

Status: Point in time view as at 20/12/2001. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation: Terrorism Act 2000, Cross Heading: Forfeiture is up to date with all changes known to be in force on or before 04 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)



Terrorism Act 2000

2000 CHAPTER 11

PART III

TERRORIST PROPERTY

VALID FROM 18/06/2009

[^{F1}Forfeiture

Textual Amendments

F1 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(c)

^{F2}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);

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- section 57, 58 or 58A (possessing things and collecting information for the purposes of terrorism);
section 59, 60 or 61 (inciting terrorism outside the United Kingdom);
- (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 specified in Schedule 2 to the Counter-Terrorism Act 2008 (offences where terrorist connection to be considered) as to which—
- (a) in England and Wales, the court dealing with the offence has determined, in accordance with section 30 of that Act, 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

- F2** 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)

F3 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;
- 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.

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

Textual Amendments

F3 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)

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