Status: *Point in time view as at 31/12/2020.*
Changes to legislation: *Terrorism Act 2000, Part III is up to date with all changes known to be in force on or before 24 June 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)*

SCHEDULES

SCHEDULE 4

FORFEITURE ORDERS

PART III

NORTHERN IRELAND

Interpretation

29 In this Part of this Schedule—

"forfeiture order" means an order made by a court in Northern Ireland under section 23 **[**[F1]or 23A**]**, and

"forfeited property" means the money or other property to which a forfeiture order applies.

[[F2] " relevant offence " means—

(a) an offence under any of sections 15 to 18, or

(b) an offence to which section 23A applies.**]**

Textual Amendments

F1 Sch. 4 para. 29: words in definition of "forfeiture order" inserted (18.6.2009) by Counter-Terrorism Act 2008 (c. 28), ss. 39, 100(5), **Sch. 3 para. 5(19)(a)** (with s. 101(2)); S.I. 2009/1256, **art. 2(c)**

F2 Sch. 4 para. 29: definition of "relevance offence" inserted (18.6.2009) by Counter-Terrorism Act 2008 (c. 28), ss. 39, 100(5), **Sch. 3 para. 5(19)(b)** (with s. 101(2)); S.I. 2009/1256, **art. 2(c)**

Implementation of forfeiture orders

30 (1) Where a court in Northern Ireland makes a forfeiture order it may make such other provision as appears to it to be necessary for giving effect to the order, and in particular it may—

(a) require any of the forfeited property to be paid or handed over to the proper officer or to a member of the Royal Ulster Constabulary designated for the purpose by the Chief Constable;

(b) direct any of the forfeited property other than money or land to be sold or otherwise disposed of in such manner as the court may direct and the proceeds (if any) to be paid to the proper officer;

(c) appoint a receiver to take possession, subject to such conditions and exceptions as may be specified by the court, of any of the forfeited property, to realise it in such manner as the court may direct and to pay the proceeds to the proper officer;

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Changes to legislation: *Terrorism Act 2000, Part III is up to date with all changes known to be in force on or before 24 June 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)*

(d) direct a specified part of any forfeited money, or of the proceeds of the sale, disposal or realisation of any forfeited property, to be paid by the proper officer to a specified person falling within **[**[F3]section 23B(1)**]**.

(2) A forfeiture order shall not come into force until there is no further possibility of it being varied, or set aside, on appeal (disregarding any power of a court to grant leave to appeal out of time).

(3) In sub-paragraph (1)(b) and (d) a reference to the proceeds of the sale, disposal or realisation of property is a reference to the proceeds after deduction of the costs of sale, disposal or realisation.

(4) Article 58 of the [M1]Magistrates' Courts (Northern Ireland) Order 1981 (disposal of non-pecuniary forfeitures) shall not apply.

Textual Amendments

F3 Words in Sch. 4 para. 30(1)(d) substituted (18.6.2009) by Counter-Terrorism Act 2008 (c. 28), ss. 39, 100(5), **Sch. 3 para. 5(20)** (with s. 101(2)); S.I. 2009/1256, **art. 2(c)**

Modifications etc. (not altering text)

C1 Sch. 4 para. 30(1) extended (with modifications) (13.12.2001) by S.I. 2001/3927, **art. 25(1)**

Marginal Citations

M1 S.I. 1981/1675 (N.I. 26).

31 (1) A receiver appointed under paragraph 30 shall be entitled to be paid his remuneration and expenses by the proper officer out of the proceeds of the property realised by the receiver and paid to the proper officer under paragraph 30(1)(c).

(2) If and so far as those proceeds are insufficient, the receiver shall be entitled to be paid his remuneration and expenses by the prosecutor.

(3) A receiver appointed under paragraph 30 shall not be liable to any person in respect of any loss or damage resulting from action—

(a) which he takes in relation to property which is not forfeited property, but which he reasonably believes to be forfeited property,

(b) which he would be entitled to take if the property were forfeited property, and

(c) which he reasonably believes that he is entitled to take because of his belief that the property is forfeited property.

(4) Sub-paragraph (3) does not apply in so far as the loss or damage is caused by the receiver's negligence.

Modifications etc. (not altering text)

C2 Sch. 4 para. 31 applied (13.12.2001) by S.I. 2001/3927, **art. 25(1)**

32 (1) In paragraphs 30 and 31 "the proper officer" means—

(a) where the forfeiture order is made by a court of summary jurisdiction, the clerk of petty sessions, and

(b) where the forfeiture order is made by the Crown Court, the appropriate officer of the Crown Court.

Status: *Point in time view as at 31/12/2020.*
Changes to legislation: *Terrorism Act 2000, Part III is up to date with all changes known to be in force on or before 24 June 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)*

(2) The proper officer shall issue a certificate in respect of a forfeiture order if an application is made by—

(a) the prosecutor in the proceedings in which the forfeiture order was made,

(b) the defendant in those proceedings, or

(c) a person whom the court heard under **[**[F4]section 23B(1)**]** before making the order.

(3) The certificate shall state the extent (if any) to which, at the date of the certificate, effect has been given to the forfeiture order.

(4) Any balance in the hands of the proper officer after making any payment required under paragraph 30(1)(d) or 31 shall be treated for the purposes of section 20 of the [M2]Administration of Justice (Northern Ireland) Act 1954 (application of fines, &c.) as if it were a fine.

Textual Amendments

F4 Words in Sch. 4 para. 32(2)(c) substituted (18.6.2009) by Counter-Terrorism Act 2008 (c. 28), ss. 39, 100(5), **Sch. 3 para. 5(21)** (with s. 101(2)); S.I. 2009/1256, **art. 2(c)**

Marginal Citations

M2 1954 c. 9 (N.I.).

[[F5]Application of proceeds to compensate victims

Textual Amendments

F5 Sch. 4 para. 32A and preceding cross-heading inserted (18.6.2009) by Counter-Terrorism Act 2008 (c. 28), **ss. 37(3)**, 100(5) (with s. 101(2)); S.I. 2009/1256, **art. 2(c)**

32A (1) Where a court makes a forfeiture order in a case where—

(a) the offender has been convicted of an offence that has resulted in a person suffering personal injury, loss or damage, or

(b) any such offence is taken into consideration by the court in determining sentence,

the court may also order that an amount not exceeding a sum specified by the court is to be paid to that person out of the proceeds of the forfeiture.

(2) For this purpose the proceeds of the forfeiture means the aggregate amount of—

(a) any forfeited money, and

(b) the proceeds of the sale, disposal or realisation of any forfeited property, after deduction of the costs of the sale, disposal or realisation,

reduced by the amount of any payment under paragraph 30(1)(d) or 31(1).

(3) The court may make an order under this paragraph only if it is satisfied that but for the inadequacy of the offender's means it would have made a compensation order under Article 14 of the Criminal Justice (Northern Ireland) Order 1994 under which the offender would have been required to pay compensation of an amount not less than the specified amount.**]**

Status: *Point in time view as at 31/12/2020.*
Changes to legislation: *Terrorism Act 2000, Part III is up to date with all changes known to be in force on or before 24 June 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)*

Restraint orders

33 (1) The High Court may make a restraint order under this paragraph where—

(a) proceedings have been instituted in Northern Ireland for **[**[F6]a relevant offence**]**,

(b) the proceedings have not been concluded,

(c) an application for a restraint order is made to the High Court by the prosecutor, and

(d) a forfeiture order has been made, or it appears to the High Court that a forfeiture order may be made, in the proceedings for the offence.

[[F7](2) The High Court may also make a restraint order under this paragraph where—

(a) a criminal investigation has been started in Northern Ireland with regard to **[**[F6]a relevant offence**]**,

(b) an application for a restraint order is made to the High Court by the person who the High Court is satisfied will have the conduct of any proceedings for the offence, and

(c) it appears to the High Court that a forfeiture order may be made in any proceedings for the offence.**]**

(3) A restraint order prohibits a person to whom notice of it is given, subject to any conditions and exceptions specified in the order, from dealing with property in respect of which a forfeiture order has been or could be made in **[**[F8]any proceedings**]** referred to in sub-paragraph (1) or (2).

(4) An application for a restraint order may be made to a judge in chambers without notice.

(5) For the purposes of this paragraph a reference to dealing with property includes a reference to removing the property from Northern Ireland.

[[F9](6) In this paragraph " criminal investigation " means an investigation which police officers or other persons have a duty to conduct with a view to it being ascertained whether a person should be charged with an offence. **]**

Textual Amendments

F6 Words in Sch. 4 para. 33(1)(a)(2)(a) substituted (18.6.2009) by Counter-Terrorism Act 2008 (c. 28), ss. 39, 100(5), **Sch. 3 para. 5(22)** (with s. 101(2)); S.I. 2009/1256, **art. 2(c)**

F7 Sch. 4 Pt. 3 para. 33(2) substituted (20.12.2001) by 2001 c. 24, s. 3, **Sch. 2 Pt. 2 para. 4(2)**; S.I. 2001/4019, **art. 2(1)(c)**

F8 Words in Sch. 4 Pt. 3 para. 33(3) substituted (20.12.2001) by 2001 c. 24, s. 3, **Sch. 2 Pt. 2 para. 4(3)**; S.I. 2001/4019, **art. 2(1)(c)**

F9 Sch. 4 Pt. 3 para. 33(6) inserted (20.12.2001) by 2001 c. 24, s. 3, **Sch. 2 Pt. 2 para. 4(4)**; S.I. 2001/4019, **art. 2(1)(c)**

34 (1) A restraint order shall provide for notice of it to be given to any person affected by the order.

(2) A restraint order may be discharged or varied by the High Court on the application of a person affected by it.

Status: *Point in time view as at 31/12/2020.*
Changes to legislation: *Terrorism Act 2000, Part III is up to date with all changes known to be in force on or before 24 June 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)*

[F10(3) A restraint order made under paragraph 33(1) shall in particular be discharged on an application under sub-paragraph (2) if the proceedings for the offence have been concluded.

(4) A restraint order made under paragraph 33(2) shall in particular be discharged on an application under sub-paragraph (2)—

(a) if no proceedings in respect of [F11relevant offences] are instituted within such time as the High Court considers reasonable, and

(b) if all proceedings in respect of [F11relevant offences] have been concluded.]

Textual Amendments

F10 Sch. 4 Pt. 3 para. 34(3)(4) inserted (20.12.2001) by 2001 c. 24, s. 3, **Sch. 2 Pt. 2 para. 4(5)**; S.I. 2001/4019, **art. 2(1)(c)**

F11 Words in Sch. 4 para. 34(4)(a)(b) substituted (18.6.2009) by Counter-Terrorism Act 2008 (c. 28), ss. 39, 100(5), **Sch. 3 para. 5(23)** (with s. 101(2)); S.I. 2009/1256, **art. 2(c)**

35 (1) A constable may seize any property subject to a restraint order for the purpose of preventing it from being removed from Northern Ireland.

(2) Property seized under this paragraph shall be dealt with in accordance with the High Court's directions.

Modifications etc. (not altering text)

C3 Sch. 4 para. 35 applied (13.12.2001) by S.I. 2001/3927, **art. 26**

[F12 36 (1) The power to make a restraint order under the provisions of paragraph 33 shall be exercisable by the Secretary of State in any case in which it appears to him that the information which it would be necessary to provide in support of an application to the High Court or a judge under those provisions would, if disclosed, be likely to place any person in danger or prejudice the capability of members of the Royal Ulster Constabulary to investigate an offence under any of sections 15 to 18.

(2) In their application by virtue of sub-paragraph (1) paragraphs 33 to 35 shall have effect with the necessary modifications and as if references to the High Court were references to the Secretary of State.

(3) An order made by the Secretary of State by virtue of this paragraph may be varied or discharged by the High Court under paragraph 34.]

Textual Amendments

F12 Sch. 4 para. 36 ceased to have effect (N.I.) (19.2.2003) by virtue of The Terrorism Act 2000 (Continuance of Part VII) Order 2003 (S.I. 2003/427), **art. 2(2)(b)**; and repealed (N.I.) (19.2.2006) by Terrorism (Northern Ireland) Act 2006 (c. 4), s. 5(2)(3), **Sch.**

37 (1) A person commits an offence if he contravenes a restraint order.

(2) It is a defence for a person charged with an offence under this paragraph to prove that he had a reasonable excuse for the contravention.

Status: *Point in time view as at 31/12/2020.*
Changes to legislation: *Terrorism Act 2000, Part III is up to date with all changes known to be in force on or before 24 June 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)*

(3) A person guilty of an offence under this paragraph shall be liable—

(a) on conviction on indictment, to imprisonment for a term not exceeding 14 years, to a fine or to both, or

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

(4) Nothing in this paragraph shall be taken to prejudice any power of the High Court to deal with the contravention of a restraint order as a contempt of court.

Modifications etc. (not altering text)

C4 Sch. 4 para. 37 modified (N.I.) (19.2.2006) by Terrorism (Northern Ireland) Act 2006 (c. 4), ss. {1(9)}, 5(3)

38 (1) The prosecutor shall be treated for the purposes of section 66 of the [M3]Land Registration Act (Northern Ireland) 1970 (cautions) as a person interested in respect of any registered land to which a restraint order or an application for such an order relates.

(2) On the application of the prosecutor, the Registrar of Titles shall, in respect of any registered land to which a restraint order or an application for such an order relates, make an entry inhibiting any dealing with the land without the consent of the High Court.

(3) Subsections (2) and (4) of section 67 of the [M4]Land Registration Act (Northern Ireland) 1970 (inhibitions) shall apply to an entry made on the application of the prosecutor under sub-paragraph (2) as they apply to an entry made on the application of any person interested in the registered land under subsection (1) of that section.

(4) In this paragraph—

"registered land" has the meaning assigned to it by section 45(1)(a) of the [M5]Interpretation Act (Northern Ireland) 1954,

"Registrar of Titles" and "entry" have the same meanings as in the [M6]Land Registration Act (Northern Ireland) 1970, and

"prosecutor" in a case where a restraint order is made under paragraph 33(2) or an application for such an order is made, means the person who the High Court is satisfied has or will have the conduct of **[**[F13]any proceedings for **[**[F14]a relevant offence**]]**.

Textual Amendments

F13 Words in Sch. 4 para. 38(4) substituted (20.12.2001) by 2001 c. 24, s. 3, **Sch. 2 Pt. 2 para. 4(6)**; S.I. 2001/4019, **art. 2(1)(c)**

F14 Sch. 4 para. 38(4): words in definition of "prosecutor" substituted (18.6.2009) by Counter-Terrorism Act 2008 (c. 28), ss. 39, 100(5), **Sch. 3 para. 5(24)** (with s. 101(2)); S.I. 2009/1256, **art. 2(c)**

Modifications etc. (not altering text)

C5 Sch. 4 para. 38 applied (13.12.2001) by S.I. 2001/3927, **art. 26**

Marginal Citations

M3 1970 c. 18(N.I.).

Status: *Point in time view as at 31/12/2020.*
Changes to legislation: *Terrorism Act 2000, Part III is up to date with all changes known to be in force on or before 24 June 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)*

M4 1970 c. 18(N.I.).
M5 1954 c. 33(N.I.).
M6 1970 c. 18(N.I.).

[X1]39 (1) This paragraph applies where a restraint order is discharged under **[**[F15]paragraph 34(4)(a)**]**.

(2) This paragraph also apples where a forfeiture order or a restraint order is made in or in relation to proceedings for **[**[F16]a relevant offence**]** which—

(a) do not result in conviction for **[**[F17]a relevant offence**]**,

(b) result in conviction for **[**[F17]a relevant offence**]** in respect of which the person convicted is subsequently pardoned by Her Majesty, or

(c) result in a conviction for **[**[F17]a relevant offence**]** which is subsequently quashed.

(3) A person who had an interest in any property which was subject to the order may apply to the High Court for compensation.

(4) The High Court may order compensation to be paid to the applicant if satisfied—

(a) that there was a serious default on the part of a person concerned in the investigation or prosecution of the offence,

(b) that the person in default was or was acting as a member of the Royal Ulster Constabulary, or was a **[**[F18]member of staff of the Public Prosecution Service for Northern Ireland**]**,

(c) that the applicant has suffered loss in consequence of anything done in relation to the property by or in pursuance of the forfeiture order or restraint order, and

(d) that, having regard to all the circumstances, it is appropriate to order compensation to be paid.

(5) The High Court shall not order compensation to be paid where it appears to it that proceedings for the offence would have been instituted even if the serious default had not occurred.

(6) Compensation payable under this paragraph shall be paid—

(a) where the person in default was or was acting as a member of the Royal Ulster Constabulary, out of funds put at the disposal of the Chief Constable under section 10(5) of the [M7]Police (Northern Ireland) Act 1998, and

(b) where the person in default was a **[**[F19]member of staff of the Public Prosecution Service for Northern Ireland**]**, by the Director of Public Prosecutions for Northern Ireland.

Editorial Information

X1 The omission of the cross-heading "Compensation" 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 "Restraint Orders" cross-heading.

Textual Amendments

F15 Word in Sch. 4 Pt. 3 para. 39(1) substituted (20.12.2001) by 2001 c. 24, s. 3, **Sch. 2 Pt. 2 para. 4(7)**; S.I. 2001/4019, **art. 2(1)(c)**

Status: *Point in time view as at 31/12/2020.*
Changes to legislation: *Terrorism Act 2000, Part III is up to date with all changes known to be in force on or before 24 June 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)*

F16 Words in Sch. 4 para. 39(2) substituted (18.6.2009) by Counter-Terrorism Act 2008 (c. 28), ss. 39, 100(5), **Sch. 3 para. 5(26)(a)** (with s. 101(2)); S.I. 2009/1256, **art. 2(c)**

F17 Words in Sch. 4 para. 39(2)(a)(b)(c) substituted (18.6.2009) by Counter-Terrorism Act 2008 (c. 28), ss. 39, 100(5), **Sch. 3 para. 5(26)(b)** (with s. 101(2)); S.I. 2009/1256, **art. 2(c)**

F18 Words in Sch. 4 para. 39(4)(b) substituted (13.6.2005) by 2002 c. 26, s. 85, Sch. 12 para. 80; S.R. 2005/281, **art. 2**, Sch. 1

F19 Words in Sch. 4 para. 39(6)(b) substituted (13.6.2005) by 2002 c. 26, s. 85, Sch. 12 para. 80; S.R. 2005/281, **art. 2**, Sch. 1

Marginal Citations

M7 1998 c. 32.

X2 40 (1) This paragraph applies where—

(a) a forfeiture order or a restraint order is made in or in relation to proceedings for **[**F20a relevant offence**]**, and

(b) the proceedings result in a conviction which is subsequently quashed on an appeal under section 7(2) or (5), as applied by section 8(2).

(2) A person who had an interest in any property which was subject to the order may apply to the High Court for compensation.

(3) The High Court may order compensation to be paid to the applicant if satisfied—

(a) that the applicant has suffered loss in consequence of anything done in relation to the property by or in pursuance of the forfeiture order or restraint order, and

(b) that, having regard to all the circumstances, it is appropriate to order compensation to be paid.

(4) Compensation payable under this paragraph shall be paid by the Secretary of State.

Editorial Information

X2 The omission of the cross-heading "Compensation" 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 "Restraint Orders" cross-heading.

Textual Amendments

F20 Words in Sch. 4 para. 40(1)(a) substituted (18.6.2009) by Counter-Terrorism Act 2008 (c. 28), ss. 39, 100(5), **Sch. 3 para. 5(27)** (with s. 101(2)); S.I. 2009/1256, **art. 2(c)**

F21 . . .

Textual Amendments

F21 Sch. 4 para. 39: preceding cross-heading omitted (18.6.2009) by virtue of Counter-Terrorism Act 2008 (c. 28), ss. 39, 100(5), **Sch. 3 para. 5(25)** (with s. 101(2)); S.I. 2009/1256, **art. 2(c)**

Status: *Point in time view as at 31/12/2020.*
Changes to legislation: *Terrorism Act 2000, Part III is up to date with all changes known to be in force on or before 24 June 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)*

Proceedings for an offence: timing

41 (1) For the purposes of this Part of this Schedule proceedings for an offence are instituted—

(a) when a summons or warrant is issued under Article 20 of the [M8]Magistrates' Courts (Northern Ireland) Order 1981 in respect of the offence;

(b) when a person is charged with the offence after being taken into custody without a warrant;

(c) when an indictment charging a person with the offence is presented under section 2(2)(c), (e) or (f) of the [M9]Grand Jury (Abolition) Act (Northern Ireland) 1969.

(2) Where the application of sub-paragraph (1) would result in there being more than one time for the institution of proceedings they shall be taken to be instituted at the earliest of those times.

(3) For the purposes of this Part of this Schedule proceedings are concluded—

(a) when a forfeiture order has been made in those proceedings and effect has been given to it in respect of all the forfeited property, or

(b) when no forfeiture order has been made in those proceedings and there is no further possibility of one being made as a result of an appeal (disregarding any power of a court to grant leave to appeal out of time).

Marginal Citations

M8 S.I. 1981/1675 (N.I. 26).

M9 1969 c. 15(N.I.).

Domestic and overseas freezing orders

[F22]41A . . . . . .

Textual Amendments

F22 Sch. 4 paras. 41A-41G omitted (31.12.2020) by virtue of The Law Enforcement and Security (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/742), regs. 1, **5(6)(a)** (with reg. 6) (as amended by S.I. 2020/1408, regs. 1, 4); 2020 c. 1, Sch. 5 para. 1(1)

Domestic freezing orders: certification

[F22]41B . . . . . .

Textual Amendments

F22 Sch. 4 paras. 41A-41G omitted (31.12.2020) by virtue of The Law Enforcement and Security (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/742), regs. 1, **5(6)(a)** (with reg. 6) (as amended by S.I. 2020/1408, regs. 1, 4); 2020 c. 1, Sch. 5 para. 1(1)

Status: *Point in time view as at 31/12/2020.*
Changes to legislation: *Terrorism Act 2000, Part III is up to date with all changes known to be in force on or before 24 June 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)*

Sending domestic freezing orders

[F22]41C . . . . . .

Textual Amendments

F22 Sch. 4 paras. 41A-41G omitted (31.12.2020) by virtue of The Law Enforcement and Security (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/742), regs. 1, **5(6)(a)** (with reg. 6) (as amended by S.I. 2020/1408, regs. 1, 4); 2020 c. 1, Sch. 5 para. 1(1)

Overseas freezing orders

[F22]41D . . . . . .

Textual Amendments

F22 Sch. 4 paras. 41A-41G omitted (31.12.2020) by virtue of The Law Enforcement and Security (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/742), regs. 1, **5(6)(a)** (with reg. 6) (as amended by S.I. 2020/1408, regs. 1, 4); 2020 c. 1, Sch. 5 para. 1(1)

Enforcement of overseas freezing orders

[F22]41E . . . . . .

Textual Amendments

F22 Sch. 4 paras. 41A-41G omitted (31.12.2020) by virtue of The Law Enforcement and Security (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/742), regs. 1, **5(6)(a)** (with reg. 6) (as amended by S.I. 2020/1408, regs. 1, 4); 2020 c. 1, Sch. 5 para. 1(1)

[F22]41F . . . . . .

Textual Amendments

F22 Sch. 4 paras. 41A-41G omitted (31.12.2020) by virtue of The Law Enforcement and Security (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/742), regs. 1, **5(6)(a)** (with reg. 6) (as amended by S.I. 2020/1408, regs. 1, 4); 2020 c. 1, Sch. 5 para. 1(1)

[F22]41G . . . . . .

Textual Amendments

F22 Sch. 4 paras. 41A-41G omitted (31.12.2020) by virtue of The Law Enforcement and Security (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/742), regs. 1, **5(6)(a)** (with reg. 6) (as amended by S.I. 2020/1408, regs. 1, 4); 2020 c. 1, Sch. 5 para. 1(1)

Enforcement of orders made elsewhere in the British Islands

42 In the following provisions of this Part of this Schedule—

Status: *Point in time view as at 31/12/2020.*
Changes to legislation: *Terrorism Act 2000, Part III is up to date with all changes known to be in force on or before 24 June 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)*

"an England and Wales order" means—

(a) an order made in England and Wales under section 23 **[**[F23]or 23A**]** ("an England and Wales forfeiture order"),

(b) an order made under paragraph 5 ("an England and Wales restraint order"), or

(c) an order made under any other provision of Part I of this Schedule in relation to an England and Wales forfeiture or restraint order;

"a Scottish order" means—

(a) an order made in Scotland under section 23 **[**[F23]or 23A**]** ("a Scottish forfeiture order"),

(b) an order made under paragraph 18 ("a Scottish restraint order"), or

(c) an order made under any other provision of Part II of this Schedule in relation to a Scottish forfeiture or restraint order;

"an Islands order" means an order made in any of the Islands under a provision of the law of that Island corresponding to—

(a) section 23 **[**[F23]or 23A**]** ("an Islands forfeiture order"),

(b) paragraph 33 ("an Islands restraint order"), or

(c) any other provision of this Part of this Schedule.

Textual Amendments

F23 Words in Sch. 4 para. 42 inserted (18.6.2009) by Counter-Terrorism Act 2008 (c. 28), ss. 39, 100(5), **Sch. 3 para. 5(28)** (with s. 101(2)); S.I. 2009/1256, **art. 2(c)**

43 (1) Subject to the provisions of this paragraph, an England and Wales, Scottish or Islands order shall have effect in the law of Northern Ireland.

(2) But such an order shall be enforced in Northern Ireland only in accordance with—

(a) the provisions of this paragraph, and

(b) any provision made by rules of court as to the manner in which, and the conditions subject to which, such orders are to be enforced there.

(3) On an application made to it in accordance with rules of court for registration of an England and Wales, Scottish or Islands order, the High Court shall direct that the order shall, in accordance with such rules, be registered in that court.

(4) Rules of court shall also make provision—

(a) for cancelling or varying the registration of an England and Wales, Scottish or Islands forfeiture order when effect has been given to it, whether in Northern Ireland or elsewhere, in respect of all or, as the case may be, part of the money or other property to which the order applies;

(b) for cancelling or varying the registration of an England and Wales, Scottish or Islands restraint order which has been discharged or varied by the court by which it was made.

(5) If an England and Wales, Scottish or Islands forfeiture order is registered under this paragraph the High Court shall have, in relation to that order, the same powers as a court has under paragraph 30(1) to give effect to a forfeiture order made by it and—

(a) paragraph 31 shall apply accordingly,

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(b) any functions of the clerk of petty sessions or the appropriate officer of the Crown Court shall be exercised by the appropriate officer of the High Court, and

(c) after making any payment required by virtue of paragraph 30(1)(d) or 31, the balance of any sums received by the appropriate officer of the High Court by virtue of an order made under this sub-paragraph shall be paid into the Consolidated Fund.

(6) If an England and Wales, Scottish or Islands restraint order is registered under this paragraph—

(a) paragraphs 35 and 38 shall apply as they apply to a restraint order under paragraph 33, and

(b) the High Court shall have the like power to make an order under section 21 of the [M10]Administration of Justice Act 1969 (extended power to order inspection of property, &c.) in relation to proceedings brought or likely to be brought for an England and Wales, Scottish or Islands restraint order as if those proceedings had been brought or were likely to be brought in the High Court.

(7) In addition, if an England and Wales, Scottish or Islands order is registered under this paragraph—

(a) the High Court shall have, in relation to its enforcement, the same power as if the order had originally been made in the High Court,

(b) proceedings for or with respect to its enforcement may be taken as if the order had originally been made in the High Court, and

(c) proceedings for or with respect to any contravention of such an order, whether before or after such registration, may be taken as if the order had originally been made in the High Court.

(8) The High Court may also make such orders or do otherwise as seems to it appropriate for the purpose of—

(a) assisting the achievement in Northern Ireland of the purposes of an England and Wales, Scottish or Islands order, or

(b) assisting any receiver or other person directed by any such order to sell or otherwise dispose of property.

(9) The following documents shall be received in evidence in Northern Ireland without further proof—

(a) a document purporting to be a copy of an England and Wales, Scottish or Islands order and to be certified as such by a proper officer of the court by which it was made, and

(b) a document purporting to be a certificate for purposes corresponding to those of paragraph 32(2) and (3) and to be certified by a proper officer of the court concerned.

Commencement Information

I1 Sch. 4 wholly in force at 19.2.2001; Sch. 4 not in force at Royal Assent see s. 128; Sch. 4 para. 43(2)(b)(3)(4) in force at 31.10.2000 by S.I. 2000/2944, **art. 2(h)(iii)**; Sch. 4 para. 43 in force at 19.2.2001 in so far as not already in force by S.I. 2001/421, **art. 2**

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Marginal Citations

M10 1969 c. 58.

Enforcement of orders made in designated countries

44 (1) Her Majesty may by Order in Council make provision for the purpose of enabling the enforcement in Northern Ireland of external orders.

(2) An "external order" means an order [F24]... —

(a) which is made in a country or territory designated for the purposes of this paragraph by the Order in Council, and

(b) which makes relevant provision.

(3) "Relevant provision" means—

(a) provision for the forfeiture of terrorist property ("an external forfeiture order"), or

(b) provision prohibiting dealing with property which is subject to an external forfeiture order or in respect of which such an order could be made in proceedings which have been or are to be instituted in the designated country or territory ("an external restraint order").

(4) An Order in Council under this paragraph may, in particular, include provision—

(a) which, for the purpose of facilitating the enforcement of any external order that may be made, has effect at times before there is an external order to be enforced;

(b) for matters corresponding to those for which provision is made by, or can be made under, paragraph 43(1) to (8) in relation to the orders to which that paragraph applies;

(c) for the proof of any matter relevant for the purposes of anything falling to be done in pursuance of the Order in Council.

(5) An Order in Council under this paragraph may also make provision with respect to anything falling to be done on behalf of the United Kingdom in a designated country or territory in relation to proceedings in that country or territory for or in connection with the making of an external order.

(6) An Order in Council under this paragraph—

(a) may make different provision for different cases, and

(b) shall not be made unless a draft of it has been laid before and approved by resolution of each House of Parliament.

Textual Amendments

F24 Words in Sch. 4 para. 44(2) omitted (31.12.2020) by virtue of The Law Enforcement and Security (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/742), regs. 1, **5(6)(d)** (with reg. 6) (as amended by S.I. 2020/1408, regs. 1, 4); 2020 c. 1, Sch. 5 para. 1(1)

Status:
Point in time view as at 31/12/2020.

Changes to legislation:
Terrorism Act 2000, Part III is up to date with all changes known to be in force on or before 24 June 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.