001/192, reg. 3

**19 Disclosure of information: duty.**

- (1) This section applies where a person—
- (a) believes or suspects that another person has committed an offence under any of sections 15 to 18, and
  - (b) bases his belief or suspicion on information which [<sup>F2</sup>comes to his attention—
    - (i) in the course of a trade, profession or business, or
    - (ii) in the course of his employment (whether or not in the course of a trade, profession or business).]

[<sup>F3</sup>(1A) But this section does not apply if the information came to the person in the course of a business in the regulated sector.]

- (2) The person commits an offence if he does not disclose to a constable as soon as is reasonably practicable—
- (a) his belief or suspicion, and
  - (b) the information on which it is based.
- (3) It is a defence for a person charged with an offence under subsection (2) to prove that he had a reasonable excuse for not making the disclosure.
- (4) Where—
- (a) a person is in employment,
  - (b) his employer has established a procedure for the making of disclosures of the matters specified in subsection (2), and
  - (c) he is charged with an offence under that subsection,
- it is a defence for him to prove that he disclosed the matters specified in that subsection in accordance with the procedure.
- (5) Subsection (2) does not require disclosure by a professional legal adviser of—
- (a) information which he obtains in privileged circumstances, or
  - (b) a belief or suspicion based on information which he obtains in privileged circumstances.
- (6) For the purpose of subsection (5) information is obtained by an adviser in privileged circumstances if it comes to him, otherwise than with a view to furthering a criminal purpose—
- (a) from a client or a client's representative, in connection with the provision of legal advice by the adviser to the client,
  - (b) from a person seeking legal advice from the adviser, or from the person's representative, or
  - (c) from any person, for the purpose of actual or contemplated legal proceedings.
- (7) For the purposes of subsection (1)(a) a person shall be treated as having committed an offence under one of sections 15 to 18 if—
- (a) he has taken an action or been in possession of a thing, and

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- (b) he would have committed an offence under one of those sections if he had been in the United Kingdom at the time when he took the action or was in possession of the thing.

[<sup>F4</sup>(7A) The reference to a business in the regulated sector must be construed in accordance with Schedule 3A.

(7B) The reference to a constable includes a reference to a [<sup>F5</sup>National Crime Agency officer] authorised for the purposes of this section by the Director General of [<sup>F6</sup>that Agency].]

- (8) A person guilty of an offence under this section shall be liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding five years, to a fine or to both, or
- (b) on summary conviction, to imprisonment for a term not exceeding six months, or to a fine not exceeding the statutory maximum or to both.

#### Textual Amendments

- F2** Words in s. 19(1)(b) substituted (16.2.2009) by Counter-Terrorism Act 2008 (c. 28), **ss. 77(2), 100** (with s. 101(2)); S.I. 2009/58, **art. 2(e)**
- F3** S. 19(1A) inserted (20.12.2001) by 2001 c. 24, s. 3, **Sch. 2 Pt. 3 para. 5(3)**; S.I. 2001/4019, **art. 2(1)(c)**
- F4** S. 19(7A)(7B) inserted (20.12.2001) by 2001 c. 24, s. 3, **Sch. 2 Pt. 3 para. 5(4)**; S.I. 2001/4019, **art. 2(1)(c)**
- F5** Words in s. 19(7B) substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 8 para. 68**; S.I. 2013/1682, **art. 3(v)**
- F6** Words in s. 19(7B) substituted (1.4.2006 subject to art. 4(2)-(7) of the commencing S.I.) by Serious Organised Crime and Police Act 2005 (c. 15), s. 59, **Sch. 4 para. 126(b)**; S.I. 2006/378, **art. 4(1)**, Sch.

#### Modifications etc. (not altering text)

- C5** S. 19 applied (19.2.2001) by S.I. 2001/192, **reg. 3**  
S. 19 restricted (19.2.2001) by S.I. 2001/192, **reg. 4**
- C6** S. 19(2) modified (16.2.2009) by Counter-Terrorism Act 2008 (c. 28), **ss. 77(4), 100** (with s. 101(2)); S.I. 2009/58, **art. 2(e)**

## 20 Disclosure of information: permission.

- (1) A person may disclose to a constable—
- (a) a suspicion or belief that any money or other property is terrorist property or is derived from terrorist property;
- (b) any matter on which the suspicion or belief is based.
- (2) A person may make a disclosure to a constable in the circumstances mentioned in section 19(1) and (2).
- (3) Subsections (1) and (2) shall have effect notwithstanding any restriction on the disclosure of information imposed by statute or otherwise.
- (4) Where—
- (a) a person is in employment, and
- (b) his employer has established a procedure for the making of disclosures of the kinds mentioned in subsection (1) and section 19(2),

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subsections (1) and (2) shall have effect in relation to that person as if any reference to disclosure to a constable included a reference to disclosure in accordance with the procedure.

[<sup>F7</sup>(5) References to a constable include references to a [<sup>F8</sup>National Crime Agency officer] authorised for the purposes of this section by the Director General of [<sup>F9</sup>that Agency].]

#### Textual Amendments

**F7** S. 20(5) inserted (20.12.2001) by 2001 c. 24, s. 3, **Sch. 2 Pt. 3 para. 5(5)**; S.I. 2001/4019, **art. 2(1)(c)**

**F8** Words in s. 20(5) substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 8 para. 69**; S.I. 2013/1682, **art. 3(v)**

**F9** Words in s. 20(5) substituted (1.4.2006 subject to art. 4(2)-(7) of the commencing S.I.) by Serious Organised Crime and Police Act 2005 (c. 15), s. 59, **Sch. 4 para. 127(b)**; S.I. 2006/378, **art. 4(1)**, **Sch.**

#### Modifications etc. (not altering text)

**C7** S. 20 applied (19.2.2001) by S.I. 2001/192, **reg. 3**

## 21 Cooperation with police.

- (1) A person does not commit an offence under any of sections 15 to 18 if he is acting with the express consent of a constable.
- (2) Subject to subsections (3) and (4), a person does not commit an offence under any of sections 15 to 18 by involvement in a transaction or arrangement relating to money or other property if he discloses to a constable—
  - (a) his suspicion or belief that the money or other property is terrorist property, and
  - (b) the information on which his suspicion or belief is based.
- (3) Subsection (2) applies only where a person makes a disclosure—
  - (a) after he becomes concerned in the transaction concerned,
  - (b) on his own initiative, and
  - (c) as soon as is reasonably practicable.
- (4) Subsection (2) does not apply to a person if—
  - (a) a constable forbids him to continue his involvement in the transaction or arrangement to which the disclosure relates, and
  - (b) he continues his involvement.
- (5) It is a defence for a person charged with an offence under any of sections 15(2) and (3) and 16 to 18 to prove that—
  - (a) he intended to make a disclosure of the kind mentioned in subsections (2) and (3), and
  - (b) there is reasonable excuse for his failure to do so.
- (6) Where—
  - (a) a person is in employment, and
  - (b) his employer has established a procedure for the making of disclosures of the same kind as may be made to a constable under subsection (2),

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this section shall have effect in relation to that person as if any reference to disclosure to a constable included a reference to disclosure in accordance with the procedure.

- (7) A reference in this section to a transaction or arrangement relating to money or other property includes a reference to use or possession.

**Modifications etc. (not altering text)**

**C8** S. 21 applied (19.2.2001) by [S.I. 2001/192](#), [reg. 3](#)

**C9** S. 21(3) modified (16.2.2009) by [Counter-Terrorism Act 2008 \(c. 28\)](#), [ss. 77\(4\), 100\(5\)](#) (with [s. 101\(2\)](#)); [S.I. 2009/58](#), [art. 2\(e\)](#)

**[<sup>F10</sup>21ZA Arrangements with prior consent**

- (1) A person does not commit an offence under any of sections 15 to 18 by involvement in a transaction or an arrangement relating to money or other property if, before becoming involved, the person—
- discloses to an authorised officer the person's suspicion or belief that the money or other property is terrorist property and the information on which the suspicion or belief is based, and
  - has the authorised officer's consent to becoming involved in the transaction or arrangement.
- (2) A person is treated as having an authorised officer's consent if before the end of the notice period the person does not receive notice from an authorised officer that consent is refused.
- (3) The notice period is the period of 7 working days starting with the first working day after the person makes the disclosure.
- (4) A working day is a day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day that is a bank holiday under the Banking and Financial Dealings Act 1971 (c.80) in the part of the United Kingdom in which the person is when making the disclosure.
- (5) In this section “ authorised officer ” means a [<sup>F11</sup>National Crime Agency officer] authorised for the purposes of this section by the Director General of that Agency.
- (6) The reference in this section to a transaction or arrangement relating to money or other property includes a reference to use or possession.

**Textual Amendments**

**F10** Ss. 21ZA-21ZC inserted (26.12.2007) by [The Terrorism Act 2000 and Proceeds of Crime Act 2002 \(Amendment\) Regulations 2007 \(S.I. 2007/3398\)](#), [reg. 2](#), [Sch. 1 para. 2](#)

**F11** Words in s. 21ZA(5) substituted (7.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), [s. 61\(2\)](#), [Sch. 8 para. 70](#); [S.I. 2013/1682](#), [art. 3\(v\)](#)

**21ZB Disclosure after entering into arrangements**

- (1) A person does not commit an offence under any of sections 15 to 18 by involvement in a transaction or an arrangement relating to money or other property if, after becoming involved, the person discloses to an authorised officer—

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- (a) the person's suspicion or belief that the money or other property is terrorist property, and
  - (b) the information on which the suspicion or belief is based.
- (2) This section applies only where—
- (a) there is a reasonable excuse for the person's failure to make the disclosure before becoming involved in the transaction or arrangement, and
  - (b) the disclosure is made on the person's own initiative and as soon as it is reasonably practicable for the person to make it.
- (3) This section does not apply to a person if—
- (a) an authorised officer forbids the person to continue involvement in the transaction or arrangement to which the disclosure relates, and
  - (b) the person continues that involvement.
- (4) In this section “ authorised officer ” means a [<sup>F12</sup>National Crime Agency officer] authorised for the purposes of this section by the Director General of that Agency.
- (5) The reference in this section to a transaction or arrangement relating to money or other property includes a reference to use or possession.

#### Textual Amendments

- F10** Ss. 21ZA-21ZC inserted (26.12.2007) by [The Terrorism Act 2000 and Proceeds of Crime Act 2002 \(Amendment\) Regulations 2007 \(S.I. 2007/3398\)](#), reg. 2, **Sch. 1 para. 2**
- F12** Words in s. 21ZB(4) substituted (7.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), **Sch. 8 para. 71**; S.I. 2013/1682, art. 3(v)

### 21ZC Reasonable excuse for failure to disclose

It is a defence for a person charged with an offence under any of sections 15 to 18 to prove that—

- (a) the person intended to make a disclosure of the kind mentioned in section 21ZA or 21ZB, and
- (b) there is a reasonable excuse for the person's failure to do so.]

#### Textual Amendments

- F10** Ss. 21ZA-21ZC inserted (26.12.2007) by [The Terrorism Act 2000 and Proceeds of Crime Act 2002 \(Amendment\) Regulations 2007 \(S.I. 2007/3398\)](#), reg. 2, **Sch. 1 para. 2**

### [<sup>F13</sup>21A Failure to disclose: regulated sector

- (1) A person commits an offence if each of the following three conditions is satisfied.
- (2) The first condition is that he—
- (a) knows or suspects, or
  - (b) has reasonable grounds for knowing or suspecting,
- that another person has committed [<sup>F14</sup>or attempted to commit] an offence under any of sections 15 to 18.



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- (3) The second condition is that the information or other matter—
  - (a) on which his knowledge or suspicion is based, or
  - (b) which gives reasonable grounds for such knowledge or suspicion, came to him in the course of a business in the regulated sector.
- (4) The third condition is that he does not disclose the information or other matter to a constable or a nominated officer as soon as is practicable after it comes to him.
- (5) But a person does not commit an offence under this section if—
  - (a) he has a reasonable excuse for not disclosing the information or other matter;
  - (b) he is a professional legal adviser [<sup>F15</sup>or relevant professional adviser] and the information or other matter came to him in privileged circumstances [<sup>F16</sup>; or
  - (c) subsection (5A) applies to him.]

[ This subsection applies to a person if—

- <sup>F17</sup>(5A)
  - (a) the person is employed by, or is in partnership with, a professional legal adviser or relevant professional adviser to provide the adviser with assistance or support,
  - (b) the information or other matter comes to the person in connection with the provision of such assistance or support, and
  - (c) the information or other matter came to the adviser in privileged circumstances.]

- (6) In deciding whether a person committed an offence under this section the court must consider whether he followed any relevant guidance which was at the time concerned—
  - (a) issued by a supervisory authority or any other appropriate body,
  - (b) approved by the Treasury, and
  - (c) published in a manner it approved as appropriate in its opinion to bring the guidance to the attention of persons likely to be affected by it.
- (7) A disclosure to a nominated officer is a disclosure which—
  - (a) is made to a person nominated by the alleged offender’s employer to receive disclosures under this section, and
  - (b) is made in the course of the alleged offender’s employment and in accordance with the procedure established by the employer for the purpose.
- (8) Information or other matter comes to a professional legal adviser [<sup>F18</sup>or relevant professional adviser] in privileged circumstances if it is communicated or given to him—
  - (a) by (or by a representative of) a client of his in connection with the giving by the adviser of legal advice to the client,
  - (b) by (or by a representative of) a person seeking legal advice from the adviser, or
  - (c) by a person in connection with legal proceedings or contemplated legal proceedings.
- (9) But subsection (8) does not apply to information or other matter which is communicated or given with a view to furthering a criminal purpose.
- (10) Schedule 3A has effect for the purpose of determining what is—
  - (a) a business in the regulated sector;
  - (b) a supervisory authority.

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- (11) For the purposes of subsection (2) a person is to be taken to have committed an offence there mentioned if—
- (a) he has taken an action or been in possession of a thing, and
  - (b) he would have committed the offence if he had been in the United Kingdom at the time when he took the action or was in possession of the thing.
- (12) A person guilty of an offence under this section is liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding five years or to a fine or to both;
  - (b) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum or to both.
- (13) An appropriate body is any body which regulates or is representative of any trade, profession, business or employment carried on by the alleged offender.
- (14) The reference to a constable includes a reference to a [<sup>F19</sup>National Crime Agency officer] authorised for the purposes of this section by the Director General of [<sup>F20</sup>that Agency].
- [ In this section “ relevant professional adviser ” means an accountant, auditor or tax
- <sup>F21</sup>(15) adviser who is a member of a professional body which is established for accountants, auditors or tax advisers (as the case may be) and which makes provision for—
- (a) testing the competence of those seeking admission to membership of such a body as a condition for such admission; and
  - (b) imposing and maintaining professional and ethical standards for its members, as well as imposing sanctions for non-compliance with those standards.]]

#### Textual Amendments

- F13** S. 21A inserted (20.12.2001) by 2001 c. 24, s. 3, **Sch. 2 Pt. 3 para. 5(2)**; S.I. 2001/4019, **art. 2(1)(c)**
- F14** Words in s. 21A(2) inserted (26.12.2007) by The Terrorism Act 2000 and Proceeds of Crime Act 2002 (Amendment) Regulations 2007 (S.I. 2007/3398), reg. 2, **Sch. 1 para. 3(2)**
- F15** Words in s. 21A(5)(b) inserted (26.12.2007) by The Terrorism Act 2000 and Proceeds of Crime Act 2002 (Amendment) Regulations 2007 (S.I. 2007/3398), reg. 2, **Sch. 1 para. 3(3)(a)**
- F16** S. 21A(5)(c) and word inserted (26.12.2007) by The Terrorism Act 2000 and Proceeds of Crime Act 2002 (Amendment) Regulations 2007 (S.I. 2007/3398), reg. 2, **Sch. 1 para. 3(3)(b)**
- F17** S. 21A(5A) inserted (26.12.2007) by The Terrorism Act 2000 and Proceeds of Crime Act 2002 (Amendment) Regulations 2007 (S.I. 2007/3398), reg. 2, **Sch. 1 para. 3(4)**
- F18** Words in s. 21A(8) inserted (26.12.2007) by The Terrorism Act 2000 and Proceeds of Crime Act 2002 (Amendment) Regulations 2007 (S.I. 2007/3398), reg. 2, **Sch. 1 para. 3(5)**
- F19** Words in s. 21A(14) substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 8 para. 72**; S.I. 2013/1682, art. 3(v)
- F20** Words in s. 21A(14) substituted (1.4.2006 subject to art. 4(2)-(7) of the commencing S.I.) by Serious Organised Crime and Police Act 2005 (c. 15), s. 59, **Sch. 4 para. 128(b)**; S.I. 2006/378, **art. 4(1)**, Sch.
- F21** S. 21A(15) inserted (26.12.2007) by The Terrorism Act 2000 and Proceeds of Crime Act 2002 (Amendment) Regulations 2007 (S.I. 2007/3398), reg. 2, **Sch. 1 para. 3(6)**

#### Modifications etc. (not altering text)

- C10** S. 21A(4) modified (16.2.2009) by Counter-Terrorism Act 2008 (c. 28), **ss. 77(4)**, 100(5) (with s. 101(2)); S.I. 2009/58, **art. 2(e)**

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## [<sup>F22</sup>21B Protected disclosures

- (1) A disclosure which satisfies the following three conditions is not to be taken to breach any restriction on the disclosure of information (however imposed).
- (2) The first condition is that the information or other matter disclosed came to the person making the disclosure (the discloser) in the course of a business in the regulated sector.
- (3) The second condition is that the information or other matter—
  - (a) causes the discloser to know or suspect, or
  - (b) gives him reasonable grounds for knowing or suspecting,that another person has committed [<sup>F23</sup>or attempted to commit] an offence under any of sections 15 to 18.
- (4) The third condition is that the disclosure is made to a constable or a nominated officer as soon as is practicable after the information or other matter comes to the discloser.
- (5) A disclosure to a nominated officer is a disclosure which—
  - (a) is made to a person nominated by the discloser's employer to receive disclosures under this section, and
  - (b) is made in the course of the discloser's employment and in accordance with the procedure established by the employer for the purpose.
- (6) The reference to a business in the regulated sector must be construed in accordance with Schedule 3A.
- (7) The reference to a constable includes a reference to a [<sup>F24</sup>National Crime Agency officer] authorised for the purposes of this section by the Director General of [<sup>F25</sup>that Agency].]

### Textual Amendments

- F22** S. 21B inserted (20.12.2001) by 2001 c. 24, s. 3, **Sch. 2 Pt. 3 para. 5(2)**; S.I. 2001/4019, **art. 2(1)(c)**
- F23** Words in s. 21B(3) inserted (26.12.2007) by **The Terrorism Act 2000 and Proceeds of Crime Act 2002 (Amendment) Regulations 2007** (S.I. 2007/3398), reg. 2, **Sch. 1 para. 4**
- F24** Words in s. 21B(7) substituted (7.10.2013) by **Crime and Courts Act 2013** (c. 22), s. 61(2), **Sch. 8 para. 73**; S.I. 2013/1682, art. 3(v)
- F25** Words in s. 21B(7) substituted (1.4.2006 subject to art. 4(2)-(7) of the commencing S.I.) by **Serious Organised Crime and Police Act 2005** (c. 15), s. 59, **Sch. 4 para. 129(b)**; S.I. 2006/378, **art. 4(1)**, Sch.

## [<sup>F26</sup>21C Disclosures to [<sup>F27</sup> the National Crime Agency]

- (1) Where a disclosure is made under a provision of this Part to a constable, the constable must disclose it in full as soon as practicable after it has been made to a [<sup>F28</sup>National Crime Agency officer] authorised for the purposes of that provision by the Director General of that Agency.
- (2) Where a disclosure is made under section 21 (cooperation with police) to a constable, the constable must disclose it in full as soon as practicable after it has been made to a [<sup>F28</sup>National Crime Agency officer] authorised for the purposes of this subsection by the Director General of that Agency.

*Status: Point in time view as at 26/10/2023.*

*Changes to legislation: Terrorism Act 2000, Part III is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

### Textual Amendments

- F26** Ss. 21C-21H inserted (26.12.2007) by [The Terrorism Act 2000 and Proceeds of Crime Act 2002 \(Amendment\) Regulations 2007 \(S.I. 2007/3398\)](#), reg. 2, **Sch. 1 para. 5**
- F27** Words in s. 21C title substituted (7.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), **Sch. 8 para. 74(2)**; S.I. 2013/1682, art. 3(v)
- F28** Words in s. 21C(1)(2) substituted (7.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), **Sch. 8 para. 74(3)**; S.I. 2013/1682, art. 3(v)

### Voluntary disclosures within the regulated sector

<sup>F29</sup>21CA

- (1) A person (A) may disclose information to one or more other persons if—
- (a) conditions 1 to 4 are met, and
  - (b) where applicable, condition 5 is also met.
- (2) Condition 1 is that—
- (a) A is carrying on a business in the regulated sector as a relevant undertaking,
  - (b) the information on which the disclosure is based came to A in the course of carrying on that business, and
  - (c) the person to whom the information is to be disclosed (or each of them, where the disclosure is to more than one person) is also carrying on a business in the regulated sector as a relevant undertaking (whether or not of the same kind as A).
- (3) Condition 2 is that—
- (a) a constable has requested A to make the disclosure, or
  - (b) the person to whom the information is to be disclosed (or at least one of them, where the disclosure is to more than one person) has requested A to do so.
- (4) Condition 3 is that, before A makes the disclosure, the required notification has been made to a constable (see section [21CB\(5\)](#) to [\(7\)](#)).
- (5) Condition 4 is that A is satisfied that the disclosure of the information will or may assist in determining any matter in connection with—
- (a) a suspicion that a person is involved in the commission of a terrorist financing offence, or
  - (b) the identification of terrorist property or of its movement or use.
- (6) Condition 5 is that, before making the disclosure request, the person making the request (or at least one of them, where the request is made by more than one person) has notified a constable that the request is to be made.
- (7) Condition 5 does not apply where the disclosure request concerned is made by a constable.
- (8) A person may disclose information to A for the purposes of making a disclosure request if, and to the extent that, the person has reason to believe that A has in A's possession information that will or may assist in determining any matter of the kind mentioned in paragraph (a) or (b) of subsection [\(5\)](#).

*Status: Point in time view as at 26/10/2023.*

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### Textual Amendments

- F26** Ss. 21C-21H inserted (26.12.2007) by [The Terrorism Act 2000 and Proceeds of Crime Act 2002 \(Amendment\) Regulations 2007 \(S.I. 2007/3398\)](#), reg. 2, [Sch. 1 para. 5](#)
- F29** Ss. 21CA-21CF inserted (27.4.2017 for specified purposes, 31.10.2017 for specified purposes) by [Criminal Finances Act 2017 \(c. 22\)](#), [ss. 36](#), 58(1)(6); S.I. 2017/991, reg. 2(f); S.I. 2017/1028, reg. 2(b)

## 21CB Section 21CA: disclosure requests and notifications

- (1) A disclosure request must—
  - (a) state that it is made in connection with—
    - (i) a suspicion that a person is involved in the commission of a terrorist financing offence, or
    - (ii) the identification of terrorist property or of its movement or use,
  - (b) identify the person or property (so far as known),
  - (c) describe the information that is sought from A, and
  - (d) specify the person or persons to whom it is requested that the information is disclosed.
- (2) Subsections (3) and (4) apply where the disclosure request is made by a person mentioned in section 21CA(3)(b).
- (3) If the request states that it is made in connection with a suspicion that a person is involved in the commission of a terrorist financing offence, the request must also—
  - (a) set out the grounds for the suspicion, or
  - (b) provide such other information as the person making the request thinks appropriate for the purposes of enabling A to determine whether the information requested ought to be disclosed under section 21CA.
- (4) If the request states that it is made in connection with the identification of terrorist property or of its movement or use, the request must also provide such other information as the person making the request thinks appropriate for the purposes of enabling A to determine whether the information requested ought to be disclosed under section 21CA.
- (5) A required notification for the purposes of section 21CA(4) must be made—
  - (a) in the case of a disclosure request made by a constable, by the person who is to disclose information under section 21CA as a result of the request;
  - (b) in the case of a disclosure request made by a person mentioned in section 21CA(3)(b), by the person who made the request.
- (6) In a case within subsection (5)(a), the required notification must state that information is to be disclosed under section 21CA.
- (7) In a case within subsection (5)(b), the required notification must—
  - (a) state that a disclosure request has been made;
  - (b) specify the person to whom the request was made;
  - (c) where the disclosure request to which the notification relates is made in connection with a suspicion of a person's involvement in the commission of a terrorist financing offence, identify the person (so far as known);

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- (d) where the disclosure request to which the notification relates is made in connection with the identification of terrorist property or of its movement or use, identify the property and the person who holds it (if known).
- (8) A notification for the purposes of condition 5 in subsection (6) of section 21CA must—
- (a) state that a disclosure request is to be made;
  - (b) specify the person to whom it is to be made;
  - (c) describe the information to be sought in the request;
  - (d) explain why the request is being made.

#### Textual Amendments

- F26** Ss. 21C-21H inserted (26.12.2007) by [The Terrorism Act 2000 and Proceeds of Crime Act 2002 \(Amendment\) Regulations 2007 \(S.I. 2007/3398\)](#), reg. 2, [Sch. 1 para. 5](#)
- F29** Ss. 21CA-21CF inserted (27.4.2017 for specified purposes, 31.10.2017 for specified purposes) by [Criminal Finances Act 2017 \(c. 22\)](#), [ss. 36](#), 58(1)(6); S.I. 2017/991, reg. 2(f); S.I. 2017/1028, reg. 2(b)

### 21CC Section 21CA: effect on disclosures under section 21A

- (1) This section applies if in any proceedings a question arises as to whether the required disclosure has been made—
- (a) by a person (A) who discloses information under section 21CA(1) as a result of a disclosure request,
  - (b) by a person (B) who makes a required notification in accordance with section 21CB(5)(b), or
  - (c) by any other person (C) to whom A discloses information under section 21CA(1) as a result of that request.
- (2) The making of a required notification in good faith is to be treated as satisfying any requirement to make the required disclosure on the part of A, B and C.
- This is subject to section 21CD(1) to (8).
- (3) The making of a joint disclosure report in good faith is to be treated as satisfying any requirement to make the required disclosure on the part of the persons who jointly make the report.
- This is subject to section 21CD(10).
- (4) A joint disclosure report is a report to a constable that—
- (a) is made jointly by A and B (whether or not also jointly with other persons to whom A discloses information under section 21CA(1)),
  - (b) satisfies the requirements as to content mentioned in subsection (5) or (as the case may be) subsection (6),
  - (c) is prepared after the making of a disclosure by A to B under section 21CA(1) in connection with—
    - (i) a suspicion of a person’s involvement in the commission of a terrorist financing offence, or
    - (ii) the identification of terrorist property or of its movement or use, and
  - (d) is sent to the constable before the end of the applicable period.

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- (5) In the case of a joint disclosure report prepared in connection with a suspicion of a person's involvement in the commission of a terrorist financing offence, the requirements as to content are that the report must—
- (a) explain the extent to which there are continuing grounds to suspect that the person is involved in the commission of the offence,
  - (b) identify the person (if known),
  - (c) set out the grounds for the suspicion, and
  - (d) provide any other information relevant to the matter.
- (6) In the case of a joint disclosure report prepared in connection with the identification of terrorist property or of its movement or use, the requirements as to content are that the report must—
- (a) explain the extent to which there are continuing grounds to suspect that the property is terrorist property,
  - (b) identify the property and the person who holds it (if known),
  - (c) provide details of its movement or use (if known), and
  - (d) provide any other information relevant to the matter.
- (7) The applicable period is—
- (a) in a case where the disclosure under section 21CA was made as a result of a request from a constable by virtue of subsection (3)(a) of that section, whatever period may be specified by the constable when making the request;
  - (b) in a case where the disclosure was made as a result of a request from another person by virtue of subsection (3)(b) of that section, the period of 28 days beginning with the day on which the notification is made for the purposes of condition 3 in section 21CA(4).
- (8) A constable may vary the period of 28 days (whether by lengthening or shortening it) by giving written notice to the person who made the required notification.
- (9) A joint disclosure report must be—
- (a) approved by the nominated officer of each person that jointly makes the report, and
  - (b) signed by the nominated officer on behalf of each such person.
- If there is no nominated officer the report must be approved and signed by another senior officer.
- (10) References in this section to A, B or C include—
- (a) a nominated officer acting on behalf of A, B or C, and
  - (b) any other person who is an employee, officer or partner of A, B or C.

#### Textual Amendments

- F26** Ss. 21C-21H inserted (26.12.2007) by [The Terrorism Act 2000 and Proceeds of Crime Act 2002 \(Amendment\) Regulations 2007 \(S.I. 2007/3398\)](#), reg. 2, [Sch. 1 para. 5](#)
- F29** Ss. 21CA-21CF inserted (27.4.2017 for specified purposes, 31.10.2017 for specified purposes) by [Criminal Finances Act 2017 \(c. 22\)](#), [ss. 36, 58\(1\)\(6\)](#); [S.I. 2017/991](#), reg. 2(f); [S.I. 2017/1028](#), reg. 2(b)

*Status: Point in time view as at 26/10/2023.*

*Changes to legislation: Terrorism Act 2000, Part III is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## **21CD Limitations on application of section 21CC(2) and (3)**

- (1) Subsections (2) and (3) apply in a case where the required notification is made by A (notification made as a result of disclosure request received from a constable).
- (2) Section 21CC(2) has effect in the case of A, B or C only so far as relating to—
  - (a) the suspicion in connection with which the required notification is made, and
  - (b) matters known, suspected or believed as a result of the making of the disclosure request concerned.
- (3) Accordingly, section 21CC(2) does not remove any requirement to make the required disclosure in relation to anything known, suspected or believed that does not result only from the making of the disclosure request.
- (4) Subsections (5) to (8) apply in a case where the required notification is made by B (notification made as a result of disclosure request received from another undertaking in the regulated sector).
- (5) Section 21CC(2) has effect in the case of A or C only so far as relating to—
  - (a) the suspicion in connection with which the notification by B is made, and
  - (b) matters known, suspected or believed by A or C as a result of the making of that notification.
- (6) Accordingly, section 21CC(2) does not remove any requirement to make the required disclosure in relation to anything known, suspected or believed that does not result only from the making of the notification.
- (7) Section 21CC(2) has effect in the case of B only so far as relating to—
  - (a) the suspicion in connection with which the notification is made, and
  - (b) matters known, suspected or believed by B at the time of the making of the notification.
- (8) If a joint disclosure report is not made before the end of the applicable period (whether the required notification was made by A or B), section 21CC(2)—
  - (a) has effect only so far as relating to any requirement to make the required disclosure that would have otherwise arisen within that period, and
  - (b) does not remove a requirement to make the required disclosure so far as arising after the end of that period on the part of any person in respect of matters that may become known, suspected or believed by the person after the time when the required notification was made.
- (9) If a joint disclosure report is not made before the end of the applicable period, the person who made the required notification must notify a constable that a report is not being made as soon as reasonably practicable after the period ends.
- (10) Section 21CC(3) has effect only so far as relating to—
  - (a) the suspicion in connection with which the report is made, and
  - (b) matters known, suspected or believed at the time of the making of the report.
- (11) Terms used in this section have the same meanings as in section 21CC.

### **Textual Amendments**

**F26** Ss. 21C-21H inserted (26.12.2007) by [The Terrorism Act 2000 and Proceeds of Crime Act 2002 \(Amendment\) Regulations 2007 \(S.I. 2007/3398\)](#), reg. 2, [Sch. 1 para. 5](#)



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**F29** Ss. 21CA-21CF inserted (27.4.2017 for specified purposes, 31.10.2017 for specified purposes) by [Criminal Finances Act 2017 \(c. 22\)](#), **ss. 36**, 58(1)(6); S.I. 2017/991, [reg. 2\(f\)](#); S.I. 2017/1028, [reg. 2\(b\)](#)

## **21CE Section 21CA: supplementary**

- (1) A relevant disclosure made in good faith does not breach—
  - (a) an obligation of confidence owed by the person making the disclosure, or
  - (b) any other restriction on the disclosure of information,however imposed.
- (2) But a relevant disclosure may not include information obtained from a UK law enforcement agency unless that agency consents to the disclosure.
- (3) In a case where a person is acting on behalf of another (“the undertaking”) as a nominated officer—
  - (a) a relevant disclosure by the undertaking must be made by the nominated officer on behalf of the undertaking, and
  - (b) a relevant disclosure to the undertaking must be made to that officer.
- (4) Subsection (1) applies whether or not the conditions in section 21CA were met in respect of the disclosure if the person making the disclosure did so in the reasonable belief that the conditions were met.
- (5) In this section—
  - “relevant disclosure” means any disclosure made in compliance, or intended compliance, with section 21CA;
  - “UK law enforcement agency” means—
    - (a) the National Crime Agency;
    - (b) a police force in England, Scotland, Northern Ireland or Wales;
    - (c) any other person operating in England, Scotland, Northern Ireland or Wales charged with the duty of preventing, detecting, investigating or prosecuting offences.

### **Textual Amendments**

- F26** Ss. 21C-21H inserted (26.12.2007) by [The Terrorism Act 2000 and Proceeds of Crime Act 2002 \(Amendment\) Regulations 2007 \(S.I. 2007/3398\)](#), [reg. 2](#), [Sch. 1 para. 5](#)
- F29** Ss. 21CA-21CF inserted (27.4.2017 for specified purposes, 31.10.2017 for specified purposes) by [Criminal Finances Act 2017 \(c. 22\)](#), **ss. 36**, 58(1)(6); S.I. 2017/991, [reg. 2\(f\)](#); S.I. 2017/1028, [reg. 2\(b\)](#)

## **21CF Sections 21CA to 21CE: interpretation**

- (1) This section applies for the purposes of sections [21CA](#) to [21CE](#).
- (2) References to a constable include references to a National Crime Agency officer authorised for those purposes by the Director General of that Agency.
- (3) References to a business in the regulated sector are to be construed in accordance with [Schedule 3A](#).
- (4) “Disclosure request” means a request made for the purposes of condition 2 in section [21CA\(3\)](#).

*Status: Point in time view as at 26/10/2023.*

*Changes to legislation: Terrorism Act 2000, Part III is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (5) “Nominated officer” means a person nominated to receive disclosures under section 21A.
- (6) “Relevant undertaking” means any of the following—
- (a) a credit institution;
  - (b) a financial institution;
  - (c) a professional legal adviser;
  - (d) a relevant professional adviser;
  - (e) other persons (not within paragraphs (a) to (d)) whose business consists of activities listed in paragraph 1(1) of Schedule 3A.
- (7) “Required disclosure” means a disclosure that is made—
- (a) to a constable in connection with a suspicion that a person is involved in the commission of a terrorist financing offence, and
  - (b) for the purposes of avoiding the commission of an offence under section 21A by virtue of not satisfying the third condition in subsection (4) of that section.
- (8) “Required notification” means a notification made for the purposes of condition 3 in section 21CA(4).
- (9) For the purposes of subsection (6)—
- (a) “credit institution” has the same meaning as in Schedule 3A;
  - (b) “financial institution” means an undertaking that carries on a business in the regulated sector by virtue of any of paragraphs (b) to (i) of paragraph 1(1) of that Schedule;
  - (c) “relevant professional adviser” has the meaning given by section 21H(5).
- (10) “Terrorist financing offence” means an offence under any of sections 15 to 18.]

#### Textual Amendments

- F26** Ss. 21C-21H inserted (26.12.2007) by [The Terrorism Act 2000 and Proceeds of Crime Act 2002 \(Amendment\) Regulations 2007 \(S.I. 2007/3398\)](#), reg. 2, [Sch. 1 para. 5](#)
- F29** Ss. 21CA-21CF inserted (27.4.2017 for specified purposes, 31.10.2017 for specified purposes) by [Criminal Finances Act 2017 \(c. 22\)](#), [ss. 36](#), 58(1)(6); [S.I. 2017/991](#), reg. 2(f); [S.I. 2017/1028](#), reg. 2(b)

## 21D Tipping off: regulated sector

- (1) A person commits an offence if—
- (a) the person discloses any matter within subsection (2);
  - (b) the disclosure is likely to prejudice any investigation that might be conducted following the disclosure referred to in that subsection; and
  - (c) the information on which the disclosure is based came to the person in the course of a business in the regulated sector.
- (2) The matters are that the person or another person has made a disclosure under a provision of this Part—
- (a) to a constable,
  - (b) in accordance with a procedure established by that person's employer for the making of disclosures under that provision,

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- (c) to a nominated officer, or
  - (d) to a [<sup>F30</sup>National Crime Agency officer] authorised for the purposes of that provision by the Director General of that Agency,
- of information that came to that person in the course of a business in the regulated sector.
- (3) A person commits an offence if—
    - (a) the person discloses that an investigation into allegations that an offence under this Part has been committed is being contemplated or is being carried out;
    - (b) the disclosure is likely to prejudice that investigation; and
    - (c) the information on which the disclosure is based came to the person in the course of a business in the regulated sector.
  - (4) A person guilty of an offence under this section is liable—
    - (a) on summary conviction to imprisonment for a term not exceeding three months, or to a fine not exceeding level 5 on the standard scale, or to both;
    - (b) on conviction on indictment to imprisonment for a term not exceeding two years, or to a fine, or to both.
  - (5) This section is subject to—
    - (a) section 21E (disclosures within an undertaking or group etc),
    - (b) section 21F (other permitted disclosures between institutions etc), and
    - (c) section 21G (other permitted disclosures etc).

#### Textual Amendments

**F26** Ss. 21C-21H inserted (26.12.2007) by [The Terrorism Act 2000 and Proceeds of Crime Act 2002 \(Amendment\) Regulations 2007 \(S.I. 2007/3398\)](#), reg. 2, [Sch. 1 para. 5](#)

**F30** Words in s. 21D(2)(d) substituted (7.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 8 para. 75](#); [S.I. 2013/1682](#), art. 3(v)

#### 21E Disclosures within an undertaking or group etc

- (1) An employee, officer or partner of an undertaking does not commit an offence under section 21D if the disclosure is to an employee, officer or partner of the same undertaking.
- (2) A person does not commit an offence under section 21D in respect of a disclosure by a credit institution or a financial institution if—
  - (a) the disclosure is to a credit institution or a financial institution,
  - (b) the institution to whom the disclosure is made is situated in [<sup>F31</sup>the United Kingdom or an EEA state] or in a country or territory imposing equivalent money laundering requirements, and
  - (c) both the institution making the disclosure and the institution to whom it is made belong to the same group.
- (3) In subsection (2) “ group ” has the same meaning as in Directive [2002/87/EC](#) of the European Parliament and of the Council of 16<sup>th</sup> December 2002 <sup>F32</sup> on the supplementary supervision of credit institutions, insurance undertakings and investment firms in a financial conglomerate.

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- (4) A professional legal adviser or a relevant professional adviser does not commit an offence under section 21D if—
- (a) the disclosure is to a professional legal adviser or a relevant professional adviser,
  - (b) both the person making the disclosure and the person to whom it is made carry on business in [<sup>F33</sup>the United Kingdom or an EEA state] or in a country or territory imposing equivalent money laundering requirements, and
  - (c) those persons perform their professional activities within different undertakings that share common ownership, management or control.

#### Textual Amendments

- F26** Ss. 21C-21H inserted (26.12.2007) by [The Terrorism Act 2000 and Proceeds of Crime Act 2002 \(Amendment\) Regulations 2007 \(S.I. 2007/3398\)](#), reg. 2, [Sch. 1 para. 5](#)
- F31** Words in s. 21E(2)(b) substituted (31.12.2020) by [The Law Enforcement and Security \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/742\)](#), regs. 1, [5\(2\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F32** OJ L 35, 11.2.2003, p.1.
- F33** Words in s. 21E(4)(b) substituted (31.12.2020) by [The Law Enforcement and Security \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/742\)](#), regs. 1, [5\(2\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

#### 21F Other permitted disclosures between institutions etc

- (1) This section applies to a disclosure—
- (a) by a credit institution to another credit institution,
  - (b) by a financial institution to another financial institution,
  - (c) by a professional legal adviser to another professional legal adviser, or
  - (d) by a relevant professional adviser of a particular kind to another relevant professional adviser of the same kind.
- (2) A person does not commit an offence under section 21D in respect of a disclosure to which this section applies if—
- (a) the disclosure relates to—
    - (i) a client or former client of the institution or adviser making the disclosure and the institution or adviser to whom it is made,
    - (ii) a transaction involving them both, or
    - (iii) the provision of a service involving them both;
  - (b) the disclosure is for the purpose only of preventing an offence under this Part of this Act;
  - (c) the institution or adviser to whom the disclosure is made is situated in [<sup>F34</sup>the United Kingdom or an EEA state] or in a country or territory imposing equivalent money laundering requirements; and
  - (d) the institution or adviser making the disclosure and the institution or adviser to whom it is made are subject to equivalent duties of professional confidentiality and the protection of personal data [<sup>F35</sup>(within the meaning of Parts 5 to 7 of the Data Protection Act 2018 (see section 3(2) and (14) of that Act)) ].

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### Textual Amendments

- F26** Ss. 21C-21H inserted (26.12.2007) by [The Terrorism Act 2000 and Proceeds of Crime Act 2002 \(Amendment\) Regulations 2007 \(S.I. 2007/3398\)](#), reg. 2, **Sch. 1 para. 5**
- F34** Words in s. 21F(2)(c) substituted (31.12.2020) by [The Law Enforcement and Security \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/742\)](#), regs. 1, **5(3)**; 2020 c. 1, Sch. 5 para. 1(1)
- F35** Words in s. 21F(2)(d) substituted (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), **Sch. 19 para. 54** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)

## 21G Other permitted disclosures etc

- (1) A person does not commit an offence under section 21D if the disclosure is—
- (a) to the authority that is the supervisory authority for that person by virtue of [<sup>F36</sup>the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017]; <sup>F37</sup>...
  - <sup>F38</sup>[ made in good faith by virtue of section 21CA (disclosures within the regulated (aa) sector); or]
  - (b) for the purpose of—
    - (i) the detection, investigation or prosecution of a criminal offence (whether in the United Kingdom or elsewhere),
    - (ii) an investigation under the Proceeds of Crime Act 2002<sup>M1</sup>, or
    - (iii) the enforcement of any order of a court under that Act.
- (2) A professional legal adviser or a relevant professional adviser does not commit an offence under section 21D if the disclosure—
- (a) is to the adviser's client, and
  - (b) is made for the purpose of dissuading the client from engaging in conduct amounting to an offence.
- (3) A person does not commit an offence under section 21D(1) if the person does not know or suspect that the disclosure is likely to have the effect mentioned in section 21D(1)(b).
- (4) A person does not commit an offence under section 21D(3) if the person does not know or suspect that the disclosure is likely to have the effect mentioned in section 21D(3)(b).

### Textual Amendments

- F26** Ss. 21C-21H inserted (26.12.2007) by [The Terrorism Act 2000 and Proceeds of Crime Act 2002 \(Amendment\) Regulations 2007 \(S.I. 2007/3398\)](#), reg. 2, **Sch. 1 para. 5**
- F36** Words in s. 21G(1)(a) substituted (26.6.2017) by [The Money Laundering, Terrorist Financing and Transfer of Funds \(Information on the Payer\) Regulations 2017 \(S.I. 2017/692\)](#), reg. 1(2), **Sch. 7 para. 4(2)** (with regs. 8, 15)
- F37** Word in s. 21G(a) omitted (27.4.2017 for specified purposes, 31.10.2017 in so far as not already in force) by virtue of [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(5)(6), **Sch. 5 para. 10(a)**; S.I. 2017/991, reg. 2(o)
- F38** S. 21G(aa) inserted (27.4.2017 for specified purposes, 31.10.2017 in so far as not already in force) by virtue of [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(5)(6), **Sch. 5 para. 10(b)**; S.I. 2017/991, reg. 2(o)

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### Marginal Citations

**M1** 2002 c.29.

## 21H Interpretation of sections 21D to 21G

- (1) The references in sections 21D to 21G—
  - (a) to a business in the regulated sector, and
  - (b) to a supervisory authority,
 are to be construed in accordance with Schedule 3A.
- (2) In those sections—
  - “credit institution” has the same meaning as in Schedule 3A;
  - “financial institution” means an undertaking that carries on a business in the regulated sector by virtue of any of paragraphs (b) to (i) of paragraph 1(1) of that Schedule.
- (3) References in those sections to a disclosure by or to a credit institution or a financial institution include disclosure by or to an employee, officer or partner of the institution acting on its behalf.
- (4) For the purposes of those sections a country or territory imposes “equivalent money laundering requirements” if it imposes requirements equivalent to those laid down in [F39 Directive 2015/849/EU of the European Parliament and of the Council of 20th May 2015] on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing[F40], as amended by Directive 2018/843 of the European Parliament and of the Council of 30th May 2018].
- (5) In those sections “relevant professional adviser” means an accountant, auditor or tax adviser who is a member of a professional body which is established for accountants, auditors or tax advisers (as the case may be) and which makes provision for—
  - (a) testing the competence of those seeking admission to membership of such a body as a condition for such admission; and
  - (b) imposing and maintaining professional and ethical standards for its members, as well as imposing sanctions for non-compliance with those standards.]

### Textual Amendments

- F26** Ss. 21C-21H inserted (26.12.2007) by [The Terrorism Act 2000 and Proceeds of Crime Act 2002 \(Amendment\) Regulations 2007 \(S.I. 2007/3398\)](#), reg. 2, **Sch. 1 para. 5**
- F39** Words in s. 21H(4) substituted (26.6.2017) by [The Money Laundering, Terrorist Financing and Transfer of Funds \(Information on the Payer\) Regulations 2017 \(S.I. 2017/692\)](#), reg. 1(2), **Sch. 7 para. 4(3)** (with regs. 8, 15)
- F40** Words in s. 21H(4) inserted (10.1.2020) by [The Money Laundering and Terrorist Financing \(Amendment\) Regulations 2019 \(S.I. 2019/1511\)](#), regs. 1(2), **14(2)**

## 22 Penalties.

- A person guilty of an offence under any of sections 15 to 18 shall be liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding 14 years, to a fine or to both, or

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- (b) on summary conviction, to imprisonment for a term not exceeding six months, to a fine not exceeding the statutory maximum or to both.

**Modifications etc. (not altering text)**

C11 S. 22 applied (19.2.2001) by S.I. 2001/192, reg. 3

**[<sup>F41</sup>22A Meaning of “employment”**

In sections 19 to 21B—

- (a) “employment” means any employment (whether paid or unpaid) and includes—
- (i) work under a contract for services or as an office-holder,
  - (ii) work experience provided pursuant to a training course or programme or in the course of training for employment, and
  - (iii) voluntary work;
- (b) “employer” has a corresponding meaning.]

**Textual Amendments**

F41 S. 22A inserted (16.2.2009) by Counter-Terrorism Act 2008 (c. 28), ss. 77(3)(4), 100(5) (with s. 101(2)); S.I. 2009/58, art. 2(e)

*[<sup>F42</sup>[<sup>F43</sup>Further information]][<sup>F43</sup>Information] orders*

**Textual Amendments**

- F42 Ss. 22B-22E and cross-heading inserted (27.4.2017 for specified purposes, 31.10.2017 in so far as not already in force) by Criminal Finances Act 2017 (c. 22), ss. 37, 58(1)(6); S.I. 2017/991, reg. 2(g) (with reg. 3(3))
- F43 Word in s. 22B cross-heading substituted (26.10.2023 for specified purposes) by Economic Crime and Corporate Transparency Act 2023 (c. 56), ss. 186(15)(a), 219(1)(2)(b)

**22B [<sup>F44</sup>Further information][<sup>F44</sup>Information] orders**

- (1) A magistrates’ court or (in Scotland) the sheriff may, on an application made by a law enforcement officer, make [<sup>F45</sup>a further][<sup>F45</sup>an] information order if satisfied that either condition 1 or condition 2 is met.

[ A magistrates’ court or (in Scotland) the sheriff may, on an application made—

<sup>F46</sup>(1A) (a) in the case of a magistrates’ court, by the Director General of the National Crime Agency or an authorised NCA officer, and

(b) in the case of the sheriff, by a procurator fiscal,

make an information order if satisfied that either condition 3 or condition 4 is met.]

- (2) The application must—
- (a) specify or describe the information sought under the order, and
  - (b) specify the person from whom the information is sought (“the respondent”).

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- (3) [<sup>F47</sup>A further][<sup>F47</sup>An] information order is an order requiring the respondent to provide—
- (a) the information specified or described in the application for the order, or
  - (b) such other information as the court or sheriff making the order thinks appropriate,
- so far as the information is in the possession, or under the control, of the respondent.
- (4) Condition 1 for the making of [<sup>F48</sup>a further][<sup>F48</sup>an] information order is met if—
- (a) the information required to be given under the order would relate to a matter arising from a disclosure made under section 21A,
  - (b) the respondent is the person who made the disclosure or is otherwise carrying on a business in the regulated sector,
  - (c) the information would assist in—
    - (i) investigating whether a person is involved in the commission of an offence under any of sections 15 to 18 or in determining whether an investigation of that kind should be started, or
    - (ii) identifying terrorist property or its movement or use, and
  - (d) it is reasonable in all the circumstances for the information to be provided.
- (5) Condition 2 for the making of [<sup>F49</sup>a further][<sup>F49</sup>an] information order is met if—
- (a) the information required to be given under the order would relate to a matter arising from a disclosure made under a corresponding disclosure requirement,
  - (b) an external request has been made to the National Crime Agency for the provision of information in connection with that disclosure,
  - (c) the respondent is carrying on a business in the regulated sector,
  - (d) the information is likely to be of substantial value to the authority that made the external request in determining any matter in connection with the disclosure, and
  - (e) it is reasonable in all the circumstances for the information to be provided.
- (6) For the purposes of subsection (5), “external request” means a request made by an authority of a foreign country which has responsibility in that country for carrying out investigations into whether a corresponding terrorist financing offence has been committed.
- [ Condition 3 for the making of an information order is met if—
- <sup>F50</sup>(6A) (a) the information would assist an authorised NCA officer to conduct—
- (i) operational analysis of information that is relevant to terrorist financing or suspected terrorist financing, or
  - (ii) strategic analysis identifying trends or patterns in the conduct of terrorist financing, or systemic deficiencies or vulnerabilities which have been, are being or are likely to be, exploited for the purposes of terrorist financing,
- for the purposes of the criminal intelligence function of the National Crime Agency so far as it relates to terrorist financing,
- (b) the respondent is a person carrying on a business in the regulated sector,
  - (c) where the application for the order is made to a magistrates’ court, the person making the application has had regard to the code of practice under section 22F,
  - (d) where the application for the order is made to the sheriff—



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- (i) the application is made by a procurator fiscal at the request of the Director General of the National Crime Agency or an authorised NCA officer, and
    - (ii) the person making that request has had regard to the code of practice under section 22F, and
  - (e) it is reasonable in all the circumstances for the information to be provided.
- (6B) Condition 4 for the making of an information order is met if—
  - (a) a request has been made by a foreign FIU to the National Crime Agency for the provision of the information required to be given under the order,
  - (b) an authorised NCA officer has reasonable grounds to believe that the request was made only for the purpose of assisting the foreign FIU to conduct one or both of the following—
    - (i) operational analysis of information that is relevant to terrorist financing or suspected terrorist financing, or
    - (ii) strategic analysis identifying trends or patterns in the conduct of terrorist financing, or systematic deficiencies or vulnerabilities which have been, are being or are likely to be, exploited for the purposes of terrorist financing,and that the information is likely to be of substantial value to the foreign FIU in carrying out such analysis,
  - (c) the provision of the information by the National Crime Agency to the foreign FIU would be for the purposes of the criminal intelligence function of the National Crime Agency, so far as it relates to terrorist financing,
  - (d) the respondent is a person carrying on a business in the regulated sector,
  - (e) where the application for the order is made to a magistrates' court, the person making the application has had regard to the code of practice under section 22F,
  - (f) where the application for the order is made to the sheriff—
    - (i) the application is made by a procurator fiscal at the request of the Director General of the National Crime Agency or an authorised NCA officer, and
    - (ii) the person making that request has had regard to the code of practice under section 22F, and
  - (g) it is reasonable in all the circumstances for the information to be provided.]
- (7) [<sup>F51</sup>A further][<sup>F51</sup>An] information order must specify—
  - (a) how the information required under the order is to be provided, and
  - (b) the date by which it is to be provided.
- (8) If a person fails to comply with [<sup>F52</sup>a further][<sup>F52</sup>an] information order made by a magistrates' court, the magistrates' court may order the person to pay an amount not exceeding £5,000.
- (9) The sum mentioned in subsection (8) is to be treated as adjudged to be paid by a conviction of the court for the purposes of the Magistrates' Courts Act 1980 or (as the case may be) the Magistrates' Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I. 26)).
- (10) In order to take account of changes in the value of money the Secretary of State may by regulations made by statutory instrument substitute another sum for the sum for the time being specified in subsection (8).

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- (11) A statutory instrument containing regulations under subsection (10) is subject to annulment in pursuance of a resolution of either House of Parliament.
- (12) A law enforcement officer who is a constable, a National Crime Agency officer or a counter-terrorism financial investigator may not make an application under this section [<sup>F53</sup>in reliance on Condition 1 or 2] unless the officer is a senior law enforcement officer or is authorised to do so by a senior law enforcement officer.
- (13) Schedule 3A has effect for the purposes of this section in determining what is a business in the regulated sector.
- (14) In this section—
- <sup>F54</sup>“authorised NCA officer” means an officer of the National Crime Agency authorised by the Director General (whether generally or specifically) for the purposes of this section;]
- “corresponding disclosure requirement” means a requirement to make a disclosure under the law of the foreign country concerned that corresponds to a requirement imposed by virtue of this Part;
- “corresponding terrorist financing offence” means an offence under the law of the foreign country concerned that would, if done in the United Kingdom, constitute an offence under any of sections 15 to 18;
- <sup>F54</sup>“the criminal intelligence function” has the meaning given by section 1(5) of the Crime and Courts Act 2013;]
- “foreign country” means a country or territory outside the United Kingdom;
- <sup>F54</sup>“foreign FIU” means a body in a foreign country carrying out the functions of a financial intelligence unit within the meaning of Recommendation 29 of the Financial Action Task Force (as that Recommendation has effect from time to time);]
- “law enforcement officer” means—
- (a) a constable,
  - (b) a National Crime Agency officer authorised for the purposes of this section by the Director General of that Agency,
  - (c) a counter-terrorism financial investigator, or
  - (d) a procurator fiscal;
- “senior law enforcement officer” means—
- (a) a police officer of at least the rank of superintendent;
  - (b) the Director General of the National Crime Agency;
  - (c) any other National Crime Agency officer authorised by the Director General (whether generally or specifically) for this purpose.
- <sup>F54</sup>“terrorist financing” means—
- (a) for the purposes of subsection (6A), an act which constitutes an offence under any of sections 15 to 18;
  - (b) for the purposes of subsection (6B), an act which constitutes a corresponding terrorist financing offence.]

#### Textual Amendments

**F44** Word in s. 22B heading substituted (26.10.2023 for specified purposes) by [Economic Crime and Corporate Transparency Act 2023 \(c. 56\)](#), **ss. 186(2), 219(1)(2)(b)**

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- F45** Word in s. 22B(1) substituted (26.10.2023 for specified purposes) by [Economic Crime and Corporate Transparency Act 2023 \(c. 56\), ss. 186\(3\)](#), 219(1)(2)(b)
- F46** S. 22B(1A) inserted (26.10.2023 for specified purposes) by [Economic Crime and Corporate Transparency Act 2023 \(c. 56\), ss. 186\(4\)](#), 219(1)(2)(b)
- F47** Word in s. 22B(3) substituted (26.10.2023 for specified purposes) by [Economic Crime and Corporate Transparency Act 2023 \(c. 56\), ss. 186\(5\)](#), 219(1)(2)(b)
- F48** Word in s. 22B(4) substituted (26.10.2023 for specified purposes) by [Economic Crime and Corporate Transparency Act 2023 \(c. 56\), ss. 186\(6\)](#), 219(1)(2)(b)
- F49** Word in s. 22B(5) substituted (26.10.2023 for specified purposes) by [Economic Crime and Corporate Transparency Act 2023 \(c. 56\), ss. 186\(7\)](#), 219(1)(2)(b)
- F50** S. 22B(6A)(6B) inserted (26.10.2023 for specified purposes) by [Economic Crime and Corporate Transparency Act 2023 \(c. 56\), ss. 186\(8\)](#), 219(1)(2)(b)
- F51** Word in s. 22B(7) substituted (26.10.2023 for specified purposes) by [Economic Crime and Corporate Transparency Act 2023 \(c. 56\), ss. 186\(9\)](#), 219(1)(2)(b)
- F52** Word in s. 22B(8) substituted (26.10.2023 for specified purposes) by [Economic Crime and Corporate Transparency Act 2023 \(c. 56\), ss. 186\(10\)](#), 219(1)(2)(b)
- F53** Words in s. 22B(12) inserted (26.10.2023 for specified purposes) by [Economic Crime and Corporate Transparency Act 2023 \(c. 56\), ss. 186\(11\)](#), 219(1)(2)(b)
- F54** Words in s. 22B(14) inserted (26.10.2023 for specified purposes) by [Economic Crime and Corporate Transparency Act 2023 \(c. 56\), ss. 186\(12\)](#), 219(1)(2)(b)

## 22C Statements

- (1) A statement made by a person in response to <sup>F55</sup>a further<sup>F55</sup>an information order may not be used in evidence against the person in criminal proceedings.
- (2) Subsection (1) does not apply—
  - (a) in the case of proceedings under this Part,
  - (b) on a prosecution for perjury, or
  - (c) on a prosecution for some other offence where, in giving evidence, the person makes a statement inconsistent with the statement mentioned in subsection (1).
- (3) A statement may not be used by virtue of subsection (2)(c) unless—
  - (a) evidence relating to it is adduced, or
  - (b) a question relating to it is asked,by or on behalf of the person in the proceedings arising out of the prosecution.
- (4) In subsection (2)(b) the reference to a prosecution for perjury is—
  - (a) in the case of England and Wales, a reference to a prosecution for an offence under section 5 of the Perjury Act 1911;
  - (b) in the case of Northern Ireland, a reference to a prosecution for an offence under Article 10 of the Perjury (Northern Ireland) Order 1979 ([S.I. 1979/1714 \(N.I. 19\)](#)).

### Textual Amendments

- F55** Word in s. 22C(1) substituted (26.10.2023 for specified purposes) by [Economic Crime and Corporate Transparency Act 2023 \(c. 56\), ss. 186\(15\)\(b\)](#), 219(1)(2)(b)

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#### **Modifications etc. (not altering text)**

- C12** S. 22C applied (1.6.2018) by [The Terrorism Act 2000 \(Enforcement in Different Parts of the United Kingdom\) Order 2018 \(S.I. 2018/521\)](#), arts. 1, **23(3)** (with art. 23(1))
- C13** S. 22C applied (1.6.2018) by [The Terrorism Act 2000 \(Enforcement in Different Parts of the United Kingdom\) Order 2018 \(S.I. 2018/521\)](#), arts. 1, **36(3)** (with art. 36(1))
- C14** S. 22C applied (1.6.2018) by [The Terrorism Act 2000 \(Enforcement in Different Parts of the United Kingdom\) Order 2018 \(S.I. 2018/521\)](#), arts. 1, **11(3)** (with art. 11(1))
- C15** S. 22C applied (1.6.2018) by [The Terrorism Act 2000 \(Enforcement in Different Parts of the United Kingdom\) Order 2018 \(S.I. 2018/521\)](#), arts. 1, **35(3)** (with art. 35(1))
- C16** S. 22C applied (1.6.2018) by [The Terrorism Act 2000 \(Enforcement in Different Parts of the United Kingdom\) Order 2018 \(S.I. 2018/521\)](#), arts. 1, **24(3)** (with art. 24(1))

## **22D Appeals**

- (1) An appeal from a decision on an application for [<sup>F56</sup>a further][<sup>F56</sup>an] information order lies to the relevant appeal court.
- (2) An appeal under this section lies at the instance of any person who was a party to the proceedings on the application.
- (3) The “relevant appeal court” is—
  - (a) the Crown Court, in the case of a decision made by a magistrates’ court in England and Wales;
  - (b) a county court, in the case of a decision made by a magistrates’ court in Northern Ireland;
  - (c) the Sheriff Appeal Court, in the case of a decision made by the sheriff.
- (4) On an appeal under this section the relevant appeal court may—
  - (a) make or (as the case may be) discharge [<sup>F57</sup>a further][<sup>F57</sup>an] information order, or
  - (b) vary the order.

#### **Textual Amendments**

- F56** Word in s. 22D(1) substituted (26.10.2023 for specified purposes) by [Economic Crime and Corporate Transparency Act 2023 \(c. 56\)](#), **ss. 186(15)(c)**, 219(1)(2)(b)
- F57** Word in s. 22D(4)(a) substituted (26.10.2023 for specified purposes) by [Economic Crime and Corporate Transparency Act 2023 \(c. 56\)](#), **ss. 186(15)(c)**, 219(1)(2)(b)

## **22E Supplementary**

- (1) [<sup>F58</sup>A further][<sup>F58</sup>An] information order does not confer the right to require a person to provide privileged information.
- (2) “Privileged information” is information which a person would be entitled to refuse to provide on grounds of legal professional privilege in proceedings in the High Court or, in Scotland, legal privilege as defined by section 412 of the Proceeds of Crime Act 2002.
- (3) Information provided in pursuance of [<sup>F59</sup>a further][<sup>F59</sup>an] information order is not to be taken to breach any restriction on the disclosure of information (however imposed).

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- (4) An application for [<sup>F60</sup>a further][<sup>F60</sup>an] information order may be heard and determined in private.
- (5) Rules of court may make provision as to the practice and procedure to be followed in connection with proceedings relating to [<sup>F61</sup>further] information orders.]

#### Textual Amendments

- F58** Word in s. 22E(1) substituted (26.10.2023 for specified purposes) by [Economic Crime and Corporate Transparency Act 2023 \(c. 56\)](#), **ss. 186(15)(d)(i)**, 219(1)(2)(b)
- F59** Word in s. 22E(3) substituted (26.10.2023 for specified purposes) by [Economic Crime and Corporate Transparency Act 2023 \(c. 56\)](#), **ss. 186(15)(d)(ii)**, 219(1)(2)(b)
- F60** Word in s. 22E(4) substituted (26.10.2023 for specified purposes) by [Economic Crime and Corporate Transparency Act 2023 \(c. 56\)](#), **ss. 186(15)(d)(iii)**, 219(1)(2)(b)
- F61** Word in s. 22E(5) omitted (26.10.2023 for specified purposes) by virtue of [Economic Crime and Corporate Transparency Act 2023 \(c. 56\)](#), **ss. 186(15)(d)(iv)**, 219(1)(2)(b)

#### Modifications etc. (not altering text)

- C17** S. 22E modified (1.6.2018) by [The Terrorism Act 2000 \(Enforcement in Different Parts of the United Kingdom\) Order 2018 \(S.I. 2018/521\)](#), arts. 1, **35(4)** (with art. 35(1))
- C18** S. 22E modified (1.6.2018) by [The Terrorism Act 2000 \(Enforcement in Different Parts of the United Kingdom\) Order 2018 \(S.I. 2018/521\)](#), arts. 1, **36(4)** (with art. 36(1))

### [<sup>F62</sup>22F Code of practice about certain information orders

- (1) The Secretary of State must make a code of practice in connection with the exercise of the following functions by the Director General of the National Crime Agency or an authorised NCA officer—
  - (a) the making of an application to the magistrates' court for an information order under section 22B(1A) (information orders made in reliance on Condition 3 or 4 in section 22B being met);
  - (b) the making of a request to a procurator fiscal for the procurator fiscal to apply for an information order under section 22B(1A).
- (2) Where the Secretary of State proposes to issue a code of practice the Secretary of State must—
  - (a) publish a draft,
  - (b) consider any representations made about the draft, and
  - (c) if the Secretary of State thinks appropriate, modify the draft in the light of any such representations.
- (3) A requirement in paragraph (a), (b) or (c) of subsection (2) may be satisfied by the carrying out of the action required by the paragraph in question before this section comes into force.
- (4) The Secretary of State must lay a draft of the code before Parliament.
- (5) When the Secretary of State has laid a draft of the code before Parliament the Secretary of State may bring it into operation by regulations.

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- (6) The Secretary of State may revise the whole or any part of the code and issue the code as revised; and subsections (2) to (5) apply to a revised code as they apply to the original code.
- (7) A failure by a person to comply with a provision of the code does not of itself make the person liable to criminal or civil proceedings.
- (8) The code is admissible in evidence in criminal or civil proceedings and is to be taken into account by a court or tribunal in any case in which it appears to the court or tribunal to be relevant.
- (9) A code of practice made under this section may be combined with a code of practice under section 339ZL of the Proceeds of Crime Act 2002 (code of practice relating to certain information orders under section 339ZH of that Act).
- (10) In this section “authorised NCA officer” has the meaning given in section 22B(14).]

#### Textual Amendments

**F62** S. 22F inserted (26.10.2023) by [Economic Crime and Corporate Transparency Act 2023 \(c. 56\)](#), **ss. 186(13), 219(2)(i)**

### *F<sup>63</sup>Forfeiture*

#### Textual Amendments

**F63** S. 23 and preceding cross-heading substituted (18.6.2009) for s. 23 by [Counter-Terrorism Act 2008 \(c. 28\)](#), **ss. 34, 100(5)** (with s. 101(2)); S.I. 2009/1256, **art. 2(e)**

### <sup>x1</sup>23 **Forfeiture: terrorist property offences**

- (1) The court by or before which a person is convicted of an offence under any of sections 15 to 18 may make a forfeiture order in accordance with the provisions of this section.
- (2) Where a person is convicted of an offence under section 15(1) or (2) or 16, the court may order the forfeiture of any money or other property which, at the time of the offence, the person had in their possession or under their control and which—
  - (a) had been used for the purposes of terrorism, or
  - (b) they intended should be used, or had reasonable cause to suspect might be used, for those purposes.
- (3) Where a person is convicted of an offence under section 15(3) the court may order the forfeiture of any money or other property which, at the time of the offence, the person had in their possession or under their control and which—
  - (a) had been used for the purposes of terrorism, or
  - (b) which, at that time, they knew or had reasonable cause to suspect would or might be used for those purposes.
- (4) Where a person is convicted of an offence under section 17 or 18 the court may order the forfeiture of any money or other property which, at the time of the offence, the person had in their possession or under their control and which—

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- (a) had been used for the purposes of terrorism, or
  - (b) was, at that time, intended by them to be used for those purposes.
- (5) Where a person is convicted of an offence under section 17 the court may order the forfeiture of the money or other property to which the arrangement in question related, and which—
- (a) had been used for the purposes of terrorism, or
  - (b) at the time of the offence, the person knew or had reasonable cause to suspect would or might be used for those purposes.
- [ Where a person is convicted of an offence under section 17A the court may order the <sup>F64</sup>(5A) forfeiture of the amount paid under, or purportedly under, the insurance contract.]
- (6) Where a person is convicted of an offence under section 18 the court may order the forfeiture of the money or other property to which the arrangement in question related.
- (7) Where a person is convicted of an offence under any of sections 15 to 18, the court may order the forfeiture of any money or other property which wholly or partly, and directly or indirectly, is received by any person as a payment or other reward in connection with the commission of the offence.]

#### **Editorial Information**

- X1** The insertion of the new heading "Forfeiture" in Pt. III on 18.6.2009 gives rise to a change in the structure of this legislation on SLD which breaks the continuity of historical versions of the existing provisions which are now brought under that new heading.

#### **Textual Amendments**

- F64** S. 23(5A) inserted (12.2.2015) by [Counter-Terrorism and Security Act 2015 \(c. 6\)](#), ss. **42(2)**, 52(5)

### **[<sup>F65</sup>23A Forfeiture: other terrorism offences and offences with a terrorist connection**

- (1) The court by or before which a person is convicted of an offence to which this section applies may order the forfeiture of any money or other property in relation to which the following conditions are met—
- (a) that it was, at the time of the offence, in the possession or control of the person convicted; and
  - (b) that—
    - (i) it had been used for the purposes of terrorism,
    - (ii) it was intended by that person that it should be used for the purposes of terrorism, or
    - (iii) the court believes that it will be used for the purposes of terrorism unless forfeited.
- (2) This section applies to an offence under—
- (a) any of the following provisions of this Act—
    - section 54 (weapons training);
    - section 57, 58 or 58A (possessing things and collecting information for the purposes of terrorism);
    - [<sup>F66</sup>section 58B (entering or remaining in a designated area);]
    - section 59, 60 or 61 (inciting terrorism outside the United Kingdom);

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- (b) any of the following provisions of Part 1 of the Terrorism Act 2006 (c. 11)—  
section 2 (dissemination of terrorist publications);  
section 5 (preparation of terrorist acts);  
section 6 (training for terrorism);  
sections 9 to 11 (offences involving radioactive devices or materials).
- (3) This section applies to any ancillary offence (as defined in section 94 of the Counter-Terrorism Act 2008) in relation to an offence listed in subsection (2).
- (4) This section also applies to an offence <sup>F67</sup>... as to which—
- (a) in England and Wales, the court dealing with the offence has determined, in accordance with section 30 of [<sup>F68</sup>the Counter-Terrorism Act 2008][<sup>F69</sup>or section 69 of the Sentencing Code], that the offence has a terrorist connection;
  - (b) in Scotland, it has been proved, in accordance with section 31 of that Act, that the offence has a terrorist connection.
- (5) The Secretary of State may by order amend subsection (2).
- (6) An order adding an offence to subsection (2) applies only in relation to offences committed after the order comes into force.]

#### Textual Amendments

- F65** S. 23A inserted (18.6.2009) by Counter-Terrorism Act 2008 (c. 28), ss. **35(1)**, 100(5) (with s. 101(2)); S.I. 2009/1256, art. **2(c)**
- F66** Words in s. 23A(2)(a) inserted (12.4.2019) by Counter-Terrorism and Border Security Act 2019 (c. 3), s. 27(3), **Sch. 4 para. 37**
- F67** Words in s. 23A(4) omitted (29.6.2021) by virtue of Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(2)(v), **Sch. 13 para. 1(2)(a)**
- F68** Words in s. 23A(4)(a) substituted (29.6.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(2)(v), **Sch. 13 para. 1(2)(b)**
- F69** Words in s. 23A(4)(a) inserted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 171(b)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2

#### [<sup>F70</sup>23B Forfeiture: supplementary provisions

- (1) Before making an order under section 23 or 23A, a court must give an opportunity to be heard to any person, other than the convicted person, who claims to be the owner or otherwise interested in anything which can be forfeited under that section.
- (2) In considering whether to make an order under section 23 or 23A in respect of any property, a court shall have regard to—
  - (a) the value of the property, and
  - (b) the likely financial and other effects on the convicted person of the making of the order (taken together with any other order that the court contemplates making).
- (3) A court in Scotland must not make an order under section 23 or 23A except on the application of the prosecutor—
  - (a) in proceedings on indictment, when the prosecutor moves for sentence, and
  - (b) in summary proceedings, before the court sentences the accused;



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and for the purposes of any appeal or review, an order under either of those sections made by a court in Scotland is a sentence.

(4) Schedule 4 makes further provision in relation to forfeiture orders under section 23 or 23A.]

**Textual Amendments**

**F70** S. 23B inserted (18.6.2009) by Counter-Terrorism Act 2008 (c. 28), **ss. 36, 100(5)** (with s. 101(2)); S.I. 2009/1256, **art. 2(c)**

*Seizure of terrorist cash*

**F71** **24** .....

**Textual Amendments**

**F71** S. 24 repealed (20.12.2001) by 2001 c. 24, ss. 1(4), 125, **Sch. 8 Pt. 1**; S.I. 2001/4019, **art. 2(1)(a)(d)**

**F72** **25** .....

**Textual Amendments**

**F72** S. 25 repealed (20.12.2001) by 2001 c. 24, ss. 1(4), 125, **Sch. 8 Pt. 1**; S.I. 2001/4019, **art. 2(1)(a)(d)**

**F73** **26** .....

**Textual Amendments**

**F73** S. 26 repealed (20.12.2001) by 2001 c. 24, ss. 1(4), 125, **Sch. 8 Pt. 1**; S.I. 2001/4019, **art. 2(1)(a)(d)**

**F74** **27** .....

**Textual Amendments**

**F74** S. 27 repealed (20.12.2001) by 2001 c. 24, ss. 1(4), 125, **Sch. 8 Pt. 1**; S.I. 2001/4019, **art. 2(1)(a)(d)**

**F75** **28** .....

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**Textual Amendments**

**F75** S. 28 repealed (20.12.2001) by 2001 c. 24, ss. 1(4), 125, **Sch. 8 Pt. 1**; S.I. 2001/4019, **art. 2(1)(a)(d)**

<sup>F76</sup>**29** .....

**Textual Amendments**

**F76** S. 29 repealed (20.12.2001) by 2001 c. 24, ss. 1(4), 125, **Sch. 8 Pt. 1**; S.I. 2001/4019, **art. 2(1)(a)(d)**

<sup>F77</sup>**30** .....

**Textual Amendments**

**F77** S. 30 repealed (20.12.2001) by 2001 c. 24, ss. 1(4), 125, **Sch. 8 Pt. 1**; S.I. 2001/4019, **art. 2(1)(a)(d)**

<sup>F78</sup>**31** .....

**Textual Amendments**

**F78** S. 31 repealed (20.12.2001) by 2001 c. 24, ss. 1(4), 125, **Sch. 8 Pt. 1**; S.I. 2001/4019, **art. 2(1)(a)(d)**  
(with **art. 2(2)**)

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